



Solicitation Information
August 29, 2008

RFP #7138897

**TITLE: ON-CALL TRANSPORTATION CLAIMS ASSESSMENT CONSULTANT
3-YR. MASTER PRICE AGREEMENT**

Submission Deadline: October 3, 2008 @ 11:30 AM (EDT)

**PRE-BID/ PROPOSAL CONFERENCE: YES Date: September 16, 2008 Time: 10:00 AM
Mandatory: No – But Strongly Encouraged
Location: RI Dept. of Transportation, Two Capitol Hill, Room 126, Providence, RI**

SURETY REQUIRED: No

BOND REQUIRED: No

A handwritten signature in black ink, appearing to read 'Jerome D. Moynihan', is positioned above the typed name.

**Jerome D. Moynihan, C.P.M., CPPO
Administrator of Purchasing Systems**

Vendors must register on-line at the State Purchasing Website at www.purchasing.ri.gov

NOTE TO VENDORS:

Offers received without the entire completed three-page RIVP Generated Bidder Certification Form attached may result in disqualification.

THIS PAGE IS NOT A BIDDER CERTIFICATION FORM

RI Department of Transportation

RIDOT On-Call Transportation Claims Assessment Consultant

The Rhode Island Department of Administration / Division of Purchases, on behalf of the Rhode Island Department of Transportation (RIDOT) seeks to establish a **3-YEAR MASTER PRICE AGREEMENT** with an experienced firm or firms to provide construction claims assessment services on an “as needed” basis. At its discretion, RIDOT may elect to extend the Price Agreement annually for an additional two (2) years. The selected **Transportation Claims Assessment Consultant (TCAC)** must possess experience with construction and design claims investigation relative to public transportation projects; responsibilities will include liability analysis / determination of damages and litigation support services as needed. Claims assessment services will be performed under RIDOT direction. The selected TCAC must fulfill all RFP requirements as detailed herein; the selected firm must demonstrate the capacity to work on multiple claims simultaneously; TCAC services must be made available to RIDOT at all times during the assigned contract term.

CONFLICT OF INTEREST: The successful TCAC, under RIDOT supervision, will be assigned a significant role in the administration and implementation of RIDOT’s defense against Construction Claims and/or Errors/Omissions actions. To avoid a conflict of interest, the TCAC, 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 or Municipality contract; 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 or Municipality contract during the life of this Contract.

If the selected TCAC 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 or Municipality 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 Letter of Interest (LOI) 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 Technical proposal.

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

Responses to this solicitation must 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 (RIVIP)* at:

<http://www.purchasing.ri.gov>

All Respondents are advised to review all sections of this request thoroughly and to follow the instructions carefully. Failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

Note: This solicitation is a Letter of Interest, not an Invitation for Bid. There will be no public opening of responses received by the Division of Purchases pursuant to this solicitation other than to name those firms who have responded. Per the instructions to follow, offerors must provide the following documentation to be considered responsive to this solicitation:

1. a fully-completed, signed **RIVIP Certification Cover Sheet**, and
2. a complete **LETTER OF INTEREST** inclusive of all requested administrative, technical and proposed price information.
3. a fully-completed, signed **DEBARMENT FORM**
4. a fully-completed, signed **LOBBYING FORM**
5. a fully-completed, signed **CONFLICT DISCLOSURE STATEMENT**

6. a fully-completed **W-9 FORM**
7. as applicable, **FOREIGN CORPORATION** Certificate of Authority
8. copy of required **RI PROFESSIONAL ENGINEER** Certification for *Individual and Firm* (*SEE GENERAL INSTRUCTIONS for PE Requirement details.*)

SECTION A - GENERAL INSTRUCTIONS AND NOTIFICATIONS TO RESPONDENTS:

- All Respondents **MUST REGISTER** online at the State Division of Purchases' website @ <http://www.purchasing.ri.gov>. This website is the Rhode Island Vendor Information Program (RIVIP).
- A fully completed signed *RIVIP Bidder Certification Cover Sheet – All three pages* **MUST** accompany the response submitted. Failure to make a complete submission inclusive of this three-page document may result in disqualification. A copy of this 3-page certification form should be included 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.
- All costs associated with developing or submitting documents in response to this Request and/or in providing oral or written clarification of its content shall be borne by the Respondent. The State assumes no responsibility for these costs.
- It is intended that a Master Price Agreement will be established pursuant to this solicitation. Award(s) will be made to prime Respondent(s) who by virtue of participating in this solicitation assume full responsibility for all aspects of the services to be provided under the Scope of Work. Joint venture and cooperative proposals will not be considered. Sub-consultants, however, will be considered provided any proposed sub-consultant(s) are clearly identified along with a full disclosure as to the type of work to be performed within the Scope of Work.
- 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 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 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. Law 7-1.2-1401, 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 LOI LOCATED BEHIND THE FRONT PAGE OF EACH COPY OF THE PROPOSAL. FAILURE TO DO SO MAY RESULT IN AUTOMATIC DISQUALIFICATION.** 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 Certificate of Authority **prior to award**. The letter of acknowledgement **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE PROPOSAL.**

- Persons or firms practicing **engineering services** in the State of Rhode Island must possess a proper registration and/ or Certificate of Authorization in accordance with Rhode Island General Laws. A copy of the current Rhode Island Certificate of Authorization FOR THE FIRM *and* current Rhode Island registrations(s) FOR THE INDIVIDUAL(S) who would perform the work **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE PROPOSAL.**

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

The State Board for Design Professionals can be contacted as follows:

**Board for Design Professionals
One Capitol Hill
2ND Floor
Providence, RI 02908**

Telephone: (401) 222-2565
Fax: (401) 222-5744
Website: www.bdp.state.ri.us

- Respondents must possess a working familiarity with the guidelines outlined in the *Rhode Island Standard Specifications for Road and Bridge Construction, 2004* which is currently available on-line @ www.dot.state.ri.us.
- Successful Respondent(s) must comply with all federal, state and local licensing/certification requirements to perform requested services.
- Successful Respondent(s) must comply with all necessary insurance protections up to industry standard –**SEE SCOPE OF WORK**
- Although not required, Disadvantaged Business Enterprise (DBE) participation in this solicitation is encouraged. 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:

**RIDOT Office of Business and Community Resources
Room 111, Two Capitol Hill
Providence, RI 02903
(401) 222-3260**

Section B – 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 **FOUR (4) 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.

- DEPARTMENT FORM: Must be completed and signed by an authorized agent of your FIRM.

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

ALL FORMS (Except W-9) ARE ATTACHED TO SOLICITATION AND MUST BE COMPLETED AND COPIES SUBMITTED ALONG WITH EACH TECHNICAL PROPOSAL SUBMISSION. ("ORIGINAL" & COPIES)

SECTION C - CONTRACT TERMS AND CONDITIONS

The Master Price Agreement that will be established as a result of this solicitation will be for **THREE (3) YEARS with the option to extend the Price Agreement annually for an additional two (2) years**. The State intends to establish a qualified vendor list with multiple construction claims analysis /litigation support service providers.

The qualified firm(s) selected as a result of this solicitation will provide personnel to assist in the analysis and defense of construction contract claims on an "as-needed on-call" basis, as described in the Scope of Work. The Respondent will be required to furnish qualified personnel made available to RIDOT at all times during the assigned contract term. **Hours and assignments will be determined by RIDOT**. The Respondent must demonstrate the capacity to work on multiple claims simultaneously. RIDOT reserves the right to refuse to accept the services of any individual staff member under the Master Price Agreement. In addition, RIDOT reserves the right to request the services for any individual staff member as deemed appropriate.

Successful Respondents' prices for **fully inclusive hourly rates** to compensate for the productive hours actually worked for the various proposed personnel will form the basis for the Master Price Agreement. Additional reimbursement will be provided for necessary authorized travel expenses including airfare, lodging, car rental and travel per diem expenses as described herein; all travel-related expenses incurred in the course of providing the requested services must be pre-approved by RIDOT and must conform to departmental policy and applicable federal cost guidelines. **THERE WILL BE NO OTHER FORM OF COMPENSATION PROVIDED.**

No commitment to a specific level of spending is made by this request. Services will be authorized using individual requests against the Master Price Agreement and will be subject to the State's General Conditions of Purchase which is available from the RIVIP website, and any other specific conditions set forth in the Master Price Agreement.

It is anticipated that payment for services rendered will be monthly for periods when the Master Price Agreement is in active use. Invoices are to be fully itemized for hourly charges by personnel assignment and, when required, reimbursement requests for authorized, documented travel expenses. Invoices are to be submitted to the responsible RIDOT unit for review, acceptance and processing for payment.

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

SECTION D - INSTRUCTIONS

Upon review of the Scope of Work **one (1) “Original” and Seven (7) copies** of a completed **LETTER OF INTEREST** inclusive of all requested information must be submitted to the Division of Purchases by the deadline specified per the detailed instructions to follow. To be considered responsive at a minimum the Letter of Interest must include the following administrative, technical and price information for RIDOT review and subsequent selection recommendation(s):

BACKGROUND AND PREVIOUS EXPERIENCE:

- **Letter of Transmittal:** A Letter of Transmittal must accompany each response signed by an owner, officer, or other authorized agent of the FIRM.
- **Company Introduction:** Qualified Respondents must provide evidence of expertise relative to the services requested. Respondents are also required to include a complete description and other relevant information documenting organizational structure, business background and specific office locations.
- **Relevant Experience:** Respondents are to include a comprehensive listing of similar current and past projects and/or clients served providing services related to this Scope of Work. In particular, performance on large construction projects, the preparation and presentation of expert testimony in court or arbitration or alternate dispute resolution proceedings. **References must be provided which include at a minimum: description of each project/services, client name, complete address, timeframe, contact person(s) including telephone number.** By so listing, specific permission is granted to RIDOT to contact said individuals to verify the satisfactory performance of services provided.

ORGANIZATION AND STAFFING:

- **Staff Qualifications:** Respondents are to include an overview of **key personnel** with a minimum of **FIVE (5) years** of employment in highway or bridge construction, specifically in pre-construction investigation, design, resident engineering/inspection claims, civil engineering or construction management or equivalent qualifying experience. Additionally, **key personnel** must have at least **FIVE (5) years** experience dealing with the preparation of defense claims on transportation-related contracts. Proof of professional certifications **MUST** be provided.

It is NOT essential that each Respondent have extensive experience in ALL types of services noted above. In any response to this Request, each Respondent shall make clear which types of services your firm is seeking to perform for RIDOT and which types of services your firm is qualified to perform. Your experience and qualifications should be outlined in terms of addressing these areas.

Full disclosure of the proposed team to be available to RIDOT requires:

1. a **listing** of key personnel currently on staff
 2. **resumes** of proposed key personnel (and office location) to be available to RIDOT
 3. **Standard Federal Form 330** (effective 6/8/04) must be completed by the Prime Respondent and included in LOI. Access to this current form may be obtained through the following website: www.gsa.gov
- **Sub-Consultant(s):** If applicable, the Respondent must disclose a company introduction for the sub-consultant firm(s); this must include each sub-consultant’s organizational structure, business

background, office location and the type of work they will perform in response to this solicitation. Proof of professional certifications must also be provided.

Full disclosure of the proposed team to be assigned this project requires:

1. a **listing** of key personnel currently on staff
2. **resumes** of proposed key personnel (and office location) to be available to RIDOT

WORK PLAN:

- **Approach:** Respondents are to provide a detailed technical synopsis of their proposed services based on the Scope of Work requested by the RIDOT including any technical issues that will or may be confronted.
In general, for a specific project assignment, the selected Respondent, under RIDOT direction, would be responsible for all required activities incidental to the investigation, analysis, determination of damages and the preparation of technical documents.
- **DBE Participation:** If utilized, the disclosure of DBE firm(s) proposed is to be documented in response to this solicitation. Include copy of Rhode Island State DBE Certification(s).

INTERVIEW/ PRESENTATION

RIDOT will provide a 10-day notice to firms including the time and location of presentation. All presentations will be limited to **one (1) hour** in duration, including questions. Each firm will be responsible for all costs associated with the preparation, submission, travel and execution of the work necessary to provide their presentation to RIDOT.

PRICING:

- **Hourly Rates:** For each job title or job class of personnel applicable to the Respondent's team available to RIDOT, provide detailed profile of their certifications and itemized hourly rates for specific claims investigation services in the format below. Rates are requested for straight time hours; overtime will be at RIDOT's discretion and will be described as productive eligible hours worked consecutively beyond a base eight-hour shift excluding lunch. These hourly rates are to be **fully inclusive** of all direct charges including wages and fringe benefits, and any and all indirect charges including preparation of reports and administrative expenses. Prices are requested to be fully-disclosed for each of the 3-YEARS in the proposed format. If one price is offered, that price will remain firm and fixed for the maximum three-year contract term.

TRAVEL EXPENSES:

- **Travel Expenses** will be paid only for expenses incurred in conjunction with the performance of RIDOT-authorized requirements and must be *pre-approved by RIDOT* and must conform to departmental policy and applicable federal cost guidelines. Expenses incurred solely for the convenience of the TCAC will not be allowed.

In line with RIDOT policy, acceptable travel per-diem costs will be limited to meals, mileage and miscellaneous expenses (e.g. parking, tolls). **Meal allowance will only be paid if work assignments include an overnight stay.**

In those instances where long distance travel is warranted only the following types of economical travel arrangements will be acceptable:

Air Travel:	Coach Class										
Hotel Accommodations:	Government Rates										
Car Rental:	Economy										
Travel Per Diem:	<p><i>Requires Overnight Stay – Effective 7/1/06 meal allowance is stated as follows:</i></p> <table border="1"> <thead> <tr> <th>TRAVEL SCHEDULED</th> <th>MEAL ALLOWANCE</th> </tr> </thead> <tbody> <tr> <td><i>If Departure is <u>BEFORE NOON</u></i></td> <td>\$30.00</td> </tr> <tr> <td><i>If Departure is <u>AFTER NOON</u></i></td> <td>\$15.00</td> </tr> <tr> <td><i>If Return is <u>BEFORE NOON</u></i></td> <td>\$30.00</td> </tr> <tr> <td><i>If Return is <u>AFTER NOON</u></i></td> <td>\$15.00</td> </tr> </tbody> </table>	TRAVEL SCHEDULED	MEAL ALLOWANCE	<i>If Departure is <u>BEFORE NOON</u></i>	\$30.00	<i>If Departure is <u>AFTER NOON</u></i>	\$15.00	<i>If Return is <u>BEFORE NOON</u></i>	\$30.00	<i>If Return is <u>AFTER NOON</u></i>	\$15.00
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<i>If Return is <u>AFTER NOON</u></i>	\$15.00										
Miscellaneous:	<i>Eligible miscellaneous expenses will be reimbursed as long as receipts for transactions are provided</i>										
Mileage:	<p>\$0.505/ per mile <i>NOTE: Effective 7/1/08, claims for mileage reimbursement must be submitted within 90 DAYS of the end of the month in which the travel occurred or reimbursement will not be paid.</i></p>										

In all cases, the least expensive means of transportation that is in the best interest of the State's economy should be used. Access to currently approved government travel rates may be obtained through the following website: www.gsa.gov

Transportation costs are reimbursable as follows:

- a) *Air transportation* requires pre-approval from RIDOT, the cost of which is reimbursable at the lowest rates.
- b. *Vehicle rental and parking fees* are reimbursable when air transportation is approved

Once approval is given, travel expenses will be paid as follows:

- a. *Travel by public service transportation:* Copies of tickets, receipts, etc. shall be submitted.
- b. *Travel by private automobile:* Paid at a rate set by the State, currently **\$0.505**/per mile; reimbursement of expenses will be allowed for the actual miles for travel over the shortest and most convenient routes.
- c. *Travel by company owned vehicle:* Reimbursement for travel using a company vehicle shall be paid to the TCAC at the same rate as stated in (b) above. The TCAC shall include a written statement certifying that he/she has been assigned a company owned or leased vehicle.

Vouchers shall contain descriptions of the work and a breakdown of the productive hours actually worked, travel, and other transportation costs. Receipts of all transactions MUST be attached to individual monthly invoice.

Other than the fully-inclusive hourly rates and eligible travel reimbursable costs described above,
THERE WILL BE NO OTHER FORM OF COMPENSATION PROVIDED.

PRICING: Fully Inclusive as Described Below in the Required Format				
	<u>Applicable Certification(s)</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
1. Project Manager	_____	\$ _____	\$ _____	\$ _____
2. Testifying Expert	_____	\$ _____	\$ _____	\$ _____
3. Schedule/Cost Engineer	_____	\$ _____	\$ _____	\$ _____
4. Schedule/Cost Analyst	_____	\$ _____	\$ _____	\$ _____
5. Professional Engineer	P.E. (Rhode Island)			
6. Construction Claims Analyst	_____	\$ _____	\$ _____	\$ _____
7. Estimator	_____	\$ _____	\$ _____	\$ _____
8. Accountant	CPA, Preferably CFE	\$ _____	\$ _____	\$ _____
9. Attorney	_____	\$ _____	\$ _____	\$ _____
10. Auditor	Preferably CFE	\$ _____	\$ _____	\$ _____
11. Technical Personnel (Listed by Title)	_____ _____ _____ _____ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____
12. Office/Clerical	_____	\$ _____	\$ _____	\$ _____
CONTINUE LIST AS APPLICABLE				

SECTION E - LICENSE REGISTRATION REQUIREMENTS

- Respondent must include proof of license registration for mandatory State of Rhode Island Registered Professional Engineer on staff and preferable license registrations stated for "Accountant" (CPA, preferably CFE) and "Auditor" (Preferably CFE) categories. Registrations must remain current and in effect for the lifetime of the MPA. **Registration copies MUST be included in EACH Proposal submission.**

SECTION F - PROOF OF INSURANCE

- Respondents are to provide official certification (ACORD 25-S FORM) from their insurance source(s), licensed to do business in Rhode Island, of the required levels of insurance protection inclusive of **Workers' Compensation, Professional Services Liability insurance for Errors and Omissions (MIN. \$1,000,000.00)** and **Valuable Papers insurance (\$150,000.00)**. Please include deductible(s), if any, on certificate submission.

Proof of required insurance coverage MUST be included in EACH Proposal submission.

SECTION G - DOCUMENT FORMAT

- **Proposal Format:** Completed Letters of Interest must be submitted bound or contained in one single document. The contents must be organized in the exact order in which the Letter of Interest requirements are presented in these instructions with page numbers in consecutive order. The proposal should contain a Table of Contents that cross-references each Letter of Interest requirement with a specific page in the Proposal.
- **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.

SECTION H - PRE-PROPOSAL MEETING

Although not mandatory, Respondents are strongly encouraged to attend a Pre-Proposal Meeting to be held on SEPTEMBER 16, 2008 at the RI Department of Transportation, Two Capitol Hill, Room 126, Providence, RI 02903 at 10:00 A.M.

At this time any technical questions relative to the SOW as well as any questions regarding RIDOT procedures and proposal format will be addressed. Persons requesting the services of an interpreter for the hearing impaired may obtain those services by calling (401) 222-4971 forty-eight (48) hours in advance of the Conference.

A summary of the Pre-Proposal Meeting will be posted on the Internet as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

SECTION I - PROPOSAL QUESTIONS AND SUBMISSION REQUIREMENTS

Any pertinent questions subsequent to this solicitation may be posted at RIDOT's "Bidding Opportunities" web page accessible at: <http://www.dot.state.ri.us/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 5 FULL CALENDAR DAYS prior to the due date for this project. Therefore, questions will not be accepted **after Midnight on SEPTEMBER 27, 2008.**

Requested documentation is to be either mailed or hand-delivered in a sealed envelope marked: **RFP# RIDOT ON-CALL TRANSPORTATION CLAIMS ASSESSMENT CONSULTANT by OCTOBER 3, 2008 no later than 11:30 A.M. to:**

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

NOTE: Proposals received after the above-referenced due date and time will not be considered. Proposals misdirected to other State locations or which are otherwise not presented in the Division of Purchases by the scheduled due date and time will be determined to be late and will not be considered. Proposals faxed to the Division of Purchases will not be considered.

EVALUATION AND SELECTION:

Letters of Interest submittals will be evaluated by RIDOT through the standard Consultant Selection Process. A Technical Evaluation Committee (TEC) will be convened comprised of RIDOT technical personnel responsible for the project under consideration. Based on the cited evaluation criteria and qualifications received, final selection recommendation(s) will be prepared by the TEC listing the top-ranked (MINIMUM of 2) qualifying firms and summarized in a written technical evaluation of each LETTER OF INTEREST incorporating factors based on the following selection criteria:

- **Qualifications of Available Key Personnel** **40 POINTS**
 - as evidenced by resumes/certifications of key personnel each with a minimum of **FIVE (5) years** experience offered to provide construction claims assessment services

- **Capability and Qualifications of the Firm** **40 POINTS**
 - as evidenced by firm's experience in providing construction claims assessment services
 - as evidenced by firm's apparent ability to supply **qualified** key personnel to work on multiple claims simultaneously and to supply qualified key staff upon short notice

- **Interview / Presentation** **20 POINTS**
 - as evidenced by quality and content of formal presentation and responses to questions posed
 - other submissions, certifications, or affirmations may also be required if deemed necessary.

LETTERS OF INTEREST receiving scores of <u>less than 80 POINTS</u> out of the eligible 100 POINTS will be disqualified from any further consideration.

NOTE: Respondents must include PRICING as part of proposal submission but final selection will be solely qualification based; PRICING WILL NOT BE SCORED AS PART OF FINAL EVALUATION PROCESS.

The final selection recommendations will be presented to RIDOT's Advisory Consultant Selection Panel for Departmental approval. With the support of the Director of Transportation, the final RIDOT selection recommendations will then be is presented to the State's Architectural/Engineering Consultant Services Selection Committee for consideration. Upon receipt of the final selection approval from the Director of Administration, all Respondents will be formally notified by the RIDOT that a final selection has been made.

Final selection recommendations will be submitted to Purchases in order to establish the Master Price Agreement. The resulting Price Agreement will reflect accepted prices; RIDOT utilization of any given FIRM will be dependent upon expertise and price.

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

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.

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

SCOPE OF WORK FOR

RIDOT ON-CALL TRANSPORTATION CLAIMS ASSESSMENT CONSULTANT

INTRODUCTION

The Rhode Island Department of Administration / Division of Purchases, on behalf of the Rhode Island Department of Transportation (RIDOT), Office of Legal Counsel/ Claims Administration seeks to establish a **3-YEAR MASTER PRICE AGREEMENT, with the option to extend the Price Agreement annually for an additional two (2) years**, with an experienced firm or firms to provide construction claims assessment services on an "as needed" basis. The firm or firms selected would be responsible for all activities relative to the investigation, analysis, and determination of damages and the preparation of technical documents. The Transportation Claims Assessment Consultant (TCAC) will work under the direction of RIDOT. The selected TCAC must fulfill all RFP requirements as detailed herein; the selected firm must demonstrate the capacity to work on multiple claims simultaneously; TCAC services must be made available to RIDOT at all times during the assigned contract term.

DESCRIPTION OF SERVICES AND TASKS

The TCAC will be required to analyze assigned claims by providing a thorough review of the rights and responsibilities of all parties involved in the dispute. Emphasis should be given to understanding the nature of the claim, its strengths and weaknesses and identifying the issues in dispute.

The TCAC must provide a thorough claims analysis, review and assessment through interviews, contract and other document reviews, technical and legal analysis and any other means or methods deemed appropriate and necessary. The TCAC must report to RIDOT in writing relative to their findings. Said report must be supported by proper documentation to sustain their determination from the various accepted areas of claims assessment and must include recommendations with a focus on finalization. These recommendations should include but not necessarily be limited to rejection partial or full, payments partial or full, contract time, potential dispute resolution measures where applicable and litigation.

The TCAC must be prepared to meet with RIDOT when called to discuss any existing or potential construction/ design claims as required by RIDOT and to proceed with claims analysis.

The TCAC must be prepared to give expert testimony in mediation, arbitration, litigation, or other dispute resolution forums.

The scope of services may include but not be limited to the following:

- Investigation and review of change orders, change order claims, extra work claims, delay and impact claims;
- Investigation and review of costs, damages, financial and accounting analysis and forensic audit services;
- Code and contract compliance investigation, review and analysis;
- Detailed document review and analysis
- Meetings with RIDOT representatives, counsel and other appropriate parties;
- Preparation and production of reports, summaries and documents as required
- Provide expert testimony and participate in any mediation, arbitration or litigation as needed.

The TCAC must be able to display expertise and show experience in the following areas of construction/ design claims:

- Knowledge of contracts and specifications
- Knowledge of sequence and scheduling of construction projects
- Analysis of schedule delay/ acceleration impact analysis
- Analysis of change-of-work scope, out of sequence work and project acceleration
- Analysis of project change orders and/or defective design issues
- Design Errors and Omissions
- Analysis of constructability issues
- False Claims (time and money)
- Engineering and contractual understanding of differing site conditions
- Termination for either Convenience or Default
- Analysis of construction delay claims, including analysis of cause and effect damage entitlement
- Dispute Resolution - Litigation Support - Expert Testimony

REFERENCES

- *The Rhode Island Department of Transportation Standard Specifications for Road and Bridge Construction*, 2004 Edition

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 Transactions

(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 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 follow-up 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 data(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 (0348-0046), Washington, DC 20503.

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(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 _____</p> <p>date of last report _____</p>
<p>4. Name and Address of Reporting Entity:</p> <p><input 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>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</p> <p style="text-align: right;">(attach Continuation Sheet(s))</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</p> <p>SF-LLL-A, if necessary</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) contacted, for Payment Indicated in Item 11:</p> <p style="text-align: right;">(attach Continuation Sheet(s) SF-LLL-A if necessary)</p>		
<p>15. Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input 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>	

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.

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.