



REQUEST FOR PROPOSALS

June 24, 2016

Lenox Road Scoping Study

**Buckhead Community Improvement District
3340 Peachtree Road
Suite 1640
Atlanta, GA 30326**

**REQUEST FOR PROPOSALS (RFP) 06.16
Lenox Road Scoping Study**

Sealed Proposals for RFP 06.16 – Lenox Road Scoping Study will be received by the Buckhead Community Improvement District, hereinafter called “BCID.” Planning & design firms whose proposals meet the criteria established in the Request for Proposals, at the sole discretion of the BCID, may be considered for Contract award. The BCID may, by direct negotiation, finalize terms with the firm who is selected for award based on proposals. The BCID reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the BCID.

The BCID, at its sole discretion, may short-list firms that are deemed to best meet the BCID’s requirements, taking into consideration all criteria listed in the RFP. Negotiations will be conducted in person or with the most qualified firm as identified by the BCID or, if short-listing occurs, with all of the short-listed proposers. The BCID requires pricing to remain firm for the duration of the contract. Failure to hold firm pricing for the duration of the contract will be sufficient cause for the BCID to declare a proposal non-responsive.

A technical proposal must be submitted in a sealed envelope which shall be clearly marked RFP 06.16 – Lenox Road Scoping Study – TECHNICAL PROPOSAL. One (1) printed and signed unbound original, three (3) bound copies, and one (1) electronic copy in PDF on a USB drive of the **technical proposals shall be submitted no later than 2:00 pm, Friday, July 22, 2016.** One copy of the cost proposal should be submitted in a **separate, sealed envelope** from the technical proposal clearly marked RFP 06.16 – Lenox Road Scoping Study – COST PROPOSAL. Proposals will not be submitted by facsimile or e-mail. Failure to submit the cost proposal in a separate, sealed envelope may result in your proposal being deemed non-responsive. At which time noted, all proposals received will be publicly opened and read. Any proposal received after the time and date specified for the opening of the proposals will not be considered, but will be returned unopened.

Questions regarding proposals should be directed to Darion Dunn at ddunn@buckheadcid.com no later than 3 p.m. Friday, July 8, 2016. All questions and responses will be posted to the BCID website by July 18, 2016. An addendum acknowledgement section is included in the cost proposal form. Failure to acknowledge the addendums (list numbers and date) will deem the proposal non-responsive and not be considered. Proposals are legal and binding when submitted.

Proposal must be addressed as follows:

Darion Dunn, P.E.
Director of Capital Improvements & Planning
Buckhead Community Improvement District
3340 Peachtree Road
Suite 1640
Atlanta, GA 30326

No Proposal may be withdrawn for a period of sixty (60) days after the time and date scheduled (or subsequently rescheduled) for proposal opening.

A selection committee comprised of the “Project Management Team” leading the effort will review proposals. The Project Management Team will include representatives from BCID and Livable Buckhead. After reviewing the proposals, the team may, at its discretion, request formal presentations (at proposer’s expense) from one or more of the proposers whose proposals appear to best meet the requirements.

The proposer awarded the Contract must provide proof of sufficient liability insurance (see Attachment “B”), along with any other required insurance coverage and evidence of business or occupational license.

The Project Management Team reserves the right to waive any informalities or irregularities of proposals, to request clarification or information submitted in any proposal, to request additional information from any proposer, or to reject any or all proposals, and to re-advertise for proposals. The BCID also reserves the right to extend the date or time scheduled for the opening of proposals.

Award, if made, will be to the responsible and responsive proposer submitting the proposal which is deemed by the BCID, with direction from the Project Management Team, to be the most advantageous to the community, considering price and other factors.

The Project Management Team may initiate communication with a proposer in order to obtain information or clarification needed to develop a proper and accurate evaluation of the proposal. Any communication initiated by proposer during evaluation should be via e-mail to Darion Dunn at ddunn@buckheadcid.com. Unauthorized communication by the proposer may disqualify the proposer from consideration.

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1. PART ONE – SCOPE OF SERVICES

I. Background:

The Buckhead CID has received federal funding under the Surface Transportation Program – Urban (STP-Urban) to conduct a scoping study for the Lenox Road corridor. The Lenox Road corridor plays a significant role in the Buckhead community by serving as a connection between major activity nodes such as the Buckhead and Lenox MARTA Stations, PATH400, Lenox Square, Phipps Plaza, as well as numerous commercial properties and high density residential developments. Lenox Road is also a major artery serving regional GA 400 traffic accessing the Buckhead community. However, the corridor lacks adequate pedestrian and bicycle facilities. This study will determine the feasibility of implementing various “Complete Street” elements such as sidewalks, multi-use trails and protected bike lanes to improve pedestrian and bike accessibility. This study will also examine land uses, traffic patterns and the existing roadway network to identify opportunities to alleviate traffic congestions and improve pedestrian and vehicular connectivity within the corridor.

More specifically, the goals for the corridor include defining Lenox Road as a signature street that is unique to Buckhead. A sense of arrival should also be established by creating “gateways” to Buckhead at the GA 400 interchange and the Lenox Road MARTA station. Additionally, GA 400 interchange improvements should be considered that effectively distribute vehicles to and from the highway, while providing pedestrian and bike access across GA 400. Pedestrian accessibility also needs to be improved between the two regional malls.

The study area includes Lenox Road from the Lenox MARTA Station to Piedmont Road (1.3 miles) and is part of the broader 10-year update for the Livable Centers Initiative (LCI) Buckhead Action Plan, which is currently underway. Coordination will be required to integrate this study within the LCI planning effort.

II. Scope of Services

The scope of this study will consist of a planning process that identifies the needs of pedestrians, bicyclists and motorists within the study area, taking into consideration the existing conditions. The outcome of the process will be:

- An identification and prioritization of improvements
- A public involvement process to ensure local input and support of the improvements
- An assessment of historic, archaeological and environmental constraints
- Written and graphical documentation of proposed improvements and overall feasibility
- An approved GDOT Concept Report that will be the basis for future engineering, project administration and construction

The work to be accomplished under this contract is divided into the following tasks:

Task 1: Data Collection & Documentation of Existing Conditions

- Conduct a thorough review and assessment of available data including, but not limited to, traffic studies, accident history, GIS information, property plats, master plans, zoning ordinances and existing roadway design plans.
 - Relevant documents include:
 - Existing and future land use plans
 - Original BCID LCI Plan 2001
 - 2006 & 2011 BCID LCI Plan updates
 - 10-year update for the LCI Buckhead Action Plan
 - Special Public Interest (SPI) District - 9 zoning
 - Special Public Interest (SPI) District - 12 zoning
 - Pedestrian Circulation Study – Superblock
 - North Buckhead Civic Association Master Plan
 - Adjacent neighborhood master plans, as available
 - Buckhead Collection Greenspace Plan
 - Park over 400 concept plans
 - Gateway plans – Peter Drey
 - Connect Atlanta Plan
 - Connect Atlanta Bicycle Plan
 - Regional Xpress bus plan
 - Recent DRIs (Tower Place/Coro)
- Compile a base map using available mapping data and color aerial photography. The compiled information must be in an ESRI compatible format. Typical sections and other engineering type drawings will be created with up-to-date CAD software to document the existing conditions. Existing conditions to be noted include the presence of existing pedestrian/bike facilities, roadway widths and grades, subsurface drainage, adjacent topography and vegetation, and any other items the consultant feels are appropriate. Additional items to be mapped shall include: all natural resource constraints, slopes/grades, utilities, historic and archaeological constraints, etc. Additionally, the consultant will collect traffic information such as Average Daily Traffic and speed data, pedestrian and bicycle counts and available crash data. The consultant may elect to undertake a topographic survey to more accurately map roadway widths, location of existing buildings, natural and man-made drainage facilities and any other features that may be critical to the planning process.

Task 2: Public Involvement

The public involvement process shall, at a minimum, include the following components and shall be coordinated with the LCI public involvement process:

- *Project Management Team Management Meetings* – The BCID Project Management Team will provide day-to-day management guidance to the consultant. This group should be used to guide the overall planning effort.

- Stakeholder Committee Meetings – The stakeholder committee includes all stakeholder groups and should be used as the main body providing input into the plan development. This group shall include BCID, Livable Buckhead, City of Atlanta Public Works, GDOT, MARTA, major property owners and other groups as deemed necessary.
- General Public Meetings – Public meetings should be used as a medium to validate stakeholder committee input.

A minimum of **two (2) General Public Meetings** will be conducted in a format determined by the project management team. The following topics/milestones should be covered in the public meetings (at a minimum):

- Provide overview of study process, the goals of the study, key dates, and opportunities for public input.
- Solicit opinions on goals and objectives of the study, and the needs, strengths, weaknesses, opportunities and threats in the study area.
- Solicit opinions on opportunities for activation of public spaces and private spaces with public access.
- Review preliminary findings, present draft plan and gather comments.
- Seek approval for final plan documents.

Deliverable: Public Engagement Plan, presentation boards, PowerPoint or other presentation materials for all meetings, staffing and summaries of all meetings, comments and input received. These will be documented through meeting notices, meeting summaries and other written communications. Responses and acknowledgement of public comments will be addressed in the study reports.

Task 3: Scoping Study Report

- **Identify Land Use Context**

Identify the existing and proposed land uses in the study area, as well as the overall context of the area where the improvements are planned. Based on existing land use patterns and potential connections to planned or existing pedestrian and bicycle facilities, the consultant will document predicted and existing pedestrian/bicycle travel patterns to gain an understanding of the best location for new pedestrian/bike facilities.

- **Develop Conceptual Alternatives**

In coordination with the project management team and the stakeholder steering committee, the consultant will be responsible for identifying potential alternatives for the proposed bicycle and pedestrian facilities, as well as roadway and traffic signal improvements. At a minimum, a preferred alternative and two (2) additional alternatives should be developed.

Conceptual alternatives should also include roadway crossing needs, where applicable. If a proposed alignment includes off-road (multi-use path) and on-road bike facilities, discuss how these transitions will be made. The consultant will also review the proposed alternatives with regard to their respective abilities to meet the Americans with

Disabilities Act Accessibility Guidelines and other applicable State and Federal requirements and document any prospective non-compliance and potential reasons that non-compliance may be deemed acceptable.

The conceptual alternatives should also include any recommendations for new road networks, interparcel access and land uses that promote pedestrian and vehicular connectivity.

If the proposed improvements will likely be implemented in phases, the consultant shall make suggestions about how to break up the project into logical segments. The consultant will develop typical sections for the different alternatives that show basic dimensions and, if applicable, where the facility is located within existing road rights-of-way and in relation to travel lanes, shoulders, drainage facilities, utility poles, existing large trees and other features.

Each of the conceptual alternatives should be displayed graphically on the base mapping and in a format that can be used for formal presentations, technical reports and public meetings.

- **Identify Right-of-way Requirements**

Compile public right-of-way and adjacent property ownership information along the study area corridor and assess the right-of-way requirements associated with each of the conceptual alternatives. This information should identify any existing easements or restrictions on affected properties. The proposed right-of-way should be shown graphically on the base map.

- **Identify Utility Conflicts**

Identify and discuss all public and private underground and overhead utilities (water, sewer, fiber optics, electric, cable, phone, etc.) in the study area. Include a preliminary assessment of whether any relocations will be required and if the relocations will occur outside of the existing rights-of-way. For underground utilities, an assessment should be made of whether they will be impacted by construction of the proposed improvements. The assessment should include identification of owners of potentially impacted utilities.

- **Identify Natural and Cultural Resource Impacts and Permitting Requirements**

Conduct an environmental screening to identify natural and cultural resources in the study area, including wetlands, surface waters, floodplains, flora/fauna, endangered species, hazardous material sites, historic resources, archaeological resources, and Section 4(f) public lands. Identify potential impacts on these resources and permitting requirements. All environmental resource screenings should be conducted by qualified professionals.

- **Develop Preliminary Cost Estimates, Project Time Line & Funding Strategy**

Prepare a preliminary cost estimate for each of the conceptual alternatives that includes bid item quantities, as well as engineering, right-of-way and reimbursable utility costs.

The consultant should also prepare a project development timeline that includes the engineering, right-of-way acquisition, utility relocation and construction phases. If necessary, a project phasing plan should be developed that identifies how the proposed improvements would be implemented in phases. Finally, the consultant should identify local, state and federal funding sources to implement the proposed improvements.

Task 4: Concept Report

The consultant will prepare a formal GDOT Concept Report (as stipulated by the GDOT Plan Development Process) that will identify the improvements within the existing or proposed right-of-way of the Lenox Road study area. The consultant will be responsible for all tasks necessary to obtain Concept Report approval from GDOT, which would allow BCID to proceed with Preliminary Design tasks.

2. PART TWO – PROPOSAL FORMAT

- **Cost Proposal**

The cost proposal should be submitted in a **SEPARATE**, sealed envelope from the technical proposal. Do not include the Cost Proposal Form in the technical proposal.

The cost proposal should include a detailed line item budget including all labor and direct costs broken down by task. If the proposal includes recommended services beyond the scope listed, those should be called out separately as optional services.

The Project Management Team reserves the right to negotiate actual fees for the project following the consultant selection.

- **Technical Proposal**

The technical proposal should be submitted in a sealed envelope. To aid in thorough and consistent review, the technical proposal shall be submitted on no more than 25, one-sided, 8½” x 11” pages in no smaller than 10-point font and shall be clearly organized. Tabs and required forms will not be counted towards the 25-page limit.

Each proposal shall include a Title Page and a Table of Contents. The Title Page should identify the project, the name of the firm, name of the firm’s primary contact, address, telephone number, fax number and email address. The Table of Contents shall contain the sections and corresponding page number for the items listed below. All pages of the proposal must be clearly identified and consecutively numbered and correspond to the Table of Contents.

Project Approach – Each proposer shall provide with its proposal a summary that describes the proposer’s approach to the successful implementation of the proposed services. Each proposer shall submit in the order below:

- a. A detailed outline of proposed methodology to complete the project including brief

descriptions of the key tasks, key milestones and key deliverables. An estimate of hours per task by professional personnel category for the project phases/deliverables should be included.

- b. State the proposer's belief in the scope of the intended strategy within the RFP. If there are any gaps between what the proposer believes should be the proper scope of the services given all information known at the time of this RFP, the proposer should clearly state these gaps in this section and clearly mark these concerns as such.
- c. Discussion of the assumptions relating to the responsibilities and/or commitments the proposer is expecting of the BCID throughout the life of this project.

Team Qualifications – Each proposer shall document its staff, experience and qualifications by providing in its proposal a Staffing Plan describing the manner in which it plans to manage and staff the awarded contract, including the resumes of key and critical personnel, to successfully complete the project objectives on a timely basis and within the agreed upon budget. The Staffing Plan should include, as a minimum, the proposed project manager and key functional and technical team members and their related roles and shall provide, at a minimum, the following for each team member:

- a. Qualifications, including experience in the proposed project methodology and public sector and/or municipal experience;
- b. Summary of experience, including the number of years of relevant experience, years with the firm and representative project experience with project name, client and date performed;
- c. Other supporting documentation which demonstrates the ability to successfully perform the work;
- d. The intent, if any, to subcontract implementation personnel. The ARC has set a recommended DBE goal of 15.1%, and GDOT has established a recommended DBE goal of 12%. Describe, with specificity, the functions to be subcontracted and the expertise and credentials required from the subcontractor and include the subcontractor's company name; and
- e. The proposer's assurance, to the extent possible, that the proposed team members will be available and remain on the project until its completion. Include the availability of replacement team members in the event the proposed team members become unavailable prior to the commencement of or during the project.

Project Experience – Each proposer shall provide three case histories of recent similar projects completed by the firm.

Project Schedule – Each proposer shall provide a detailed project schedule corresponding to the proposed methodology and highlighting key tasks and milestones, including all public engagement activities.

Additional Materials – Each proposer may, but is not required to, include references, qualifications, resumes and any other materials deemed necessary (such as promotional

literature, white papers, etc.). They should be clearly marked “Additional Materials” and will not be included with the 25-page maximum guideline for the proposal length. Note that these materials may or may not be reviewed by all evaluators and will not be part of the official evaluation except to the extent they support qualifications and experience. Any out-of-scope services not covered in other sections should be included here with a description of the personnel likely to be involved, and the resources brought to bear (including costs and/or hourly rates) should be provided.

PART THREE – EVALUATION OF PROPOSALS

The Project Management Team will review all proposals submitted. After reviewing the proposals, the team may, at its discretion, invite one or more of the proposers to interview at the BCID’s site at the proposer’s own expense. The purpose of such an interview would be for proposers to elaborate upon their proposal before a recommendation for award is made. Interview responses, along with the written proposal, will become part of proposer’s submission to be evaluated pursuant to the evaluation criteria. The BCID reserves the right to short-list proposers for further consideration.

- **Selection Criteria**

The BCID, with guidance provided by the Project Management Team, may award the Contract to the responsible and responsive proposer which is deemed to be the most advantageous to the community by the Project Management Team, with price and other factors being considered. The following are the evaluation criteria the Project Management Team will consider in determining which proposal is most advantageous to the community:

- Project Understanding and Approach: The community is looking for an innovative and creative approach that recognizes the uniqueness and character of the community and builds off those assets to develop a vision that sets Buckhead apart from other communities.
- Qualifications: the community is looking for a diverse team of professionals comprised of seasoned individuals with vision, creativity, technical competence and experience in implementation to ensure the plans developed are visionary as well as technically sound and feasible.
- Similar Experience: While every community is unique, experience with similar planning efforts is critical.
- Interview: Public engagement is the most critical component of any communitywide visioning effort, therefore, the community is seeking a team with dynamic personalities that engage and inspire as they develop a rapport with the community.
- Pricing: Cost-effective proposals are important in awarding this contract. The cost proposal should include a detailed line item budget including all labor and direct costs broken down by task and hours. If the proposal includes recommended services beyond the scope listed, those should be called out separately as optional services.

- **Criteria Weighting**

The proposals will be ranked using the following allocation of points with the total eligible points being 100.

- Written Proposal /Project Approach: Maximum of 30 points
- Qualifications/Expertise: Maximum of 20 points
- Interview: Maximum of 30 points
- Cost: Maximum of 20 points

- **Selection Schedule:**

Advertise RFP:	June 24, 2016
Questions Due:	July 8, 2016
Responses Provided:	July 18, 2016
Proposals Due:	July 22, 2016
Complete Proposal Evaluations:	July 29, 2016
Conduct Interviews	August 1-5, 2016
Award Contract:	August 12, 2016
Begin Work:	August 15, 2016
Completion (approx. 10 months)	June 30, 2017

- **Acceptance of Proposals**

The Project Management Team reserves and holds without any liability on the part of Buckhead CID the following rights and options:

- To reject any and/or all submittals or portions of submittals
- To reject a subconsultant
- To re-advertise if deemed necessary
- To interview candidates prior to making a selection
- To issue subsequent Requests for Qualifications or Requests for Proposals
- To not negotiate or contract for the services
- To approve, disapprove, modify or cancel any of the scope of work to be undertaken

- **Contract Negotiations**

The contract for the work proposed in the RFP will be contracted through the Buckhead CID. The BCID will negotiate the terms of the contract with the firm(s) submitting the top-ranked response(s), or another ranked firm should negotiations with the top-ranked firm fail.

- BCID will not reimburse any costs incurred prior to a formal notice to proceed should a contract award result from this solicitation.

Equal Opportunity:

This will be an equal opportunity project. A consultant will be sought without regard to age, disability, religion, creed or belief, political affiliation, race, sex, or ethnicity.

Attachment "A"

COST PROPOSAL FORM

RFP 06.16 – Lenox Road Scoping Study

Acknowledgement is hereby made of the following Addendum(s) received since issuance of the Contract Documents (identified by number)

Addendum No.	Date	Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Company Name: _____

It shall be the responsibility of each Proposer to visit the BCID’s website to determine if addendum(s) were issued and, if so, to obtain such addendum(s). Failure to acknowledge an addendum above shall not relieve the Proposer from its obligation to comply with the provisions of the addendum(s) not acknowledged above.

Work is to commence on or about August 15, 2016.

The BCID requires pricing to remain firm for the duration of the initial term of the contract. Failure to hold firm pricing for the initial term of the contract will be sufficient cause for the BCID to declare bid non-responsive.

Termination for Cause: The BCID may terminate this agreement for cause upon ten days prior written notice to the Consultant of the Consultant’s default in the performance of any term of this agreement. Such termination shall be without prejudice to any of the BCID’s rights or remedies by law.

Termination for Convenience: The BCID may terminate this agreement for its convenience at any time upon 30 days written notice to the Consultant. In the event of the BCID’s termination of this agreement for convenience, the Consultant will be paid for those services actually performed. Partially completed performance of the agreement will be compensated based upon a signed statement of completion to be submitted by the Consultant, which shall itemize each element of performance.

Termination for fund appropriation: The BCID may unilaterally terminate this Agreement due to a lack of funding at any time by written notice to the Consultant. In the event of the BCID's termination of this Agreement for fund appropriation, the Consultant will be paid for those services actually performed. Partially completed performance of the Agreement will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

The Consultant agrees to provide all work to complete the project described in this document for the amount listed below.

COST PROPOSAL FORM (cont.)

TASK 1: Data Collection & Documentation of Existing Conditions	\$ _____
TASK 2: Public Involvement	\$ _____
TASK 3: Scoping Study Report	\$ _____
TASK 4: Concept Report	\$ _____
TOTAL COST	\$ _____

Legal Business Name _____

Federal Tax ID _____

Address _____

Representative Signature _____

Printed Name & Title _____

Telephone Number _____

Fax Number _____

Email Address _____

Attachment "B"

Insurance Requirements

The Consultant shall obtain and maintain the following insurance coverages issued by an insurance company authorized to do business in the State of Georgia with a minimum A.M. Best rating of "A VII" and reasonably acceptable to the CID. Consultant shall provide certificates of insurance evidencing these coverages to CID upon execution of this Agreement.

- A. Workmen's Compensation Insurance in accordance with the laws of the State of Georgia.
- B. Commercial General Liability Insurance including Bodily Injury and Property Damage in an amount of not less than Two Million Dollars (\$2,000,000) in the aggregate and One Million Dollars (\$1,000,000) per occurrence.
- C. Automobile Liability Insurance in an amount not less than Two Million Dollars (\$2,000,000) in the aggregate and One Million Dollars (\$1,000,000) per occurrence.
- D. Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the Project.
- E. Professional Liability Insurance in the minimum of One Million Dollars (\$1,000,000) per claim and One Million Dollars (\$1,000,000) in the aggregate.
- F. Umbrella Insurance in the minimum of Five Million Dollars (\$5,000,000) over and above the underlying required coverages of Commercial General Liability and Auto Liability coverage.

Consultant shall provide CID a minimum thirty (30) days written notice prior to any change in insurance coverage. Said liability insurance policies shall name CID as additional insured.

Attachment “C”

Governing Regulations/Required Forms

Non-Collusion Affidavit – Form B

The Proposal shall include Form B, certifying that the Proposal is not the result of and has not been influenced by collusion.

Conflict of Interest Disclosure Statement – Form C

Pursuant to Section 1.6.3, the Proposal shall include a certification on Form C describing potential organizational conflicts of interest, including disclosure of all relevant facts concerning any past, present, or currently planned interest that may present an organizational conflict of interest.

Participating Members, Contractors and Key Personnel Commitment – Form G

The Proposal shall include a completed Form G confirming the identity, current availability and commitment to the Project of the Participating Members, Major Non-Participating Members and Key Personnel for the Major Non-Participating Members that were listed by Proposer in the SOQ, subsequently approved in writing by GDOT in accordance the procedures set forth in this ITP.

Equal Employment Opportunity Certification – Form H

The Proposal shall include an executed copy of Form H, regarding participation in contracts subject to federal equal employment opportunity requirements.

DBE Certification and Program Description – Form I

The Proposal shall include an executed copy of Form I confirming, among other things, that Proposer will make a good faith effort to obtain DBE commitments equal to or exceeding the DBE participation goal in Section 1.8. The Proposal shall also include a commitments list for the project as specified in Form I.

Buy America Certification – Form J

The Proposal shall include an executed copy of Form J, regarding federal “Buy America” requirements.

Use of Contract Funds for Lobbying Certification – Form K

The Proposal shall include an executed copy of Form K, regarding use of contract funds for lobbying.

Debarment and Suspension Certification – Form L

The Proposal shall include an executed copy of Form L, regarding debarment and suspension of contractors.

GA Security & Immigration Compliance Act Certification - Form R

The Proposal shall include an executed copy of Form R regarding security and immigration compliance.

(Signature)

(Signature)

(Name Printed)

(Name Printed)

(Title)

(Title)

Subscribed and sworn to before me this ____ day of , 201__.

Notary Public in and for
said County and State
[Seal]

My commission expires: .

[Duplicate or modify this form as necessary so that it accurately describes the entity making the Proposal and so that it is signed on behalf of all partners, members, joint venture members, Participating Members and Major Non-Participating Members.]

FORM C
Conflict of Interest Disclosure Statement

Proposer's Name: _____ ("Proposer")

Proposer's attention is directed to Section 1.6.3 of the ITP regarding organizational conflicts of interest and the restrictions applicable to such conflicts. Proposers are advised that certain firms will not be allowed to participate on any Proposer's team for the Lenox Road Scoping Study (the "**Project**") because of their work with GDOT in connection with the Project procurement.*

* Initially capitalized terms not otherwise defined herein shall have the meanings ascribed thereto pursuant to the Instructions to Proposers within the Request for Proposals for the Project.

1. Required Disclosure of Conflicts

In the space provided below, and on supplemental sheets as necessary, identify all relevant facts relating to past, present, or planned interest(s) of the Proposer's team (including the Proposer, Participating Members, Major Non-Participating Members, proposed consultants and proposed subcontractors, and their respective chief executives, directors, and other key personnel for the project) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFP.

For any facts relating to past, present, or planned interest(s) of the Proposer's team (including the Proposer, Participating Members, Major Non-Participating Members, proposed consultants and proposed subcontractors, and their respective chief executives, directors, and other key personnel for the project) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFP, the Proposer shall disclose (a) any current contractual relationships with GDOT, (b) any past, present, or planned contractual or employment relationships with any officer or employee of GDOT, and (c) any other circumstances that might be considered to create a financial interest in the contract by any GDOT member, officer or employee, officer or employee if Proposer is awarded the DB Agreement. Proposer shall also disclose matters such as ownership of ten percent (10%) or more of the stock of, or having directors in common with, any of the individuals or entities involved in preparing the RFP. Proposer shall also disclose contractual relationships (i.e. joint ventures) with any of the individuals or entities involved in preparing the RFP, as well as relationships wherein such individual or entity is a contractor or consultant (or subcontractor or subconsultant) to Proposer or a member of Proposer's team. The foregoing is provided by way of example, and shall not constitute a limitation on the disclosure obligations. _____

2. Explanation

In the space provided below, and on supplemental sheets as necessary, identify steps the Proposer or other entities have taken or will take to avoid, neutralize, or mitigate any organizational conflicts of interest described herein. _____

FORM G
Form of Participating Members, Major Non-Participating Member, Contractors and Key Personnel Commitment

Proposer's Name: _____ (the "Proposer")

Proposer hereby commits that, if awarded the project (the "**Project**"), the Proposer will use the entities and individuals listed below for their stated positions and that, to the extent within the Proposer's control, such entities and individuals will be available to fulfill their Project-related responsibilities.

Participating Member: _____

Participating Member: _____

Participating Member: _____

Lead Contractor: _____

• **Project Manager:** _____

• **Superintendent:** _____

Lead Engineering Firm: _____

• **Lead Design Engineer:** _____

Key Personnel: _____

Signed: _____

Printed Name: _____

Title: _____

Date: _____

FORM H
Equal Employment Opportunity Certification

[To be executed by the Proposer, Participating Members, Major Non-Participating Members and proposed Contractors]

The undersigned certifies on behalf of _____, that:
(Name of entity making certification)

[check one of the following boxes]

- It has developed and has on file at each establishment affirmative action programs pursuant to 41 CFR Part 60-2 (Affirmative Action Programs).

- It is not subject to the requirements to develop an affirmative action program under 41 CFR Part 60-2 (Affirmative Action Programs).

[check one of the following boxes]

- It has not participated in a previous contract or subcontract subject to the equal opportunity clause described in Executive Orders 10925, 11114 or 11246.

- It has participated in a previous contract or subcontract subject to the equal opportunity clause described in Executive Orders 10925, 11114 or 11246 and, where required, it has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Signature: _____

Title: _____

Date: _____

If not Proposer, relationship to Proposer: _____

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by Proposers only in connection with contracts which are subject to the equal opportunity clause. Contracts that are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally, only contracts of \$10,000 or under are exempt.) Currently, Standard Form 100 (EEO-1) is the only report required by Executive Orders or their implementing regulations.

Proposers, Participating Members, Major Non-Participating Members or proposed Contractors who have participated in a previous contract subject to the Executive Orders and have not filed the required reports shall note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

FORM I
DBE Certification

DISADVANTAGED BUSINESS ENTERPRISES REQUIREMENTS

Georgia Department of Transportation's overall DBE goal is 12%

DBE Certification

By signing below, the Proposer certifies that (1) Proposer will provide a good faith effort to meet the goal; and (2) Proposer will submit a DBE Commitments List. See page of this form for Commitments List requirements.

Failure to submit the DBE Commitments List will be considered a breach of the requirements of the RFP. As a result, the Proposal Bond provided by the Proposer will become property of GDOT and the Proposer will be precluded from participating in any re-procurement of the DB Agreement for the Project.

[name]

[title]

The DBE firms to be utilized as counting toward the proposed goal must be listed on this form, along with their addresses, type of work and the amount to be paid to each of the minority firms. The amount entered will not necessarily be the contract amount, but must be the actual amount that will be paid to the DBE firm. In the case of a DBE supplier, the amount paid and 60% of that amount both will be entered; and only the 60% figure should be added to the total. An example of this is shown in the example chart:

Vender Number	Company Name and Address (City and State)	Type of Work	*Work Code	Race Neutral	Race Conscious	Amount
	ABC Oil Company Atlanta, GA	Diesel Fuel Supplier				\$80,000.00 (60%= \$48,000.00)

* For Departmental use ONLY. Do not fill in Work Codes.

The Contractor shall indicate for each DBE and Type of Work whether the DBE Participant is Race Neutral or Race Conscious by placing a checkmark in the appropriate column.

PLEASE NOTE: For 60% of the amount paid to a DBE supplier to be eligible to count toward fulfilling the DBE goal, the supplier must be an established "regular dealer" in the product involved, and not just a broker. A "regular dealer" would normally sell the product to several customers and would usually have product inventory on hand.

FORM J
Buy America Certification

The undersigned Proposer hereby certifies on behalf of itself and all contractors (at all tiers) the following:

- a. Proposer shall comply with the Federal Highway Administration (“FHWA”) Buy America Requirements of 23 CFR 635.410, which permits FHWA participation in the DB Agreement only if domestic steel and iron will be used on the Project. To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes that protect or enhance the value of the material to which the coating is applied. This requirement does not preclude a minimal use of foreign steel and iron materials, provided the cost of such materials does not exceed 0.1% of the design-build contract price.

- b. A false certification is a criminal act in violation of 18 U.S.C. 1001. Should this certification be investigated, Proposer has the burden of proof to establish that it is in compliance.

- c. At Proposer’s request, GDOT may, but is not obligated to, seek a waiver of Buy America requirements from FHWA if grounds for the waiver exist. However, Proposer certifies that it will comply with the applicable Buy America requirements if a waiver of those requirements is not available or not pursued by GDOT.

Date: _____

Signature: _____

Title: _____

Proposer’s Name: _____

FORM K
Use of Contract Funds for Lobbying Certification

The undersigned Proposer certifies on behalf of itself and all contractors (at all tiers) the following:

1. The Proposer certifies, to the best of its knowledge and belief, that:
 - a. 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.

 - b. If any funds (other than federal appropriated funds) received by Proposer under the RFP or DB Agreement 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 any 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, and shall include a copy of said form in its proposal or bid, or submit it with the executed DB Agreement or any or Subcontract.

2. 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 31 U.S.C. 1352. 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.

3. Proposer shall require that the language of this certification be included in all lower tier subcontracts which exceed one hundred thousand dollars (\$100,000) and that all such recipients shall certify and disclose accordingly.

4. The undersigned certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the undersigned understands and agrees that the provisions of 31 U.S.C. §3801, et seq., apply to this certification and disclosure, if any.

[Note: Pursuant to 31 U.S.C. §1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each expenditure or failure.]

Date: _____

Proposer: _____

Signature: _____

Title: _____

FORM L

Debarment and Suspension Certification

The undersigned Proposer certifies on behalf of itself, and all Participating Members, Major Non-Participating Members and Contractors identified by such Proposer as of the date hereof, as follows:

The undersigned certifies to the best of its knowledge and belief, that it and 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 3-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 1b of this certification; and

d. Have not within a three (3) year period preceding this application/proposal had one or more public transactions (federal, State or local) terminated for cause or default.

Where the Proposer is unable to certify to any of the statements in this certification, it shall attach a certification to its proposal or bid stating that it is unable to provide the certification and explaining the reasons for such inability.

Date: _____

Proposer: _____

Signature: _____

Title: _____

FORM R
GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contract No. and Name: _____
Design-Build Agreement for the _____ Project (the "Project")
Name of Contracting Entity: _____

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,¹ in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b). The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation at the time the subcontractor(s) is retained to perform such service.

EEV/E-Verify™ User Identification Number	Date of Authorization
BY: Authorized Officer or Agent (Name of Person or Entity)	Date
Title of Authorized Officer or Agent	Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____
DAY OF _____ 2011

Notary Public _____ [NOTARY SEAL]

My Commission Expires: _____
¹ or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify Information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603.

List of states that verify immigration status prior to issuance of a driver's license or I.D. card and only issue to persons lawfully present in the United States, as required by O.C.G.A Section 13-10-91(b)(5).

Compliant

Alabama
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
South Dakota
Tennessee
Texas
Vermont
Virginia
West Virginia
Wisconsin
Wyoming

New Mexico
New York
Rhode Island
Utah
Washington

Compliance Verification Pending

Maryland
Massachusetts

Non-Compliant

Alaska
Idaho
Illinois
New Jersey