



Engineering Department Memorandum

Addendum # 1– Clarifications to the RFLOI

U-6225 White Oak, Hebron Church, Ackerman Roundabout

Date: March 10, 2023

This addendum includes the following documents:

1. RFLOI Addendum 1 Questions and Answers
2. EXHIBIT A; NCDOT Professional Services – Construction Engineering and Inspection Handbook

I acknowledge receipt of this addendum (Please include along with your bid submittal):

NAME: _____

COMPANY NAME: _____

ADDRESS: _____

TEL. NO: _____ FAX NO: _____

E-MAIL ADDRESS: _____

REQUEST FOR LETTER OF INTEREST (RFLOI) ADDENDUM

Agency:	Town of Garner	Addendum Number:	1
Project:	U-6225 White Oak, Hebron Church, Ackerman Roundabout	Department:	Engineering

SCOPE OF ADDENDUM

This addendum includes clarifications to the RFLOI based on the questions received.

1. **Can a consultant or sub-consultant that has done prior work for U-6225 White Oak, Hebron Church, Ackerman Roundabout Project submit for the CEI services? Does this prior work conflict the firm from performing the CEI for this same project?**

A prior consultant or sub-consultant of the project would need to request an exemption from DOT's prohibition on allowing the design firm to compete for the CEI contract. The Town would need to submit this exemption request – the letter should address how the Town would provide oversight and prevent any conflict of interest. There's more information on page 2 of the NCDOT Professional Services – Construction Engineering and Inspection Handbook, see exhibit A on the following pages.

2. **What does the structural work code apply to?**

The Town was advised to add the structural work code as common practice for any situation that could arise during construction. We do not currently have any items that typically fall under NCDOT's 00233 - structures, the typical structures this code applies to are retaining walls, bridges, and culverts.

EXHIBIT A

NCDOT Professional Services – Construction Engineering and Inspection Handbook

PROFESSIONAL SERVICES – CONSTRUCTION ENGINEERING & INSPECTION

Construction engineering and inspection (CEI) describes the engineering field inspection and on-site field testing of materials and contractor work to provide the necessary documentation to satisfy the requirements of FHWA and NCDOT project specifications.

POLICY: CEI must be performed in accordance with NCDOT Specifications in order for the Department and FHWA to participate in the costs of a project.

CEI may be performed by the LGA's in-house staff or by a qualified consultant that is obtained through the appropriate procurement process. See the [Professional Services](#) section for procurement requirements for professional service firms.

Note: LGAs may hire testing firms to provide acceptance testing for certain project related materials and contractor work. Firms specially hired to perform these tests are not considered professional service firms and may be hired to perform this testing under the LGAs normal procurement procedures. All technicians performing sampling and testing must have appropriate certifications as required by NCDOT.

Failure on the part of the LGA or the Department to perform CEI services adequately can result in not being reimbursed for the engineering and inspection services performed as well as project work performed by the Contractor.

The Municipal Agreement limits the reimbursement of any CEI work to fifteen percent (15%) of the construction contract; however, exceptions may be made to exceed that amount if justified by the LGA and approved by the Division AND if sufficient funding is available through the Agreement.

Private Engineering Firms Hiring Contractor/Supplier Employees (NEW!)
In conformance with the NCDOT Standard Specifications (108-5) and NCDOT Ethics Policy, private engineering employees who were previously employed by a contractor may not perform any function on a project with which they have been involved during employment with the contractor. Further, any Quality Control Technician who was previously employed by a contractor or material supplier and hired as a Quality Assurance Technician shall not sample or test material from their former employer for a period of six months.

Requests to Utilize the Same Firm (PEF) for both Design and Contract Administration Services

The Department's practice is to prohibit firms that have provided design services for a specific project from participating in the contract administration for that project. The purpose of this practice is to avoid conflicts of interest that may result in additional costs to the Department or create potential long term maintenance or safety related issues. Requests for an exception to this practice may be submitted to the Department and will be reviewed on a case by case basis. Some examples where an exception may be approved are:

- Projects that do not directly impact the motoring public and present low risk of future safety or maintenance related issues. This could include projects that primarily involve construction of such facilities as sidewalks, greenways, wetland mitigation sites, or bus stops.
- Projects with a total construction contract value of less than \$1.2 Million.
- The requested contract administration is limited only to the items of work that the firm did not directly design or if the firm performed preliminary engineering work of a minor nature.
- The LGA demonstrates control of the work, maintaining approval of payments and any change orders.

It is noted that if the above exception is approved, the PEF utilized to perform contract administration must be prequalified to perform CEI. Separate prequalifications exist for Roadway and Structures CEI. In addition, procurement of the PEF services must follow all Federal and State policies and be obtained through an equitable selection process.

PROCEDURE

- Submit Letter requesting an exemption to policy to LPMO. Letter should address how the LGA will eliminate potential conflicts of interest; also include information on the scale of the project, impact, risks, and quantity of work.
- Exemption Approval will come directly from the Construction Unit to the LGA.

IMPORTANT: Exemption does not allow the LGA to extend the design contract to include the construction contract administration; Federal requirements dictate that the LGA will have to undertake a new solicitation to ensure competition. By obtaining an exemption, the LGA can allow the design firm to compete for the CCA contract. See [Professional Services](#) section for procurement requirements.

Materials and Testing

All technicians performing sampling and testing for the PEF must have appropriate certifications as required by NCDOT. The Materials & Tests Unit is responsible for providing training for technicians.

RESOURCES:

- NCDOT's Prequalification Process -
<http://www.ncdot.gov/business/howtogetstarted/privateconsult/>
- Available training courses to obtain required certifications:
<http://www.ncdot.gov/doh/operations/materials/>

Town of Garner

REQUEST for LETTERS of INTEREST (RFLOI)

U-6225 White Oak, Hebron Church, Ackerman Roundabout

TITLE: **U-6225 White Oak, Hebron Church, Ackerman Roundabout**
ISSUE DATE: **February 22, 2023**
SUBMITTAL DEADLINE: **March 22,2023**
ISSUING AGENCY: **Town of Garner**

SYNOPSIS

SUBCONSULTANTS ARE PERMITTED UNDER THIS CONTRACT.

This contract shall be partially reimbursed with Federal-aid funding through the North Carolina Department of Transportation (hereinafter referred to as the Department). The solicitation, selection, and negotiation of a contract shall be conducted in accordance with all Department requirements and guidelines.

The primary and/or subconsultant firm(s) (*if Subconsultants are allowed under this RFLOI*) shall be pre-qualified by the Department to perform **ALL / ANY COMBINATION** of the Discipline Codes listed below for the Town of Garner. Discipline Codes required are:

- **00195 – ROADWAY CONSTRUCTION ENGINEERING AND INSPECTION**
- **00233 – STRUCTURES CONSTRUCTION ENGINEERING AND INSPECTION**

WORK CODES for each primary and/or subconsultant firm(s) (*if Subconsultants are allowed under this RFLOI*) **SHALL** be listed on the respective RS-2 FORMS (see section ‘SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS’).

This RFLOI is to solicit responses (LETTERS of INTEREST, or LOIs) from qualified firms to provide professional consulting services to:

PROPOSED CONTRACT SCOPE SUMMARY.

The Town of Garner desires to engage a private engineering consulting firm to provide Construction Engineering and Inspection (CEI) and Construction Contract Administration services for TIP Project U-6225 White Oak, Hebron Church, Ackerman Roundabout. Town of Garner construction project with an anticipated start date in Fall 2023, and **approximately 9 months of construction**. The selected firm will report directly to the TOWN OF GARNER, ENGINEERING DEPARTMENT.

LOIs SHALL be received BY MAIL, OR HAND-DELIVERY no later than 3pm, March 22, 2023.

The address for mailings is:

TOWN OF GARNER
Attn: Engineering Department, Lisa Rodriguez
Engineering Department
900 7th Avenue
Garner, NC 27529

The address for hand-deliveries is:

TOWN OF GARNER
Attn: Engineering Department, Lisa Rodriguez
Engineering Department
900 7th Avenue
Garner, NC 27529

***Hand-delivered submissions should be dropped off at the Planning/Engineering counter which is located on your right-hand side when entering the Town Hall Main Entrance. Please do not leave submissions with the finance counter. Best practice is to ask for Lisa Rodriguez at time of drop off to make sure the submissions get to the right person.**

DO NOT INCLUDE A FEE SHEET OR ANY DISCUSSION OF FEE WITH SUBMISSION.

LOIs received after this deadline will not be considered.

Except as provided below any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Examiners for Engineers and Surveyors. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered with the North Carolina Board of Examiners for Engineers and Surveyors and/or the NC Board for Licensing of Geologists. The Engineers performing the work and in responsible charge of the work 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.

SCOPE OF WORK

The **TOWN OF GARNER** is soliciting proposals **(excluding fees)** for the services of a firm/team for the following contract scope of work:

The Town of Garner, in coordination with the North Carolina Department of Transportation, proposes a partial dual-lane roundabout at the intersection of White Oak Road, Hebron Church Road, and Ackerman Road. The project will include street and storm drainage improvements, raised concrete splitter islands, private utility relocation/coordination, pavement markings and traffic signage. The proposed project is located at the intersection of White Oak Rd, Hebron Church Rd and Ackerman Rd in Garner, Wake County, NC. This project will include the installation of These improvements are funded under the Locally Administered Projects Program (LAPP).

The desired services include Construction Engineering and Inspection (CEI) and Construction Contract Administration for the entire project with the two components as described above. Tasks to be performed include, but are not necessarily limited to:

- Producing an Inspector's Daily Report giving a detailed account of all activities during the life of the project.
- General project oversight.
- Required Materials testing
- Maintaining a Project Diary with Inspector's Daily Reports and other required information
- Maintaining Pay Records
- Attend preconstruction conference and assist Town staff in ensuring proper execution of all contract documents.
- Ensuring safety compliance from the Contractor
- Reviewing and verifying contractor pay applications
- Maintaining written correspondence with the Contractor
- Schedule and conduct monthly progress meetings as necessary
- Completing and maintaining minutes of all project monthly meetings
- Ensuring Contractor compliance with Buy America provisions in 23 U.S.C. Sec. 313 and 23 C.F.R. Sec. 635.410
- Ensuring timely Contractor/Subcontractor submission of Certified Payrolls, ensuring Certified Payrolls include all required information, and maintaining Certified Payrolls in the project file
- Verifying certified payrolls to assist Town in making payments to the Contractor
- Performing calendar year quarterly Wage Rate Interviews and other employee interviews as necessary to ensure proper Contractor and-or Subcontractor employee classification and compensation and proper inclusion of employees on Contractor and-or Subcontractor Certified Payrolls; notifying the Town of any and all complaints by Contractor/Subcontractor employees related to payment or employment classification; and coordinating with the Town as needed to investigate and-or report complaints to NCDOT or other applicable agencies
- Ensuring that appropriate federal posters are displayed on the jobsite and accessible to all employees on the jobsite
- Processing all Change Orders and Supplemental Agreements for project construction
- Processing all Requests for Extensions in Contract Time and Additional Compensation claims
- Ensuring prompt payment by the Contractor to any Subcontractors
- Ensuring Contractor submittal, with each pay request, of accounting of payments made to DBE firms, including material suppliers and contractors at all levels (prime,

subcontractor or second tier subcontractor); comparing final payments to DBE firms with project commitments (see below); and, as needed, obtaining explanations of DBE payment shortfalls

- Performing final inspection and when work is to contract standards recommending acceptance of the project to the Town
- Working with the NCDOT Materials and Tests Unit in ensuring that all project materials and products meet the required criteria; and providing and/or maintaining required materials and testing documentation
- Completing and/or reviewing of Materials Received Reports (MRRs) for any non-exempt materials to be temporarily or permanently incorporated in the construction; and, as needed, assisting the Town in investigating and follow-up action in the event one or more materials fail tests
- Communicating with NCDOT and-or FHWA regarding Independent Assurance testing of materials
- As needed, working with the Town to keep in communication with appropriate staff from the NCDOT regarding project progress
- Submitting original project materials records to the NCDOT Materials and Tests Unit as necessary
- Inspecting erosion control devices to ensure they are properly installed and maintained
- Maintain erosion control Records
- Inspecting Traffic Control for compliance with MUTCD/Traffic Control Plan and maintain documentation
- Coordinating with the Town in arranging reimbursement requests from NCDOT, and ensuring that the Contractor and-or Subcontractors do not engage in any activity in violation of a provision in the Municipal Agreement or Supplemental Agreements These documents will be provided to the selected firm.
- In general, ensuring Contractor/Subcontractor compliance with approved plans and specifications
- Miscellaneous communication with the Town and NCDOT relating to the tasks listed above or other matters pertinent to the CEI services
- Communication with City of Raleigh for associated water and sewer work and/or issues if needed.
- Assist the Town in the preparation of final closeout with NCDOT, to include preparation of the final estimate and all associated items and providing proper documentation to NCDOT
- All work shall be done in accordance with NCDOT Standard Specifications and the NCDOT Construction Manual unless otherwise specified in the U-6225 White Oak, Hebron Church, Ackerman Roundabout Project Manual .

The firm must demonstrate the ability to provide Construction Technicians with the appropriate skills and qualifications to perform inspection, materials sampling, materials testing, surveying grade verification, documentation of pay quantities, erosion control and permit compliance, safety compliance and claims avoidance.

The technicians performing the inspection work must be trained, qualified, and certified by the National Institute for Certification in Engineering Technologies (NICET) or have an approved combination of education, experience, and training. NCDOT certifications shall be required for testing and inspection.

PROPOSED CONTRACT TIME: 270 CALENDAR DAYS

PROPOSED CONTRACT PAYMENT TYPE: COST PLUS BASIS

SUBMITTAL REQUIREMENTS

All LOIs are limited to **TWELVE (12)** pages (RS-2 forms are not included in the page count) inclusive of the cover sheet and shall be typed on 8-1/2" x 11" sheets, single-spaced, one-sided.

*Fold out pages **are not** allowed. In order to reduce costs and to facilitate recycling; binders, dividers, tabs, etc. are prohibited. One staple in the upper left-hand corner is preferred.*

LOIs containing more than **TWELVE (12)** pages will not be considered.

FOUR (4) total copies of the LOI should be submitted.

Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above. If LOIs do not meet ALL of these requirements, they will be disqualified. No exception will be granted.

SELECTION PROCESS

Following is a general description of the selection process:

- The LGA's Selection Committee will review all qualifying LOI submittals.
- For Limited Services Contracts (On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, choose any number of firms to provide the services being solicited.
- For Project-Specific Contracts (non On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, shortlist a minimum of three (3) firms to be interviewed. IF APPLICABLE, dates of shortlisting and dates for interviews are shown in the section SUBMISSION SCHEDULE AND KEY DATES at the end of this RFLOI.
- In order to be considered for selection, consultants must submit a complete response to this RFLOI prior to the specified deadlines. Failure to submit all information in a timely manner will result in disqualification.

TITLE VI NONDISCRIMINATION NOTIFICATION

The LGA in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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.

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

In selecting a firm/team, the selection committee will take into consideration qualification information including such factors as:

1. Firm's experience, knowledge, familiarity and past performance with similar LAPP funded municipal CEI projects.- 30%

2. The experience of the firm's proposed staff to perform the type of work required - 40%
3. Firm's understanding of the project specific issues and their responsibility in delivering services for the advertised project – 30%

After reviewing qualifications, if firms are equal on the evaluation review, then those qualified firms with proposed SPSF participation will be given priority consideration.

SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS

The LOI should be addressed to **Lisa Rodriguez, EI, Senior Engineering Project Manager** 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;
- Date of most recent private engineering firm qualification;
- Statement regarding firm'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).

APPENDICES-

CONSULTANT CERTIFICATION Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest. This section is limited to the number of pages required to provide the requested information.

Submit Form RS-2 forms for the following:

- **Prime Consultant firm**
 - Prime Consultant Form RS-2 Rev 1/14/08; and
- **ANY/ALL Subconsultant firms** to be, or anticipated to be, utilized by your firm.
 - Subconsultant Form RS-2 Rev 1/15/08.
 - In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word "None" or the number "ZERO" and signing the form.

Complete and sign each Form RS-2 (instructions are listed on the form).

The required forms are available on the Department's website at:
<https://connect.ncdot.gov/business/consultants/Pages/Guidelines-Forms.aspx>

[Prime Consultant Form RS-2](#)

[Subconsultant Form RS-2](#)

All submissions, correspondence, and questions concerning this RFLOI should be directed to **Lisa Rodriguez at (919) 890-7310 or by email at erodriguez@garnernc.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 7, 2023**. The last addendum will be issued no later than **March 10, 2023**.

SUBMISSION SCHEDULE AND KEY DATES

RFLOI Release – **February 22, 2023**

Deadline for Questions – **March 7, 2023**

Issue Final Addendum – **March 10, 2023**

Deadline for LOI Submission – **March 22, 2023**

Shortlist Announced * - **April 12, 2023**

Interviews - the week of **April 17, 2023**

Firm Selection and Notification - **May 17, 2023**

Anticipated Notice to Proceed – **Fall 2023**

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