NCDOT
OFFICE OF CIVIL RIGHTS

REQUEST for LETTERS of INTEREST (RFLOI)

2020-2022 TRIENNIAL ASPIRATIONAL DBE, MBE, & WBE GOALS – LIMITED SERVICES CONTRACT (LSC)

TITLE: 2020-2022 TRIENNIAL ASPIRATIONAL DBE, MBE, & WBE GOALS LSC

USING AGENCY: North Carolina Department of Transportation
Office of Civil Rights

ISSUE DATE: March 1, 2020

SUBMITTAL DEADLINE: March 31, 2020 - 12:00 P.M. (NOON) EST

ISSUING AGENCY: North Carolina Department of Transportation
Office of Civil Rights
Utilization

SYNOPSIS

The North Carolina Department of Transportation (“Department”) desires to engage a private consulting firm (“Firm”) to assist in preparing the Federal required triennial DBE (Disadvantaged Business Enterprise) goal for each of the three USDOT Divisions of Aviation (FAA), Public Transportation (FTA), and Highways (FHWA). Each overall DBE goal will be further broken down into race/gender-conscious and race/gender-neutral goals.

The Department also desires to engage the private consulting firm to assist in preparing the State required triennial state minority (MBE) and woman (WBE) business enterprise goals for the Division of Aviation, Division of Highways, Public Transit Division, and other modes, as applicable. The MBE and WBE goals will be further broken down into race/gender-conscious and race/gender-neutral goals.

In accordance with USDOT regulations 49 CFR Part 26, and North Carolina General Statute 136-28.4, the Department shall establish triennial (3 year) aspirational goals (or overall goals) that are based on demonstrable evidence of the availability of ready, willing and able DBEs, MBEs and WBEs relative to all businesses ready, willing and able to participate on contracts funded through the Department. The goals must reflect the determination of the level of DBE, MBE and WBE participation that would be expected absent the effects of discrimination.

The Department started setting annual MBE and WBE aspirational goals on state contracts in 2007 following the passage of House Bill (HB) 1827 and as required by the North Carolina General Assembly. In compliance with HB 1827, which has been incorporated into G.S. 136-
28.4, the state MBE/WBE program was to be designed to the extent reasonably practicable, to mirror the federal DBE Program as set forth in 49CFR.

The Department is responsible for overseeing the project development, letting, bidding, and award of contracts. State funded projects are reviewed for MBE and WBE subcontracting potential and Advertised Goals for each project are determined. The same concept applies for federally funded projects that have a DBE Advertised Goal for each project. The review to determine the project specific goals includes the number of ready, willing and able DBE, MBE and WBE contractors, subcontracting opportunities and the location of the project. Goals are set for all modes of transportation including highways, rail, ferry, aviation and transit, as well as facility and municipal projects that have Department funds. It should be noted that the highway portion of the ferry projects are to be considered under the highway goal. This is for non-vertical projects only.

**REGISTRATION AND INSURANCE**

Except as provided below any firm wishing to be considered must be properly registered with the Office of the Secretary of State. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered. If Engineers are performing the work and are in responsible charge of the work, they must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. Firms which are not providing engineering services need not be registered with the North Carolina Board of Examiners for Engineers and Surveyors. Some of the services being solicited may not require a license. It is the responsibility of each firm to adhere to all laws of the State of North Carolina.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of $1,000,000.00. The firm(s) must have an adequate accounting system to identify costs chargeable to the project. Evidence of an acceptable accounting system may be audited prior to official award.

**ASSURANCE OF NONDISCRIMINATION**

The North Carolina Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all RESPONDENTS that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit LETTERS of INTEREST (LOIs) in response to this ADVERTISEMENT and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

**SCOPE OF WORK**

The NCDOT is soliciting proposals for the services of a firm who can perform the scope of work/proposed tasks outlined below, which are designed to ensure consistent delivery of required business results; meet or exceed aggressive, goals; consistently comply with quality, service and productivity standards and meet deadlines; and maintain focus on organizational and stakeholder goals.
The North Carolina Department of Transportation (“Department”) desires to engage a private consulting firm (“Firm”) to assist in preparing the Federal required triennial DBE (Disadvantaged Business Enterprise) goal for each of the three USDOT Divisions of Aviation (FAA), Public Transportation (FTA), and Highways (FHWA). Each overall DBE goal will be further broken down into race/gender-conscious and race/gender-neutral goals.

The Department also desires to engage the private consulting firm to assist in preparing the State required triennial state minority (MBE) and woman (WBE) business enterprise goals for the Division of Aviation, Division of Highways, Public Transit Division, and other modes, as applicable. The MBE and WBE goals will be further broken down into race/gender-conscious and race/gender-neutral goals.

The goals will be submitted to the specific Federal and/or State Administration, if applicable, no later than August 1st of the identified year (see below).

<table>
<thead>
<tr>
<th>Agency</th>
<th>Due Date to Federal Agency</th>
<th>FY Period Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTA/NC DOT Public Transit Division</td>
<td>August 1, 2022</td>
<td>2023, 2024, 2025</td>
</tr>
<tr>
<td>FAA/ NC DOT Division of Aviation</td>
<td>August 1, 2023</td>
<td>2024, 2025, 2026</td>
</tr>
<tr>
<td>FHWA/ NC DOT Division of Highways</td>
<td>August 1, 2021</td>
<td>2022, 2023, 2024</td>
</tr>
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The overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on the USDOT-assisted contracts. Upon the determination, the goal must reflect the level of DBE participation one would expect absent the effects of discrimination.

The submittal must include all calculations and assumptions made to determine the overall goal. A clear description of the public participation process as well as a summary of the comments received during that process should be well documented.

The Firm shall explain their approach to, or general methods used to, address the following:

- Determine a base figure (goal) for the relative availability of DBEs, MBEs and WBEs;
- Determine the market area;
- Determine any adjustments that may need to be applied to the base figure;
- Calculate the final goal(s) for each federal administration (i.e. FHWA, FTA and FAA) and for State-funded projects; and
- Determine method to break out the race/gender-conscious and race/gender-neutral goals.

There may be other tasks not specifically enumerated above that will be assigned under this LSC to assist with projects related to triennial aspirational goal setting, including, but not limited to, the implementation of NCDOT’s 2019 Disparity Study, and policy development and training for goal setting.
PROPOSED CONTRACT TIME: TWO (2) YEARS; WITH AN OPTIONAL ONE (1) YEAR EXTENSION

PROPOSED CONTRACT PAYMENT TYPE: COST - PLUS AGAINST A CONTRACT MAXIMUM OR LUMP SUM

SUBMITTAL REQUIREMENTS

All LOIs are limited to ten (10) pages inclusive of the cover sheet and shall be typed on 8-1/2” x 11” sheets, single-spaced, one-sided.

LOIs containing more than ten (10) pages will not be considered.

**ONLY ELECTRONIC LOIs WILL BE ACCEPTED.**

LOIs should be submitted in .pdf format using software such as Adobe, CutePDF PDF Writer, Docudesk deskPDF, etc.

The LOI should be sent as a .pdf file, through NCDOT’s File Transfer System (FTS), to pobroadwater@ncdot.gov. The FTS will send you an electronic receipt when your LOI is uploaded to NCDOT’s FTS. Paper copies are not required. The subject line should contain the Firm’s Name, and “LOI for 2020-2022 TRIENNIAL ASPIRATIONAL DBE, MBE, & WBE GOALS LSC.”

If an interested firm does not have an FTS account, they should send a request through regular e-mail to pobroadwater@ncdot.gov. A response will be sent via the FTS system that will provide a login username, password, and login procedures.

LOIs SHALL be received electronically no later than 12:00 P.M. (NOON) EST, MARCH 31, 2020.

LOIs received after this deadline will not be considered.

Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above (and any other requirements in this Advertisement). If LOIs are submitted late, exceed the maximum number of pages, are sent by any means other than NCDOT’s FTS system, or are sent to any address other than pobroadwater@ncdot.gov they will be disqualified.

The Department reserves the right to reject all LOIs and not proceed with procurement.

The Department reserves the right to waive any technicality in LOIs, or notify the Firm(s) of such technicality and allow the Firm(s) up to two (2) business days to rectify the technicality.

All correspondence and questions concerning this RFLOI should be directed to Pandora Broadwater, Administrative Specialist for Office of the Civil Rights at pobroadwater@ncdot.gov.

IF APPLICABLE, questions may be submitted electronically only, to the contact above. Responses will be issued in the form of an addendum available to all interested parties. Interested parties should also send a request, by email only, to the person listed above to be
placed on a public correspondence list to ensure future updates regarding the RFLOI or other project information can be conveyed. Questions must be submitted to the person listed above no later than **March 16, 2020**. The last addendum will be issued no later than **March 20, 2020**.

**NOTE:** To adhere to the Timeframe, a Notice to Proceed is expected to be issued shortly after (a) firm(s)/team(s) is/are selected. All firm(s)/team(s) submitting a LETTER OF INTEREST should make sure that their rates and overheads are current and have been audited by NCDOT.

**SELECTION PROCESS**

The following is a general description of the selection process:

A Selection Team will be convened to evaluate proposals received in accordance with the schedule and evaluation criteria stated in this RFLOI. The Selection Team will rank the consulting candidates (firms, teams and/or individuals), and will short list a group of finalists for a personal interview which will provide most qualified consultant(s) for each Task or group of tasks.

The Selection Team will then negotiate with the most qualified consultant(s) firm, based on a thorough and detailed scope of services, and will reach agreement on terms and fees for professional services valid for the period of engagement. In the event an agreement cannot be reached, the Selection Team reserves the right to terminate negotiations with that consultant and will commence negotiations with the next most qualified consultant. All contracts will be negotiated on a lump sum or cost plus against a contract maximum basis, as determined by the NCDOT.

The Selection Team may, at the Department’s discretion, choose any number of firms to provide the services being solicited. Selection of any firm and/or team is subject to the approval of the North Carolina Department of Transportation.

**SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION**

The Department encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender-neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the Department’s Subconsultant Form RS-2. RS-2 forms may be accessed on the Department’s website at NCDOT Connect Guidelines & Forms.

The SPSF must be qualified with the Department to perform the work for which they are listed.

**PREQUALIFICATION**
The Department maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department prior to submittal of your LOI. An application may be accessed on the Department’s website at Prequalifying Private Consulting Firms -- Learn how to become Prequalified as a Private Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Professional Services Contracts are race and gender neutral and do not contain goals. However, the Respondent is encouraged to give every opportunity to allow Disadvantaged, Minority-Owned and Women-Owned Business Enterprises (DBE/MBE/WBE) subconsultant utilization on all LOIs, contracts and supplemental agreements. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

**DIRECTORY OF FIRMS AND DEPARTMENT ENDORSEMENT**

Real-time information about firms doing business with the Department, and information regarding their prequalifications and certifications, is available in the Directory of Transportation Firms. The Directory can be accessed on the Department's website at Directory of Firms -- Complete listing of certified and prequalified firms.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

**SELECTION CRITERIA**

All firms who submit responsive letters of interest will be considered.

Responses to this RFLOI will be evaluated in accordance with the following criteria:

1. **30%** = The Firm’s approach and understanding of the requirements of determining the base figure and any adjustments to arrive at the overall goal. This should include the Firm’s ability to provide documentation/work product to support the methodology for how the Firm arrived at the overall goal.

2. **20%** = The Firm’s knowledge of disparity studies and how the data derived thereof is used to set overall aspirational goals.

3. **20%** = Knowledge of and implementation of Federal USDOT, State (NCDOT) laws, regulations, policies and programs associated with highway construction; highway, professional services and purchasing (goods and services) contracts; and contract administration.
4. **20%** = Demonstrated experience, proven record of success on similar projects, proof of ethical performance and professional integrity.


**SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS**

The LOI should be addressed to **Pandora Broadwater, Administrative Specialist for Office of Civil Rights** and must include the name, address, telephone number, and e-mail address of the prime consultant’s contact person for this RFLOI.

The LOI must also include the information outlined below:

**Chapter 1 - Introduction**

The Introduction should demonstrate the consultant's overall qualifications to fulfill the requirements of the scope of work and should contain the following elements of information:

- Expression of firm’s interest in the work;
- Statement of whether firm is on register with the NC Secretary of State;
- Statement regarding firm’s(’s) possible conflict of interest for the work; and
- Summation of information contained in the letter of interest.

**Chapter 2 - Team Qualifications**

This chapter should elaborate on the general information presented in the introduction, to establish the credentials and experience of the consultant to undertake this type of effort. The following must be included:

1. Identify recent, similar projects the firm, acting as the prime contractor, has conducted which demonstrates its ability to conduct and manage the project. Provide a synopsis of each project and include the date completed, and contact person.
2. If subconsultants are involved, provide corresponding information describing their qualifications as requested in bullet number 1 above.

**Chapter 3 - Team Experience**

This chapter must provide the names, classifications, and location of the firm's North Carolina employees and resources to be assigned to the advertised work; and the professional credentials and experience of the persons assigned to the project, along with any unique qualifications of key personnel. Although standard personnel resumes may be included, identify pertinent team experience to be applied to this project. Specifically, the Department is interested in the experience, expertise, and total quality of the consultant's proposed team. If principals of the firm will not be actively involved in the study/contract/project, do not list them. The submittal shall clearly indicate the Consultant's Project Manager, other key Team Members and his/her qualifications for the proposed work. Also, include the team's organization chart for the Project / Plan. A Capacity Chart / Graph (available work force) should also be included. Any other pertinent information should also be listed in this section.
Note: If a project team or subconsultant encounters personnel changes, or any other changes of significance dealing with the company, NCDOT should be notified immediately.

Chapter 4 - Technical Approach
The consultant shall provide information on its understanding of, and approach to accomplish, this project, including their envisioned scope for the work and any innovative ideas/approaches, and a schedule to achieve the dates outlined in this RFLOI (if any project-specific dates are outlined below).

SUBMISSION SCHEDULE AND KEY DATES
RFLOI Release – March 1, 2020
Deadline for Questions – March 16, 2020
Issue Final Addendum – March 20, 2020
Deadline for LOI Submission – March 31, 2020, 12:00 P.M. (NOON) EST
Shortlist Announced * - April 17, 2020
Interviews - the week of May 4, 2020
Firm Selection and Notification ** - TBD
Anticipated Notice to Proceed – August 1, 2020

* Notification will ONLY be sent to shortlisted firms.
** Notification will ONLY be sent to selected firms.