



Solicitation Information  
March 10, 2016

Continuous Recruitment # 43

Title: INDEPENDENT COST ESTIMATING SERVICES

Submission Deadline: Continuous Recruitment through December 31, 2019 at 3:00 p.m.

Questions concerning this solicitation may be addressed to [lisa.hill@purchasing.ri.gov](mailto:lisa.hill@purchasing.ri.gov). Questions should be submitted in a *Microsoft Word attachment*. Please reference **Continuous Recruitment # 43 INDEPENDENT COST ESTIMATING SERVICES** on all correspondence. Questions received, if any, will be posted on the Internet as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

SURETY REQUIRED: No

BOND REQUIRED: No

  
Lisa Hill  
Chief Buyer

Vendors must register on-line at the State Purchasing Website at [www.purchasing.ri.gov](http://www.purchasing.ri.gov).

**NOTE TO VENDORS:**

No offer will be considered that is not accompanied by a completed and signed Bidder Certification Cover Form.

**THIS PAGE IS NOT A BIDDER CERTIFICATION FORM**

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**CR-43 - Continuous Recruitment for  
Independent Cost Estimating Services**

The State of Rhode Island, Department of Administration/ Division of Purchases (RIDOA), on behalf of the Rhode Island Department of Transportation (RIDOT) is seeking to establish a qualified/eligible Vendor list to provide **Independent Cost Estimating (ICE) Services** under an Agency Price Agreement (APA) limited only to RIDOT. Selection will be in accordance with the terms of this solicitation and the State's General Conditions of Purchase available on-line at [www.purchasing.ri.gov](http://www.purchasing.ri.gov). Interested Respondents must meet the criteria, terms, and conditions, expressed in this solicitation in order to be included under this continuous recruitment listing.

**PURPOSE:**

In the best interest of the State, as needed, for use on selective RIDOT Design and/or Construction projects, RIDOT will hire an independent party to prepare cost estimate(s) to be used as cost comparisons against the Consultant cost estimate and/or Contractor bid to ensure a fair price and reasonable quantities.

**CONTRACT TERMS**

To ensure that the list of eligible Vendors is dynamic and allows for the addition of new firms, RIDOT in conjunction with RIDOA will issue a **Continuous Recruitment (CR-43)** that will allow for Vendors to submit their qualifications at any time during the active continuous recruitment period up through the scheduled expiration date of **DECEMBER 31, 2019**. All submissions received by RIDOA will be subsequently forwarded to RIDOT for qualification review and recommendation for inclusion on the active CR-43 listing.

**CONFLICT OF INTEREST STATEMENT**

Since each successful ICE selected, under RIDOT supervision, will be assigned a significant role in the project management of RIDOT design and/or construction projects. To avoid a conflict of interest, eligibility under this RFP shall cite that the ICE, and/ or sub-consultant(s), at a minimum, shall be precluded from representing and/or working on behalf of any Contractor or Design Consultant who is either **a)** pending award as a Prime or Sub-Contractor/ Sub-Consultant of a recently bid RIDOT construction or design contract or any other Rhode Island State Agency contract within the past **10 YEARS**; or **b)** participating as a Prime or Sub-Contractor/Sub-Consultant on any RIDOT construction bid or design contract or any other Rhode Island State Agency contract during the life of this Agreement.

If the selected ICE and/or Sub-Contractor(s)/Sub-consultant(s) are providing services to a Contractor/Consultant under current RIDOT or any other Rhode Island State Agency contract, information inclusive of 1) CONTRACTOR/CONSULTANT NAME, 2) RI CONTRACT NO. / PROJECT DESCRIPTION and 3) TASKS PERFORMED must be disclosed as part of the CR Proposal submission. A plan of action for transitioning out of this work within **THREE (3) MONTHS** of the execution of this Contract must be submitted as part of the Proposal submission.

RIDOT will be the sole judge as to whether or not any conflict of interest exists.

## **INSTRUCTIONS AND NOTIFICATIONS TO RESPONDENTS:**

- All Respondents shall register online at the RIVIP'S Internet website @ [www.purchasing.ri.gov](http://www.purchasing.ri.gov)
- A fully completed signed **RIVIP Bidder Certification Cover Sheet** – All **THREE PAGES** shall accompany response submitted. Failure to make a complete submission inclusive of this four-page document may **result in disqualification**. A copy of this 3-PAGE certification form should be in all proposals (originals and copies) submitted to the State for consideration.
- Should there be a need for assistance in registering and/or downloading any document, call (401) 574-8100 for RIVIP HELP DESK technical assistance. Office Hours: 8:30 AM – 4:00 PM.
- 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, Non-discrimination 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 Respondents 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 a response to this continuous recruitment and will not be discriminated against on the grounds of race, color, sex, national origin, age or disability in consideration for award.
- Services provided by the successful VENDOR - and if applicable any sub-contracts generated through this Contract - shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. The VENDOR shall carry out applicable requirements of 49 C.F.R. Part 26, Participation of Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, in the award and administration of DOT-assisted contracts. Failure by the VENDOR to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the recipient deems appropriate.
- 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.
- 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.
- Potential Respondents are advised to review all sections of this CR solicitation carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
- All costs associated with developing or submitting a response to this CR solicitation, or to provide oral or written clarification of its content shall be borne by the Respondent. The State assumes no responsibility for these costs.
- All pricing submitted will be considered to be *firm* and *fixed* unless otherwise indicated herein.

- Respondents must possess a working familiarity with the guidelines outlined in the Rhode Island Standard Specifications for Road and Bridge Construction, 2004 Edition, which is currently available on-line @ [www.dot.state.ri.us](http://www.dot.state.ri.us).
- 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 are advised that all materials submitted to the State of Rhode Island for consideration in response to this CR solicitation will be considered to be public records, as defined in Title 38 Chapter 2 of the Rhode Island General Laws, without exception, and will be released for inspection immediately upon request, once a determination has been made.
- Interested parties are instructed to peruse the RIDOA/ Division of Purchases web site @ [www.purchasing.ri.gov](http://www.purchasing.ri.gov) on a regular basis as additional information relating to this CR solicitation may be released in the form of an **Addendum** to this solicitation.
- RIDOT encourages the utilization of DBE firms on all projects and will monitor any and all DBE participation. A list of current Rhode Island State certified DBE firms may be obtained through the State's MBE Office website at [www.mbe.ri.gov](http://www.mbe.ri.gov) . Any questions should be directed to:

**RIDOT Office of Business and Community Resources**  
**Two Capitol Hill, Room 110**  
**Providence, RI 02903**  
**(401) 222-3260**

### **EVALUATION AND SELECTION**

***This is a Continuous Recruitment solicitation to establish a 3-YEAR Agency Price Agreement expiring on DECEMBER 31, 2019.***

All responses received by RIDOA during the recruitment period will be subsequently forwarded to RIDOT for review and formal recommendation (PASS/FAIL). RIDOT, after review of qualifications received, will then inform RIDOA in writing of all qualified Vendors eligible for inclusion on CR-43 as well as to inform RIDOA of any Vendors who failed to attain eligibility status based on their qualifications presented. Unsuccessful Respondents will be formally notified by RIDOA.

RIDOA will create, augment, and maintain a qualified listing of eligible Vendors for the duration of the recruitment period for *CR-43 Independent Cost Estimating Services*.

### **PROPOSAL CONTENT: ACCEPTANCE CRITERIA**

Applicants must demonstrate that they possess the staff and experience to satisfactorily meet all of the elements of the qualification process listed below; submissions must include at a minimum the resumes,

documented experience and if available, proof of any applicable license and/or certification for each proposed employee in their respective category. As defined below, maximum fully-inclusive PRICING must be submitted for each PERSONNEL CATEGORY for each assigned CONTRACT YEAR to be provided on the FORMAT attached.

Required formal responses and/or written acknowledgement with regard to each of the following **FOUR (4)** acceptance criteria is to be submitted for review in the exact order as presented below:

1. **POINT OF CONTACT:** Responders must provide the NAME, TITLE, OFFICE LOCATION and CONTACT INFORMATION (E-Mail and Phone Number) of the primary Point of Contact to whom clarification questions can be forwarded.
2. **GENERAL REQUIREMENT:** All Respondents in all personnel categories proposed under this RFP must possess a familiarity or working knowledge of RIDOT's Standards and Specifications and Design Standard Details for RIDOT construction and engineering projects as well as an understanding of Rhode Island Labor Laws.
3. **PERSONNEL CATEGORIES:** Services covered by this Request shall require enlistment of the following professional services categories which may be provided by a single professional or by a team of professional staff:
  - COST ESTIMATOR
  - SCHEDULER
  - PROJECT MANAGER
  - CONSTRUCTABILITY REVIEWER

*The following cites the required qualifications for each personnel category requested; Respondents are required to also complete and submit along with their Proposal Submission the "Clarification of Personnel Assignment & Mandatory Qualifications" Spreadsheet attached to this RFP document:*

A. **COST ESTIMATOR:** Knowledge, Skills and Experience

- Demonstrated **TEN (10) YEARS** or more relevant or recent experience in all trades of heavy civil and transportation and/or building construction projects along with a knowledge of construction means, methods and equipment in these areas. Work performed within Rhode Island and/or adjacent States is preferable but not a requirement.
- Demonstrated proficiency in performing contractor style, production-based cost estimating on at least **TWO (2)** bridge and/or highway projects each totaling **\$8 MIL** or more performed within the last **FIVE (5) YEARS**. Provide Client Name/Contact Information and final Project Cost.
- Demonstrated proficiency in at least **ONE (1)** production based heavy, civil estimation software platform. Provide Client Name/Contact Information and final Project Cost.

***For consideration when selecting above sample COST ESTIMATOR projects presented for review, the Vendor shall include a narrative description (MAX 2 PAGES) of services performed with regard to the following criteria:***

- Project experience presented shall demonstrate a working knowledge related to all aspects of construction including work package breakdown (project phasing), labor planning, construction site access, site layout, sequence of design and construction, rigging plan, availability and procurement of equipment and materials prefabrication, pre-assembly, modularization, quality management, materials management, site facilities, safety operability and maintainability.
- Preferred project experience with Early Contractor Involvement (ECI) methodology and Design-Build (D-B) projects and an understanding of the delivery method including the roles and responsibilities of the various parties involved in these types of innovative projects;
- Preferred project experience shall demonstrate a working knowledge of risk management strategies, including risk identification assessment and cost quantification and assignment of the probability of occurrence.
- Demonstrated accounting experience specifically the ability to prepare contractor costs and quotes as well as the ability to develop and track budgets
- Project experience shall demonstrate experience in estimating projects with Disadvantaged Business Enterprise (DBE) goals assigned and pricing works in construction contracts
- Required proficiency to provide summary and detailed cost breakdown in MICROSOFT EXCEL 2013 (or higher)
- Documented negotiation and conflict management experience with regard to any previous ICE services provided

**License and Education:**

- **NO LICENSE IS REQUIRED**; however, preference will be given those individuals or team of individuals who possess a current Professional Engineer's license and/or a four-year degree in a Construction Management related field. Evidence of licensure and/or graduate degree is required.

**B. SCHEDULER: Knowledge, Skills and Experience**

- Demonstrated **EIGHT (8) YEARS** or more recent or relevant scheduling experience in all trades of heavy civil and transportation and/or building construction projects along with a knowledge of construction, means, methods and equipment in these areas. Work performed with a licensed General Contractor within Rhode Island is preferable but not a requirement.
- Demonstrated proficiency in critical path scheduling (Primavera P6 scheduling a plus) and analysis on at least **TWO (2)** bridge and/or highway projects estimated at **\$8 MIL** or more

performed within the past **FIVE (5) YEARS**. Provide Client Name/Contact Information and include final Project Cost.

***For consideration when selecting SCHEDULER sample projects for review, the Vendor shall include a narrative description (MAX 2 PAGES) of services performed with regard to the following criteria:***

- Demonstrated ability to independently develop resource-loaded construction schedules for heavy civil transportation and/or building construction projects.
- Working knowledge of production based, heavy civil scheduling platforms and proficiency in the development of schedules using Primavera scheduling software
- Preferred project experience reviewing traditional Design-Bid-Build (D-B-B) projects as well as experience with **Early Contractor Involvement (ECI)** methodology specifically in CMGC and D-B construction schedules and to provide written analysis recommendations to ascertain benefits to project schedules as needed
- Possess advance computer skills and proficiency with document control and scheduling software, including expertise in Primavera P6 or greater, Microsoft Project, Microsoft Excel 2013 running under Window XP Professional or ewer platform, etc.

**License and Education:**

- **NO LICENSE IS REQUIRED**; however, preference will be given to individuals or team of individuals with professional training and/or certification in construction scheduling. Evidence of licensure and/or certification is required.

**C. PROJECT MANAGER: Knowledge, Skills and Experience**

- Demonstrated **TEN (10) YEARS** or more relevant or recent experience in all trades of heavy civil and transportation and/or building construction projects along with a knowledge of construction means, methods and equipment in these areas. Work performed within Rhode Island and/or adjacent States is preferable but not a requirement.
- Demonstrated recent and relevant experience as a Project Manager on at least **FIVE (5)** bridge and/or highway projects of varying size, scope and complexity performed within the last **FIVE (5) YEARS** preferably with a licensed General Contractor within Rhode Island. Provide Client Name/Contact Information and include final Project Cost.

***For each sample PROJECT MANAGER project presented, the Vendor shall include a narrative description (MAX 2 PAGES) of services performed with regard to the following requirements:***

- Demonstrated experience in partnering for construction

- Demonstrated experience in value engineering and probabilistic cost estimating processes to create alternatives for delivery on project goals and construction methods lowering construction costs while managing/mitigating risk
- Working knowledge of design and plan development as well as experience interacting with utilities, regulatory agencies, local governments and right-of-way acquisition.
- Ability to facilitate constructive dialogue between the Independent Estimating Team, RIDOT and the ECI Contractor especially on CMGC and D-B construction projects.

**License and Education:**

- NO LICENSE IS REQUIRED; however, preference will be given those individuals or team of individuals who possess a current Professional Engineer's license and/or a four-year degree in a Construction Management related field. Evidence of licensure and/or graduate degree is required.

**D. CONSTRUCTABILITY REVIEWER: Knowledge, Skills and Experience**

- Demonstrated **TEN (10) YEARS** or more relevant or recent experience in all trades of heavy civil and transportation and/or building construction projects along with a knowledge of construction means, methods and equipment in these areas. Work performed with a licensed General Contractor within Rhode Island is preferable.
- Demonstrated recent and relevant experience on at least **TWO (2)** bridge and/or highway projects estimated at **\$8 MIL** specific to the development of project plans, specifications and/or construction estimates. Provide Client Name/Contact Information and include final Project Cost.

***For each sample CONSTRUCTABILITY REVIEWER project presented, the Vendor shall include a narrative description (MAX 2 PAGES) of services performed with regard to the following requirements:***

- Demonstrated practical experience participating in Early Contractor Involvement (ECI) transportation projects.
- Demonstrated ability to integrate construction phasing, sequencing and scheduling knowledge into the design process
- Demonstrated experience in value engineering and probabilistic cost estimating processes to create alternatives for delivery on project goals and construction methods lowering construction costs while managing/mitigating risk

**License and Education:**

- NO LICENSE IS REQUIRED; however, preference will be given those individuals or team of individuals who possess a current Professional Engineer's license and/or a four-year degree in a Construction Management related field. Evidence of licensure and/or graduate degree is required.
4. **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 by each Vendor and included in submission package in line with federal regulations and departmental policy:
- **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY & VOLUNTARY EXCLUSION** - Signature sheet only must be completed by the responding individual or by an authorized agent of the Respondent Firm and a copy must be submitted along with response.
  - **CERTIFICATION REGARDING DISCLOSURE OF LOBBYING ACTIVITIES (SFF-LLL)** - Enter known project information on PAGE 1 (DESCRIPTION, etc.). Agency must complete and submit FORM signed by the responding individual or by an authorized agent of the Respondent Firm and a copy must be submitted along with response.
  - **CONFLICTS DISCLOSURE STATEMENT** - In line with directions stated, completed FORM(s) must be signed and submitted accordingly. A copy must be submitted along with response.
  - **CERTIFICATION FOR TITLE VI ASSURANCE** - Shall be fully-completed and submitted accordingly.
  - **W-9 FORM** - Must be completed and signed by the responding individual or by an authorized agent of the Respondent Firm. Form may be downloaded @ [www.purchasing.ri.gov](http://www.purchasing.ri.gov).

#### **FULLY-INCLUSIVE PRICING**

Respondents will be required to provide **PRICING** as part of their submission but are advised that **PRICE will not be considered in determining the qualifying firms.**

Respondents shall specify a maximum ALL INCLUSIVE HOURLY RATE for each assigned personnel category for EACH ANTICIPATED CONTRACT YEAR in the blank proposal format provided. Fully-inclusive prices proposed shall include all travel and related expenses.

**If one price is cited for any category, this will be the maximum price cited for the complete contract term.**

It is not required that ALL CATEGORIES be fulfilled by VENDORS, but consideration for only those categories cited will be eligible for services throughout the APA term. It shall be noted that approved categories may be supplemented with additional staff but additional categories may not be added to APA if not initially submitted under the originating CR solicitation.

All services will be assigned through a TASK ORDER process for work specific to an active RIDOT project; final hours negotiated between the VENDOR and RIDOT shall be in line with the accepted pricing for the

current contract year. The annual all-inclusive HOURLY RATES submitted by each selected Vendor under this CR-43 shall be the maximum all-inclusive hourly rates for each personnel category that the Vendor will be allowed to invoice for ICE services performed under this solicitation.

**SUBMISSION INSTRUCTION AND DELIVERY LOCATION:**

Qualification submissions (**"Original" + FIVE (5) Copies**) should be either mailed or hand-delivered in a sealed envelope marked "*CR-43 – Continuous Recruitment for Independent Cost Estimating Services*" to:

**RI Dept. of Administration  
Division of Purchases, 2<sup>nd</sup> floor  
One Capitol Hill  
Providence, RI 02908-5855**

All qualification submissions shall be accepted for review by RIDOT commencing the date of this solicitation up until *CR-43 – Continuous Recruitment for Independent Cost Estimating Services* expiration date **DECEMBER 31, 2019**.

*The State reserves the right to reject any or all submissions based on failure to meet the criteria set forth herewith.*

**-END OF SCOPE-**

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**CR-43 - CONTINUOUS RECRUITMENT FOR INDEPENDENT COST ESTIMATING SERVICES**

**3-YEAR PRICE PROPOSAL: ITEMIZED PER YEAR**

VENDOR NAME:	
Street Address/PO Box	
City/State/Zip	
(Area Code) Phone #	
CONTACT PERSON/ TITLE:	
CONTACT E-MAIL:	

*Respondents must indicate in the space provided their annual firm fixed hourly rates for each of the personnel categories cited. These fully-inclusive rates are the only charges that will be eligible to be paid to the VENDOR, and shall therefore include all associated costs of delivering services covered by this Request:*

ITEM NO.	PERSONNEL CATEGORY	YEAR 1	YEAR 2	YEAR 3
3A	COST ESTIMATOR	\$ _____	\$ _____	\$ _____
3B	SCHEDULER	\$ _____	\$ _____	\$ _____
3C	PROJECT MANAGER	\$ _____	\$ _____	\$ _____
3D	CONSTRUCTABILITY REVIEWER	\$ _____	\$ _____	\$ _____



**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 public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes 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.

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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 other 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.

# 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)

<p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p>2. Status of Federal Action:</p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p>3. Report Type:</p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p>For Material Change Only:  year _____ quarter _____  date of last report _____</p>
<p>4. Name and Address of Report Entity:</p> <p><input checked="" type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier ____, if known:</p> <p>Congressional District, if known: _____</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known: _____</p>	
<p>6. Federal Department Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p> <p>\$ _____</p>	
<p>10. a. Name and Address of Lobbying Entity:</p> <p>(if individual, last name, first name, mi): _____</p>	<p>10. b. Individuals Performing Services (including address if different from No. 10a)</p> <p>(last name, first name, mi): _____</p>	
<p>11. Amount of Payment (check all that apply)</p> <p>\$ _____                      <input type="checkbox"/> actual    <input type="checkbox"/> planned</p>	<p>13. Type of Payment (check all that apply):</p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other, specify: _____</p>	
<p>12. Form of Payment (check all that apply):</p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____  value _____</p>		
<p>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):</p>		
<p>15. Continuation Sheet(s) SF-LLL-A attached:    <input type="checkbox"/> yes    <input checked="" type="checkbox"/> no</p>		
<p>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.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No: _____ Date: _____</p>	
<p><b>For Federal use Only:</b></p>	<p style="text-align: right;">Authorized for Local Reproduction Standard Form - LLL-A</p>	

# DISCLOSURE OF LOBBYING ACTIVITIES

## CONTINUATION SHEET

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

## **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.



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.