

REQUEST FOR PROPOSAL



HAMPTON ROADS PLANNING DISTRICT COMMISSION

AND THE

SOUTHSIDE NETWORK AUTHORITY

JOINT PROCUREMENT OF
PROFESSIONAL SERVICES FOR
AUDIT SERVICES

FIN-RFP-2021-01

September 24, 2020

REQUEST FOR PROPOSAL (RFP)

Hampton Roads Planning District Commission and the Southside Network Authority

ISSUE DATE: September 24, 2020

RFP No: FIN-RFP-2021-01

TITLE: AUDIT SERVICES

ELEMENT No: 999000

ISSUED BY: Hampton Roads Planning District Commission / Hampton Roads Transportation Planning Organization (Organization), Procurement Officer, 723 Woodlake Drive, Chesapeake, VA 23320 on behalf of the Organization and the Southside Network Authority (Authority).

PURPOSE: The Hampton Roads Planning District Commission (HRPDC)/Hampton Roads Transportation Planning Organization (HRTPO) (hereinafter collectively referred to as the "Organization"), on behalf of the Organization and the Southside Network Authority (hereinafter referred to as the "Authority") in accordance with Va. Code §2.2-4304(A), is soliciting proposals for the joint procurement of professional services from qualified firms of Certified Public Accountants (hereinafter referred to as the "Offeror") to conduct separate year-end audits and to prepare separate financial statements on an annual basis, in accordance with generally accepted auditing standards as contained in GASB and the provisions of the Uniform Guidance that replaces OMB Circular A-133, and to provide professional advice and counsel as may be required throughout the year.

PERIOD OF CONTRACT: Two separate contracts will be awarded to a single Auditor; one contract will be issued by the Organization and the second contract will be issued by the Authority. The original period of each contract will be for one year beginning July 1, 2021. Each contract may be renewed independently upon written agreement of both parties for another four (4) successive one (1) year periods, under the terms of the current contract, and at a reasonable time (approximately 90 days) prior to the expiration. The contract price shall be firm for the initial contract period. The price for each subsequent contract year may not exceed three percent (3%) above the previous year's fee, unless additional work is contracted, and shall remain firm for the renewal year.

PROPOSALS WILL BE RECEIVED UNTIL: 2:00 PM on Tuesday, October 27, 2020 for furnishing the services described herein under Scope of Work in Attachment 2.

All Inquiries for Information should be directed to: Danetta M. Jankosky, Procurement Officer, Phone: (757) 420-8300, Fax: (757) 523-4881, Email: djankosky@hrpdcva.gov or to the address noted below. All questions must be submitted **in writing** to Ms. Jankosky **by the date and time noted in Section IV below**. If necessary, an addendum will be posted on the following websites: hrpdcva.gov/page/procurement/ and hrtpo.org/page/procurement/.

It shall be the responsibility of the prospective Offeror to monitor the website, or request a copy to be sent to them, for published addenda and to have all addenda signed by an authorized representative of the company. All fully executed addenda must be returned to the Organization along with the signed proposal. (Form 3)

DELIVER PROPOSALS BY MAIL OR HAND-DELIVERY TO:

Procurement Officer
c/o Receptionist, Front Lobby
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320

NOTE: PLEASE REFERENCE "SECTION VII: SPECIFIC PROPOSAL INSTRUCTIONS" AS TO SEQUENCE OF SUBMITTAL DATA IN YOUR PROPOSAL.

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I. PURPOSE:

The Hampton Roads Planning District Commission (HRPDC)/Hampton Roads Transportation Planning Organization (HRTPO) (hereinafter collectively referred to as the “Organization”), on behalf of the Organization and the Southside Network Authority (hereinafter referred to as the “Authority”) in accordance with Va. Code §2.2-4304(A), is soliciting proposals for the joint procurement of professional services from qualified firms of Certified Public Accountants (hereinafter referred to as the “Offeror”) to audit and prepare financial statements on an annual basis.

The selected Offeror (hereinafter referred to as the “Auditor”) will conduct separate year-end audits and prepare separate annual financial statements for the Organization and the Authority, in accordance with generally accepted auditing standards as contained in GASB and the provisions of the Uniform Guidance that replaces OMB Circular A-133, and to provide professional advice and counsel as may be required throughout the year. The fiscal year begins July 1st and ends June 30th.

The procurement of audit services through this solicitation will result in the award of two separate Contracts to a single Auditor; one Contract will be issued by the Organization and the second Contract will be issued by the Authority. The Organization provides financial and administrative support services to the Authority.

II. BACKGROUND:

The Hampton Roads Planning District Commission (HRPDC) is one of 21 Virginia Planning District Commissions and is a regional organization representing Hampton Roads’ 17 local governments and 1.7 million residents. The HRPDC serves as a resource of technical expertise to its member local governments, providing assistance on local and regional issues pertaining to Economics, Emergency Management, Housing, Planning, Environmental Education, and Water Resources.

The Hampton Roads Transportation Planning Organization (HRTPO) serves as the Metropolitan Planning Organization (MPO) for the Hampton Roads region of Virginia, and is responsible for transportation planning and decision-making in the region. The HRPDC staff serves as the support staff for the HRTPO and is the fiscal agent for all HRTPO financial and grant activity. The HRPDC and HRTPO receive federal and state grant funding, as well as contributions from all member localities both for general dues and specific programs.

The Southside Network Authority (SNA or Authority) was created by the five Virginia cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach pursuant to the Wireless Services Act, Chapter 54.1 of Title 15.2 of the Code of Virginia, 1950, as amended. The purpose of the Authority is to provide or assist in the provision of qualifying communications services as defined by Article 5.1 of Chapter 15 of the Title 56 of the 1950 Code of Virginia, as amended. The Authority is responsible for creating a fully integrated regional fiber network that connects employment areas, higher education, research institutions, and municipal facilities through increased broadband access, speed and capacity while driving down average end-user costs and reducing barriers to entry for innovative new companies wishing to invest in the region.

III. SCOPE OF WORK:

Description of detailed Scope of Work is located in Attachment 2.

IV. SCHEDULE OF EVENTS:

The Organization shall make every effort to adhere to the following schedule leading to the award of a contract; however, *this schedule is subject to change*. Known Offerors may be notified of significant schedule changes. Please monitor website for updated information.

| <u>Action</u> | <u>Responsibility</u> | <u>Date</u> |
|-----------------------------|------------------------------|-----------------------|
| Issue RFP/Intent to Procure | Procurement/Staff | 09/24/2020 |
| Submission of Questions | Potential Offerors | 2:00 PM on 10/07/2020 |
| Addenda/Questions Published | Procurement/Staff | 10/09/2020 |
| Submission of Proposal | Offerors | 2:00 PM on 10/27/2020 |
| Oral Presentations | Offerors | 11/05/2020 |
| Issue Intent to Award | Procurement/Staff | 11/17/2020 |
| Award Contract | Procurement/Staff | 11/30/2020 |

V. CONFLICTS AND QUESTIONS:

Should there be conflicts between the proposal documents and the final contract the final contract shall take precedence.

Interpretations and Requests for Substitution: Any Offeror in doubt as to the true meaning of any part of this request for proposal may submit a written request to the Procurement Department for an interpretation. The Offeror submitting a request will be responsible for its prompt and actual delivery. Any interpretation or approval will be made by addendum duly issued. A copy of such addendum will be posted on the website listed above. The Organization will not be responsible for any other explanations or interpretations of such documents which anyone presumes to make. Only questions answered by formal written addenda will be binding; oral and other interpretations or clarifications will be without legal effect.

Offerors must submit every request for interpretation or clarification regarding the goods/services to be provided in writing: by email to djankosky@hrpdca.gov, or by facsimile transmission to (757) 523-4881, to the attention of Danetta Jankosky, Procurement Officer. To be given consideration, such questions/requests must be received on the date and time noted in Section IV. Any and all such interpretations, clarifications, and any supplemental instructions will be issued in the form of written addenda, posted on the designated website, prior to the date fixed for receiving proposals. Failure to receive such addenda shall not relieve Offerors from any obligation under the proposal as submitted.

When inquiring, replying or forwarding, please list the RFP number in the subject line. This is used to direct the email or fax to the appropriate person so the Organization may provide prompt service to your request when staff is not available.

Questions regarding this Request for Proposals should be directed, in writing, to Danetta M. Jankosky, Procurement, to the address above, or email: djankosky@hrpdca.gov.

VI. PROPOSAL PREPARATION AND INSTRUCTIONS:

In order to be considered for selection, Offerors must submit a complete response to this solicitation. **One (1) hard copy original** (marked ORIGINAL), **five (5) hard copies**, and **one electronic copy** of the proposal in PDF-format must be submitted to the Procurement Department by the deadline specified in Section IV. No other distribution of the proposal shall be made by the Offeror.

- A. Proposals shall be signed by an authorized representative of the Offeror. All information requested must be submitted. Failure to submit all information requested may result in staff requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Mandatory requirements are those required by law or such that they cannot be waived and are not subject to negotiation.
- B. Offerors shall examine the RFP, shall exercise their own judgment as to the nature of the whole of the work to be done, and must assume all risk for any computations or statements made in completing the proposal.
- C. Proposals should be prepared simply and economically, providing a straight-forward, concise description of capabilities to satisfy the requirement of the RFP. Emphasis should be placed on completeness and clarity of content. Elaborate brochures and excessive promotion materials are not required or desired.
- D. **Proposals should be organized in the order in which the requirements are presented in Section VII of the RFP.** All pages of the proposal should be numbered. Each paragraph should reference the paragraph number of the corresponding section of the RFP. It is also helpful to cite the paragraph number, sub-number, and repeat the text of the requirement as it appears in the RFP. If a response covers more than one page, the paragraph number and sub-number should be cross repeated at the top of the next page. The proposal should contain a table of contents which cross references the RFP requirements. Information which the offeror desires to present that does not fall within an area of the requirement of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed.
- E. Each copy of the proposal should be bound or contained in a single volume where practical. All documentation submitted with the proposal should be contained in this single volume, with the exception of proprietary information (see Form 9).

VII. SPECIFIC PROPOSAL INSTRUCTIONS: Proposals should be submitted as one (1) bound volume and be as thorough and detailed as possible so that the Organization may properly evaluate the Offeror's capabilities to provide the required goods/services. Offerors are required to submit the following as a complete proposal: ***Please submit in order indicated below:***

- A. All Required Forms (located in Appendix B of RFP). All forms shall be signed and/or completed as required.
- B. The offeror shall provide a concise description of its work experiences as they relate to the Scope of Work outlined herein including, but not be limited to:
 - 1. A brief history of the firm, including the number of years in business, the size of the firm, and the location of the office from which the work is to be done.

2. Provide statement of financial stability. Submit a copy of most recent annual audited financial statement if this is a public document.
3. Provide documentation showing a minimum of five (5) years' demonstrated experience, preferably with public sector/government organizations, and any other specialized services.
4. Provide a brief description of your organization structure.
5. Describe Affirmative Action and DBE Participation: Offeror shall present documentation to describe its compliance with the Federal and State nondiscrimination laws and regulations and its Small/Woman and Minority (SWaM) owned and Disadvantaged Business Enterprise (DBE) activities.
6. Describe staff and other resources which will be assigned to this contract. Include resumes of those individuals to include years of experience with similar successful contracts comparable to the requirements contained in the solicitation, and years with the offeror.
7. Exceptions to RFP. Please provide any exceptions to the terms of this RFP that you feel are necessary in order to fulfill this solicitation.

VIII. DISCLOSURE OF PROPOSAL CONTENTS:

Offerors should be aware that the terms of the contract awarded pursuant to the RFP are public information. During the RFP submission and evaluation process, all proposals will be held in confidence and will not be revealed to or discussed with competitors, unless disclosure is required to be made by law or by court ruling. The Organization may use any or all ideas presented in any proposal. Selection or rejection of the proposal does not affect this provision.

IX. SUBMITTAL PROCESS AND INFORMATION:

One (1) original (specifically marked "Original"), five (5) hard copies, and one (1) electronic copy in PDF-format of the proposal shall be submitted. Facsimile copies will not be accepted. The Organization will accept proposals until 2:00 PM on Tuesday, October 27, 2020 delivered to:

**Procurement Officer
c/o Receptionist, Front Lobby
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320**

Offerors that submit a response to this RFP may be required to make an oral presentation of their proposal with participation by key personnel. The Organization reserves the right to request clarification of information submitted. Failure to provide this additional information within a reasonable time period, as specified by the Organization, shall be reason for the Offeror's proposal to be considered non-responsive. These oral presentations usually take the form of a presentation by the Offeror, then a period of Q&A by the evaluation committee.

The Organization shall not be responsible for any expense incurred by the offeror in preparing and submitting a proposal, for answering any subsequent inquiries, interviews for evaluation or contract negotiations. All submissions are final, and may not be withdrawn.

The Organization will only provide information (or access to same) which is readily available and does not propose to prepare any further special reports. The Organization reserves the right to charge its normal fees for materials copied.

The right is reserved, as the interests of the Organization may require, to revise and/or amend the specifications prior to the date set for acceptance of proposals; the acceptance date may be postponed if deemed necessary. Such revisions and amendments, if any, will be announced by an addendum to this solicitation on the website.

Late Proposals: To be considered for selection, proposals must be received in the Regional Building by the designated date and time (see Section IV). Proposals received after the date and time designated will be disqualified and will not be considered. The Organization is not responsible for delays in the delivery of mail by the U.S. Postal Service or private couriers. It is the sole responsibility of the Offeror to insure that its proposal reaches the Organization by the designated date and time. Receipt of the proposals scheduled during a period of suspended business operations will be rescheduled for processing at the same time on the next business day.

Irregular Proposals: Proposals shall be considered irregular and may be rejected for any of the following reasons unless otherwise prohibited by law:

If there are unauthorized additions or conditional conditions, or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning.

If the Offeror adds any provisions reserving the right to accept or reject any award, or to enter into a contract pursuant to an award.

If the Offeror fails to meet the proposal specifications or is unresponsive to proposal specifications, questions, and/or terms.

If the Offeror fails to include an authorized representative's signature on company letterhead.

Withdrawal or Revision of Proposals: An Offeror may, without prejudice, **withdraw a proposal prior to the date and time specified for receipt of proposals** by requesting such withdrawal in writing before the time set for receiving proposals. Telephonic communications for withdrawal shall not be accepted.

Any Offeror may modify their proposal by facsimile communication at any time, provided such communication is received by the Organization prior to the due date of proposals. The communication should not reveal the proposal price, but should provide the addition or subtraction or other modification. If written confirmation is not received within two days after the fax, no consideration will be given to the facsimile modification.

Trade secrets or proprietary information must be submitted in a separate package by an Offeror in response to this Request for Proposal and shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; **however, the Offeror must invoke the protection of this section prior to or upon submission of data or materials, and must identify the data or other materials to be protected and state**

the reasons why protection is necessary (§2.2-4342F of the *Code of Virginia*). **Please reference Form 9 when replying to this section.**

X. SELECTION CRITERIA:

An Evaluation Committee, composed of representatives of the Organization and any committees involved, will evaluate each proposal received and submit a recommendation to the Procurement Officer. The Evaluation Committee will evaluate each proposal pursuant to its standard procurement procedures consistent with the procurement of services through competitive negotiation. Selection will be made on the basis of the following factors and the results of any Oral Presentations. All factors will be scored based solely on the Committee’s evaluation.

- A. Evaluation of Proposals: The following criteria will be used to select the top proposal(s). If only one stands out, staff will begin negotiations with that Offeror. Should more than one stand out, the top two or three firms will be contacted for oral presentations. The result of those presentations will then determine the final rankings, and the top ranked firm will be contacted and negotiations will begin. Should those negotiations fail, the second highest ranked firm will be contacted for negotiations to begin, and so forth until negotiations have been finalized.

| <u>Factors</u> | <u>Point Value</u> |
|---|--------------------|
| Qualifications and Experience with governmental entities | 20% |
| Experience involving PDCs | 20% |
| Experience involving government grants and indirect costs | 20% |
| Quality of product | 10% |
| Resources | 10% |
| Timeliness & Accessibility of key personnel | 10% |
| DBE/SWaM Participation* | <u>10%</u> |
| Total | 100% |

*To ensure the full participation of DBEs in all phases of the HRPDC/HRTPO procurement activities, all Consultants at time of proposal submission shall complete and submit a DBE Participation Form-400. *If a DBE Participation Form-400 is not submitted with proposal, it shall be determined that the Consultant was non-responsive to the DBE provisions and the proposal will not be evaluated by the selection committee.*

*(5%) Proposal complies with contract DBE participation goal of **10%** or will conduct good faith efforts to do so.

*(5%) Proposal submitted a quality DBE Participation Plan that includes innovative strategies and approaches to achieve and maintain compliance over the contract term, including firm’s past performance on meeting DBE goals, technical assistance and supportive services designed to increase participation and build capacity in the DBE community.

- B. After the Evaluation Committee’s initial evaluation of the proposals, the Committee may hold interviews with the top ranked Offerors. If only one proposal stands out, that firm will be contacted to begin negotiations.

Offerors selected for an interview will be contacted at least three days before the Oral Presentation date noted in Section IV. Each Offeror's presentation shall be limited to not more than 20 minutes. Any area of specific concern will be identified before the interview. The Organization reserves the right to select a proposal based both on written proposals and the oral interviews. Interviews will be held on the date noted in Section IV.

XI. AWARD OF CONTRACT:

- A. Selection shall be made of one or more reasonable and responsive Offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the request for proposal, including price if so stated in the request for proposal. The evaluation criteria and oral presentations could both factor into this selection. Negotiations shall then be conducted with the highest ranked Offeror first, and proceed until finalized. In the case of non-professional services or goods, price shall be considered, but may not be the sole determining factor. After evaluations have been conducted, the Committee shall select the Offeror, which, in their opinion, has made the best proposal and shall award the contract to that Offeror. When the terms and conditions of multiple awards are so provided in the request for proposal, awards may be made to more than one Offeror. Should the Committee determine, in writing, that only one Offeror is fully qualified or that one Offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that Offeror.
- B. The Organization reserves the right to reject any and all proposals and waive any and all informalities and the right to disregard all non-conforming or conditional proposals or counter proposals. The Organization reserves the right to reject any proposals if investigation of such offerors fails to satisfy the Organization that such offeror is properly qualified to carry out the obligations and to complete the work contemplated by the contract documents.
- C. The Organization may cancel this Request for Proposals at any time prior to an award, and is not required to furnish a reason why a particular proposal was not deemed the most advantageous.
- D. The RFP, including its venue, termination, and payment schedule provisions, shall be incorporated by reference into the contract documents as if its provisions were stated verbatim therein. Therefore, any exception to any provisions of the RFP shall be explicitly identified in a separate "Exceptions to RFP" section of the proposal for resolution before execution of the contract. In case of any conflict between the RFP and any other contract documents, the contract shall prevail. Please identify any "Exceptions to RFP." In the case of any conflict between the proposal and any other contract documents, the contract shall take precedence.
- E. Any and all proposals will be rejected if there is reason to believe that collusion exists among the Offerors. The signature on the face of the proposal certifies that the proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person also submitting a proposal for the same goods/services, and is in all respects fair and without collusion or fraud. Collusive bidding is a violation of the Virginia Governmental Frauds Act and federal law and can result in fines, prison sentences, and civil damage awards. Offeror's signatory agrees to abide by all conditions of this proposal and certifies that he/she is authorized to sign the proposal.

APPENDIX A

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

I - DBE PROGRAM COMPLIANCE

The requirements of HRPDC/HRTPO Disadvantaged Business Enterprise (“DBE”) Program apply to this Agreement. It is the policy of HRPDC/HRTPO to practice nondiscrimination based on social and economic disadvantage, race, color, gender, disability and national origin in the award and performance of contracts.

In consideration of this policy and pursuant to Title 49, Part 26., Code of Federal Regulations, HRPDC/HRTPO has enacted the DBE Program for all of its contracts.

Consultants agree to use its best efforts to fully and completely carry out the applicable requirements of HRPDC/HRTPO’s DBE Program in the award and administration of this Agreement, including without limitation, all reporting requirements and established DBE participation percentage. The Consultant’s failure to carry out these requirements, as determined in good faith by HRPDC/HRTPO’s DBE Liaison shall be deemed a material breach of this Agreement. This material breach may result in the termination of this Agreement and/or the pursuit of any other remedies available to HRPDC/HRTPO under any applicable law, ordinance, or rule, including, but not limited to those set forth in the DBE Program.

II - DBE CONTRACT GOAL

HRPDC/HRTPO has established a 10% DBE Participation Goal for this contract, as listed in the Executive Summary section of the RFP. Participation shall be counted toward meeting the contract goal based on the following:

1. Only business entities certified as DBEs are counted toward the contract DBE participation goal.
2. The Consultant may count only the total dollar value of the subcontract awarded to certified DBE subcontractor/supplier(s) toward the contract goal.
3. A Consultant can count 100 % of the DBE’s participation provided that the DBE has committed to performing at least 51% of the work with its own forces.
4. Consultant may count 100 % of DBE Manufacturer Supplier’s participation and 60% of DBE Non-Manufacturer supplier’s participation toward its contract goal.
5. When the Consultant is in a joint venture with one or more DBE business entities, the OBDE, after reviewing the joint venture agreement, shall determine the percent of participation that will be counted toward the contract goal.
6. Consultant may count toward its contract goal only those DBE subcontractors/suppliers performing a Commercially Useful Function.

“DBE Commercially Useful Function means” a discrete task or group of tasks, the responsibility for performance of which shall be discharged by the DBE firm by using its own forces or by actively supervising on-site the execution of the tasks by another entity for whose work the DBE firm is responsible. In determining whether a certified firm is performing a commercially useful function, factors including, but not limited to, the following shall be considered:

- a. Whether the business entity has the skill and expertise to perform the work for which it is being utilized and possesses all necessary licenses;

- b. Whether the firm is in the business of performing, managing, or supervising the work for which it has been certified and is being utilized;
- c. Whether the DBE subcontractor is performing a real and actual service that is a distinct and verifiable element of the work called for in a contract.
- d. Whether the DBE subcontractor performed at least thirty percent (30%) of the cost of the subcontract (including the cost of materials, equipment or supplies incident to the performance of the subcontract) with their own forces.

III - DBE DIRECTORY

Only DBEs who are currently certified and listed on the Virginia Department of Small Business and Supplier Diversity's (SBSD) web-based DBE Directory, may be used to meet the contract participation goal. Subcontracts award to SWaM Certified vendors, cannot be substituted for DBE certified firms, unless the firm is also DBE certified. The directory is available at (<http://www.sbsd.virginia.gov/>) under the DBE Vendor Directory of Virginia Unified Certification Program.

IV - GOOD FAITH EFFORT POLICY

HRPDC/HRTPO shall reject any bid or proposal and shall not award, enter into or amend any contract that is not supported by documentation establishing that the Bidder/Proposer has met the applicable contract DBE participation Goal or made Good Faith Efforts to the applicable contract DBE participation goal.

Good Faith Efforts are steps taken to achieve a contract DBE participation goal or other requirements which, by their scope, intensity and usefulness demonstrate the Bidder's or Proposer's responsiveness to fulfilling HRPDC/HRTPO's DBE Program goals prior to the award of a contract, as well as the Consultant's responsibility to put forth measures to meet or exceed the contract DBE participation goal throughout the duration of the contract.

The DBE Liaison shall be responsible for determining whether a Consultant has made their best efforts to achieve the DBE Program contracting objectives. In making this determination, the (OBDE) shall consider the following factors:

A. SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR:

- i. Consultant listed all selected scopes or portions of work to be performed by DBEs in order to increase the likelihood of meeting the contract goal for the project
- ii. Consultant listed the estimated value of each scope or portions of work identified.

B. NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES:

- i. Consultant contacted the DBE Liaison to request submission of subcontracting opportunities.
- ii. Consultant included a copy of each announcement or notification.

C. INITIAL SOLICITATION & FOLLOW-UP:

- i. Consultant listed all certified DBE firms that received written notification of work items to be subcontracted and documented the certified firm's response.
- ii. Consultant included copies of the written notice(s) sent to certified firms.

D. NEGOTIATE IN GOOD FAITH:

- i. Consultant provided an explanation for any rejected DBE bid or price quotation.

- ii. Consultant included a copy of the written rejection notice including the reason for rejection to the rejected DBE firm.

If the most qualified Consultant has not met the DBE participation Goal, after scoring, selection approval and final negotiations, the firm must apply for a **GFE Modification or Waiver**. The firm will be deemed ineligible for award of the contract unless the firm either meets the goal or receives an approved GFE Modification or Waiver from HRPDC/HRTPO's DBE Liaison. However, if the Consultant fails to submit documented Good Faith Efforts as outlined, the proposal shall be considered non-responsive.

The DBE Liaison may take into account the performance of other Consultants in meeting the contract DBE participation goal and may, if deemed advisable, request further information, explanation or justification from any Consultant. A Consultant's prior history utilizing DBEs will also be taken in consideration when determining Good Faith Efforts.

Good Faith Efforts shall be monitored throughout the life of the contract and evaluated on a case-by-case basis in making a determination whether a Bidder or Proposer is in compliance with the Good Faith Effort policy.

V - REQUIRED DBE FORMS for RFPs/RFQs

B. Request for Proposals ("RFP") / Request for Qualifications ("RFQs"):

To ensure the full participation of DBE's in all phases of the HRPDC/HRTPO procurement and contracting opportunities, all Consultants at time of proposal submission shall complete and submit a **DBE Participation Form-400**.

1. **DBE Participation Form-400: (Attachment "1C"):** A completed DBE Participation Form-400 shall be considered a methodology on how the Consultant plans to meet the contract DBE participation goal if awarded the contract.

- a. If a DBE Participation Form-400 (Attachment "1C") is not submitted, it shall be determined that the Consultant was non-responsive to the DBE provisions and the proposal will not be evaluated by the selection committee.

2. **DBE Good Faith Effort (GFE) Form-401:**

- a. If the amount of DBE participation on the DBE Participation Form-400 is less than the Contract Goal, the selected Consultant shall complete DBE GFE Form-401. This form is used to document Good Faith Efforts when the amount of DBE participation submitted on the DBE Participation Form-400 is less than the contract DBE participation goal. The selected Consultant shall provide all required supporting documentation of demonstrated Good Faith Efforts as specified on the DBE GFE Form – 401.

The DBE Liaison shall review the contents of all required DBE Compliance Forms and may, if deemed advisable, request further information, explanation or justification from any Bidder/Proposer/Consultant. Thereafter, the Consultant shall be bound by the established percentage, as approved.

VI - CONSULTANT COOPERATION

The Consultant shall:

1. Designate an individual as the "DBE Liaison" who will monitor the Consultant's DBE participation as well as document and maintain records of "Good Faith Efforts" with DBE subcontractors/suppliers ("DBE Entities").

2. Execute written contracts with DBE Entities that meet the applicable DBE goals.
 - a. The consultant shall provide the DBE Liaison with copies of said contracts within thirty (30) days from the date the Agreement is fully executed between HRPDC/HRTPO and the Consultant.
 - b. The Consultant shall agree to promptly pay subcontractors, including DBE Entities, in accordance with law.

3. Establish and maintain the following records for review upon request by the DBE Liaison:
 - a. Copies of written contracts with DBE Entities and purchase orders;
 - b. Documentation of payments and other transactions with DBE Entities;
 - c. Appropriate explanations of any changes or replacements of DBE Entities, which may include a record of "Post-Award Good Faith Efforts" for each certified firm that the Consultant does not use in accordance with the approved DBE participation submission;
 - d. Any other records required by the DBE Liaison.

The Consultant is required to maintain such records for three (3) years after completion or closeout of the Agreement. Such records are necessary to determine compliance with their DBE obligations.

4. HRPDC/HRTPO is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete The **Vendor Payment Compliance Report form- 463** for both state and federally funded projects with each invoice and within 20 days of receipt of final payment.

Failure to fulfill the DBE Participation contract goal requirement may result in HRPDC/HRTPO exercising the rights and remedies available in accordance with the provisions of the contract and may be considered a breach of contract. Actions against the prime vendor/Consultant may include debarment or removal of the firm from other contracts the consultant has with HRPDC.

- a. Reports are required even when no activity has occurred in a monthly period.
 - b. If the established percentage is not being met, the monthly report shall include a narrative description of the progress being made in DBE participation.
 - c. The Consultant may also be required to submit copies of canceled checks or bank statements that identify payer, payee and amount of transfer to verify payment information as indicated on the form.
5. Conform to the established percentage as approved by the DBE Liaison.
 - a. The total dollar amount of the Agreement shall include approved change orders and amendments. For a requirements contract, the total dollar amount shall be based in actual quantities ordered.
 - b. No changes to the established percentage and DBE Entities submitted on DBE Participation Form-400 shall be allowed without approval by the DBE Liaison.
 - c. HRPDC/HRTPO will not adjust the contract for any increase in cost due to the replacement of DBE Entities.

VII - POST-AWARD MODIFICATION

Post-award modifications are change requests made by the Contractor/Consultant to meet the DBE participating goal after the contract has been awarded and executed, but before the project has been completed, and when an approved DBE had withdrawn its services, when the DBE has been removed for just cause, or when the scope of services has been changed by HRPDC/HRTPO.

49 Code of Federal Regulations 26.53 (49 CFR 26.53) provides that prime Contractor/Consultants may not terminate for convenience an approved DBE working on a federally-assisted contract and then perform the work of the terminated DBE. Failure to comply with regulatory or contractual requirements may result in sanctions.

The DBE Liaison may grant a post-award modification request if:

- a. for a reason beyond the Contractor/Consultant's control, the Consultant is unable to use the certified DBE entity submitted on DBE Participation Form-400 to perform the specified work. The Consultant must notify the DBE liaison of the intent for removal and substitution of a certified DBE immediately upon determination of that the DBE submitted on DBE Participation Form-400 is unable to perform the specified work. In such case, the Consultant shall use and document "Good Faith Efforts" to find a similarly qualified and certified DBE entity to perform such specified work. The same criteria used for establishing "Good Faith Efforts" in maximizing the participation of DBE Entities prior to awarding the Agreement will also apply to the substitution of DBE subcontractors during the performance of the Agreement;
or
- b. the Consultant reasonably believes that, due to a change of scope, execution of the work in accordance with the directions from the HRPDC/HRTPO is unlikely to meet the established percentage or terms. In such case, the Consultant shall use and document "Good Faith Efforts" to achieve a reasonable amount of DBE participation on the remaining work on the Agreement.

VIII - MONITORING DBE PARTICIPATION

To ensure compliance with DBE requirements during the term of the Agreement, the DBE liaison will monitor the Consultant's use of DBE subcontractors/suppliers ("**DBE Entities**") through the following actions:

1. Job site visits;
2. Routine audits of contract payments to all subcontractors;
3. Reviewing of records and reports; and/or
4. Interviews of selected personnel.

The DBE liaison may schedule inspections and on-site visits with or without prior notice to the Contractor/ Consultant or DBE Entities.

IX - FAILURE TO COMPLY

If the Office of Business Diversity & Engagement determines in good faith that the Consultant failed to carry out the requirements of the DBE Program, such failure shall be deemed a material breach of this Agreement. This material breach may result in the termination of the Agreement and/or the pursuit of any other remedies available to HRPDC/HRTPO under any applicable law, ordinance, or rule, including, but not limited to those set forth in HRPDC/HRTPO's DBE Program.

All DBE Compliance forms are maintained by the DBE Liaison and are subject to change.

Please contact Danetta Jankosky, Interim DBE Liaison at djankosky@hrpdcva.gov to request a copy of all DBE referenced documents. Or Visit our website at www.hrpdcva.gov.

SWAM PARTICIPATION: accordance with the Governor's Executive Order No. 20, the Hampton Roads Planning District Commission (HRPDC) and the Hampton Roads Transportation Planning Organization (HRTPO) also requires the utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded consultant contracts. A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified SWaM firms is maintained on the DSBSD web site (<http://www.sbsd.virginia.gov/>) under the **SWaM Vendor Directory** link. Consultants are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider SWaM firms as potential sub-consultants. The consultant is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a SWaM firm whereby the SWaM firm promises not to provide services to other consultants is prohibited.

If portions of the services are to be subcontracted to a DBE or SWaM, the following needs to be submitted with your proposal and both must reference the RFP for the services:

- Written documentation of the prime's commitment to the DBE or SWaM firm to subcontract a portion of the services, a description of the services to be performed and the percent of participation.
- Written confirmation from the DBE or SWaM firm that it is participating, including a description of the services to be performed and the percent of participation.

49 CFR Part 26 requires HRPDC/HRTPO to collect certain data about firms attempting to participate in HRPDC/HRTPO contracts. This data must be provided on the enclosed Vendor Verification Form 6.

HRPDC/HRTPO is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete The Vendor Payment Compliance Report form-463 for both state and federally funded projects on quarterly basis.

Any DBE or SWaM firm must become certified (with the Virginia Department of Small Business and Supplier Diversity) prior to your response being submitted. If DBE or SWaM firm is the prime consultant, the firm will receive full credit for planned involvement of their own forces, as well as the work that they commit to be performed by DBE or SWaM sub-consultants. DBE or SWaM prime consultants are encouraged to make the same outreach efforts as other consultants. DBE or SWaM credit will be awarded only for work being performed by them. When a DBE or SWaM prime consultant, subcontracts work to another firm, the work counts toward DBE or SWaM goals only if the other firm is itself a DBE or SWaM. A DBE or SWaM prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force.

DBE or SWaM certification entitles consultants to participate in HRPDC/HRTPO'S DBE and SWaM programs. However, this certification does not guarantee that the firm will obtain HRPDC/HRTPO work nor does it attest to the firm's abilities to perform any particular work.

APPENDIX B

REQUIRED FORMS

- Form 1: Cover Sheet
- Form 2: Signature Letter on Corporate Letterhead
- Form 3: Addenda - signed
- Form 4: Certification of Compliance with Immigration Laws and Regulations
- Form 5: Litigation Disclosure Form
- Form 6: Vendor Certification Verification Form
- Form 7: State Corporation Commission Identification Number
- Form 8: Proprietary Information
- Form 9: References
- Form 10: Lobbyist Disclosure Form
- All Attachment 1C: DBE Forms

**FORM 1
COVER SHEET**

RFP#: _____ **RFP TITLE:** _____

In compliance with this Request for Proposal, and to all the conditions imposed therein and hereby incorporated by reference, the Undersigned offers, and agrees to furnish goods/services requested in this solicitation.

THIS SECTION TO BE COMPLETED BY OFFEROR:

NAME AND ADDRESS OF FIRM:

_____ Zip Code: _____

Date: _____
By: _____
(Sign in Ink)
Name: _____
(Please Print)
Title: _____

FEI/FINT No.: _____

Phone: _____ Fax: _____

Email: _____

Website: _____

CONTACT INFORMATION *(if differs from above):*

Name: _____

Email: _____

Title: _____

Office Phone: _____

Address: _____

Mobile Phone: _____

Facsimile Phone: _____

FORM 2
PROPOSAL SIGNATURE SHEET
(Must be submitted on your corporate letterhead)

My signature certifies that the proposal as submitted complies with all Terms and Conditions as set forth in this RFP. My signature also certifies that by submitting a proposal in response to this Request for Proposals, the offeror represents that in the preparation and submission of this proposal, said offeror did not, either directly or indirectly, enter into any combination or arrangement with any person, firm or corporation or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free, competitive bidding in violation of the Sherman Act (15 U.S.C. Section 1 et seq.) or §59.109.1 through 59.1-9.17 or § 59.1-68.6 through 59.1-68.8 of the Code of Virginia. In addition, my signature certifies that the offeror has been made aware of the initial Request for Proposals, as well as any and all addenda.

Certification of Eligibility: The firm is not ineligible to receive award of a contract due to the firm's inclusion on any Federal or Virginia State lists of debarred contractors, or otherwise ineligible to be awarded a contract using Federal or State funds.

I hereby certify that I am authorized to sign as a Representative for the Firm:

NAME OF OFFEROR: _____

ADDRESS: _____

FED ID NO.: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

TELEPHONE: _____

E-MAIL: _____

FAX: _____

DATE: _____

FORM 3

ADDENDA RECEIVED AND ACKNOWLEDGED

By signing this form, offeror acknowledges receipt of any and all Addenda published after initial RFP was issued.
(Attach copy of all such Addenda following this form.)

Receipt of addenda acknowledged:

Signature

Date

FORM 4

**CERTIFICATION OF COMPLIANCE WITH IMMIGRATION LAWS
AND REGULATIONS**

The Organization requires that any person or entity doing business with the Organization, including its boards and commissions, shall include a sworn certification by the offeror of compliance with all federal immigration laws and regulations. These laws include the *Federal Immigration Reform and Control Act*, which makes it unlawful for a person or other entity to hire, recruit or refer for a fee for employment in the United States, an alien knowing the alien is unauthorized, and §40.1-11.1 of the *Code of Virginia*, which makes it unlawful for any employer to knowingly employ an alien who cannot provide documents indicating that he or she is legally eligible for employment in the United States. The state law, in particular, places an affirmative duty on employers to ensure that aliens have proof of eligibility for employment.

Accordingly, this certification shall be completed and attached to all contracts and agreements for goods and services made by the Organization or any of its boards and commissions. Failure to attach a completed certification shall render the contract or agreement void.

Type or print legibly when completing this form.

Legal Name of Offeror:

(Note: This is your name as reported to the IRS. This should match your Social Security card or Federal ID number.)

Type of Business Entity:

_____ Sole Proprietorship (Provide full name and address of owner):

_____ Limited Partnership (Provide full name and address of all partners):

_____ General Partnership (Provide full name and address of all partners):

_____ Limited Liability Company (Provide full name and address of all managing members):

_____ Corporation (Provide full name and address of all officers): *(on separate sheet, attached)*

Doing Business As: (If Applicable):

(Note: This is the name that appears on your invoices but is not used as your reporting name.)

Name and Position of Person Completing this Certificate:

Physical Business Address:

Primary Correspondence Address (if different from physical address):

Number of Employees:

Are all Employees Who Work in the United States Eligible for Employment in the United States?

____ Yes ____ No

Under penalties of perjury, I declare on behalf of the offeror listed above that to the best of my knowledge and based upon reasonable inquiry, each and every one of the offeror's employees who work in the United States are eligible for employment in the United States as required by the *Federal Immigration Reform and Control Act of 1986* and §40.1-11.1 of the *Code of Virginia*. I further declare on behalf of the offeror that it shall use due care and diligence to ensure that all employees hired in the future who will work in the United States will be eligible for employment in the United States. I affirm that the information provided herein is true, correct, and complete.

Sworn this ____ day of _____, 20__ on behalf of _____ as evidenced by the following signature and seal:

Name of Contractor/Vendor: _____

Printed Name of Signatory: _____

Signature: _____

Date: _____

STATE OF _____:

CITY/COUNTY OF _____ to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____.

Notary Public

Registration No: _____ My Commission expires: _____

FORM 5

LITIGATION DISCLOSURE FORM

Respond to each of the questions below by checking the appropriate line. Failure to fully and truthfully disclose the information required by this Litigation Disclosure Form may result in the disqualification of your bid or proposal from consideration or termination of the contract, once awarded. For purposes of this disclosure form, "you" means the individual or entity in whose name the bid or proposals were submitted.

Have you or any principal, officer or director of your company, or any individual who will be assigned to work under any contract awarded pursuant this solicitation, been convicted of a felony, or a misdemeanor involving moral turpitude, during the last ten (10) years?

Yes No

Have you or any principal, officer or director of your company, or any individual who will be assigned to work under any contract awarded pursuant this solicitation, been terminated (for cause or otherwise) from any work being performed for the Organization or any other governmental or private entity during the last ten (10) years?

Yes No

Have you or any principal, officer or director of your company, or any individual who will be assigned to work under any contract awarded pursuant this solicitation, been involved in any claim or litigation with the Organization or any other governmental or private entity during the last ten (10) years?

Yes No

Has any parent company or wholly owned subsidiary of your company been involved in any claim or litigation with the Organization or any other governmental or private entity during the last ten (10) years?

Yes No

If you answered "Yes" to any of the above questions, please state the name(s) of the person(s), the nature, and the status and/or outcome of the conviction, termination, claim or litigation, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your bid or proposal.

FORM 6

VENDOR CERTIFICATION

VERIFICATION FORM

Vendor Name: _____

Vendor Address: _____

Contact Person: _____ Title: _____

E-mail Address: _____ Phone: _____

Vendor Fax: _____

CERTIFICATIONS

DBE CERTIFICATION CERTIFICATION #: _____

CERTIFYING AGENCY: _____

NAICS CODE: _____ DESCRIPTION: _____

SWaM CERTIFICATION CERTIFICATION #: _____ SWaM TYPE _____

SERVICE DISABLED VET CERTIFICATION #: _____ DATE _____

EXP DATE: _____ CERTIFYING AGENCY: _____

Years in Business _____

MINORITY INDICATOR

- African American
- Asian Indian
- Asian Pacific
- Hispanic American
- Native American
- Non-Minority Woman

FORM 7

STATE CORPORATION COMMISSION IDENTIFICATION NUMBER: Pursuant to *Code of Virginia §2.2-4311.2(b)*, an Offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 **is required to include in its proposal the identification number issued to it by the State Corporation Commission (SCC)**. Any Offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law is required to include in its proposal a statement describing why the Offeror is not required to be so authorized.

SCC Identification Number: _____ **(REQUIRED)**

FORM 8

PROPRIETARY INFORMATION

Trade secrets or proprietary information submitted by an Offeror in response to this Request for Proposal shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; however, the Offeror must invoke the protection of this section prior to or upon submission of data or materials, and **must identify the data or other materials to be protected and state the reasons why protection is necessary** (§2.2-4342F of the *Code of Virginia*).

Please enclose all proprietary information in a sealed envelope and attach ONLY to the ORIGINAL proposal.

Below, please reference appropriate page numbers, Section numbers, paragraph numbers, etc. where this data should be inserted, along with an explanation as to why it is proprietary and protected by §2.2-4342F of the Code of Virginia.

FORM 9

REFERENCES

Name of Firm:

Address:

Contact Name:

Title:

Email:

Phone:

Facsimile:

Years in Relationship: _____

Name of Firm:

Address:

Contact Name:

Title:

Email:

Phone:

Facsimile:

Years in Relationship: _____

Name of Firm:

Address:

Contact Name:

Title:

Email:

Phone:

Facsimile:

Years in Relationship: _____

REFERENCES (cont.)

Name of Firm:

Address:

Contact Name:

Title:

Email:

Phone:

Facsimile:

Years in Relationship: _____

Name of Firm:

Address:

Contact Name:

Title:

Email:

Phone:

Facsimile:

Years in Relationship: _____

**FORM 10
LOBBYIST DISCLOSURE FORM**

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an 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 modification of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of the certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. The certification is a material representation of the fact on which reliance was placed when this transaction was made or entered into. Submission of the certification is a prerequisite for making or entering into the transaction imposed by §1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned state, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instruction.

Submission of this statement is a prerequisite for making or entering into this accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by §1352, title 31, U.S. Code. Any person who fails to file the required statement shall subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant's Organization:

The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

Printed name of authorized representation

Title of authorized representation

Signature Date

ATTACHMENT 1A
NONDISCRIMINATION
Contractor / Consultant / Supplier Agreement: USDOT 1050.2A – Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *(Recipient)* or the *(Name of Appropriate Administration)* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *(Recipient)*, or the *(Name of Appropriate Administration)* as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *(Recipient)* shall impose such contract sanctions as it or the *(Name of Appropriate Administration)* may determine to be appropriate, including, but not limited to:

- (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b.) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract. or procurement as the *(Recipient)* or the *(Name of Appropriate Administration)* may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**ATTACHMENT 1B
NONDISCRIMINATION**

Contractor / Consultant / Supplier Agreement: USDOT 1050.2A – Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non- discrimination statues and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (79 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



ATTACHMENT 1C

DISADVANTAGED BUSINESS ENTERPRISE FORMS

HRPDC/HRTPO subscribes to the Virginia Department of Transportation overall goals for socially and economically disadvantaged businesses for all public spending or private projects that utilize public funding and/or incentives.

A Contract goal of 10% DBE participation has been established for this RFP. Attachment 1C forms and supporting documentation must be submitted in the proposal. Offerors shall agree to use their best efforts to assure compliance with the factors set forth in the DBE Program, to meet the goal for DBE participation in the performance of this solicitation.

Required Attachments:

1. DBE PARTICIPATION FORM-400

If the amount of DBE Participation is less than contract goal, Offerors must complete:

2. DBE GFE (Good Faith Effort) FORM-401

Contact Danetta Jankosky, Procurement Officer at djankosky@hrpdcva.gov (757)420-8300 if you need assistance.

DBE PARTICIPATION FORM-400

Proposers: This completed form must be furnished with your proposal. You must complete every section of the form or your proposal will be deemed non-responsive. If a section is not applicable to your proposal, you must explain why it is not applicable on a separate attachment or your proposal will be deemed non-responsive. The prime vendor/consultant shall select DBEs to perform, at minimum, work which corresponds in dollar value to the DBE participation goal stated in the RFP. DBEs must perform a commercially useful function as required by 49 CFR 26.55 of the Federal Register and the Contractual requirements. You may use additional pages as warranted.

SECTION I – SOLICITATION INFORMATION

RFP/RFQ/Solicitation #: _____ RFP Due Date: ____/____/____ Contract DBE Participation Goal: % _____ \$ _____

RFP Title: _____ Description: _____

SECTION II – PROPOSER INFORMATION

Proposer Firm Name: _____ Address: _____

City: _____ State: _____ Zip Code: _____ Phone: _____ Email: _____

Contact Person: _____ DBE #: _____ SWaM # _____ Micro

Proposer Check the Appropriate Space Below:

- I am committed to the contract goal of **10 %** DBE utilization. If selected, I understand that I must submit signed commitment forms from all DBEs listed on this participation plan in order to be awarded a contract.
- I am unable to meet the DBE contract goal, however I am committed to a minimum of _____ % & \$ _____ of DBE utilization and will submit documentation demonstrating good faith efforts. (You must complete and submit a DBE GFE Form-401, along with all required supporting documentation or your proposal will be deemed non-responsive.)
- I am unable to meet the DBE Contract Goal (You must complete and submit DBE GFE (Good Faith Effort) Form-401, along with all required supporting documentation or your proposal will be deemed non-responsive)

HRPDC/HRTPO DBE COMPLIANCE FORMS

Contact the Procurement Officer for questions on completing this form.

Via email: djankosky@hrpdca.gov

Or

757-420-8300

DBE PARTICIPATION FORM-400

SECTION III – SUBCONTRACTOR INFORMATION: You must list all DBE firms that have agreed to participate on the contract. Please note: Every DBE firm listed must be utilized on the project. To remove and/or replace a DBE Firm you must submit a DBE Removal/Substitution Request, and receive approval from the Procurement Officer to remove and/or replace the firm. It is the Offeror’s responsibility to verify that the DBE firm is properly certified prior to submitting the DBE Participation Form-400. Each commitment must be accompanied by written confirmation from the listed DBE Firm that it is participating in the contract as stated in the prime consultant’s commitment. A copy of a DBE’s quote will serve as written confirmation that the DBE is participating in the contract. (Make additional copies of sub-consultant form if needed.)

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

Dollar Value of subcontract % of Utilization Contract Commit to use? Yes No

\$ _____ % _____

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

Dollar Value of Subcontract % of Utilization Commit to use? Yes No

\$ _____ % _____

HRPDC/HRTPO DBE COMPLIANCE FORMS

DBE PARTICIPATION FORM-400

Contact the Procurement Officer for questions on completing this form.

Via email: djankosky@hrpdcva.gov

Or

757-420-8300

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

| | | |
|-----------------------------|------------------|---|
| Dollar Value of Subcontract | % of Utilization | Commit to use? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| \$ _____ | % _____ | |

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

| | | |
|-----------------------------|------------------|---|
| Dollar Value of Subcontract | % of Utilization | Commit to use? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| \$ _____ | % _____ | |

HRPDC/HRTPO DBE COMPLIANCE FORMS

DBE PARTICIPATION FORM-400

Contact the Procurement Officer for questions on completing this form.

Via email: djankosky@hrpdcva.gov

Or

757-420-8300

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

Dollar Value of Subcontract % of Utilization Commit to use? Yes No

\$ _____ % _____

Sub-Consultant Firm Name: _____ DBE # _____ SWaM # _____ Neither

Address: _____ City: _____ State: _____ Zip Code: _____

Phone No: _____ Email: _____ Contact Person: _____

Scope of work to be performed by the DBE: _____

Dollar Value of Subcontract % of Utilization Commit to use? Yes No

\$ _____ % _____

Additional steps Offerors will take to meet DBE Contract Goal:

ACKNOWLEDGED BY:

Offeror acknowledges and certifies that this form accurately represents the information contained herein.

Offeror's Authorized Agent Signature

Title

____/____/_____
Date

| | | | |
|----------|----------------------|-----------------------------------|-------------------------------|
| APPROVED | NOT APPROVED | TOTAL % UTILIZATION % _____ | TOTAL DBE COMMITMENT \$ _____ |
| BY _____ | DATE ____/____/_____ | RFP DBE PARTICIPATION SCORE _____ | |

DOCUMENTATION OF GOOD FAITH EFFORTS-401

If the DBE goal established for this contract has not been met or HRPDC/HRTPO requests the submittal thereof, Good Faith Efforts (GFE) are required to be made and demonstrated on all applicable HRPDC/HRTPO contracts. Proposers are required to complete and submit DBE GFE Form-401 along with all required supporting GFE documentation.

Proposer: This completed form along with all required supporting documentation must be submitted with your proposal. Should the Offeror fail to comply with this request, the Proposal/bid shall be considered non-responsive.

RFP/RFQ/Bid/Solicitation/Other #: Bid/Proposal Amount \$ Date: / /

Description: _

Name of Prime: has satisfied the requirements of the bid/proposal specifications for the above referenced BID/RFP/RFQ or solicitation by the HRPDC/HRTPO in the following manner: (Please check the appropriate space)

- The Offeror is unable to meet the DBE contract goal and has completed and submitted DBE GFE Form-401 along with all required supporting GFE documentation.
The Offeror is unable to meet the DBE contract goal, however is committed to a minimum of % DBE utilization on this contract and has completed and submitted DBE GFE Form-401 along with all required supporting GFE documentation.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PRINT NAME: SIGNATURE: TITLE: _

Instructions: Please complete sections A through D and include all specific supporting documentation as outlined below. All sections of this form must be completed, or your response will be deemed non-responsive. If you feel that any section of this form is not applicable, do not respond/write not applicable or N/A. You must provide a written statement as to why section is not applicable to your response. Attach additional pages if necessary.

- SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR: Complete section A.
NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES: Please attach a copy of the announcement and written notices distributed to DBE(s). Example: Newspaper, email, mail correspondence, and community outreach notices, etc.
INITIAL SOLICITATION & FOLLOW-UP OF INITIAL SOLICITATION: Offerors may only solicit from the State and Local Disadvantaged Business Enterprise directories located on the SBSB website.

DOCUMENTATION OF GOOD FAITH EFFORTS-401

OR
723 Woodlake Drive,
Chesapeake VA, 23320

A. **SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR:** You must list all selected scopes or portions of work to be performed by DBE(s) in order to increase the likelihood of meeting the contract goal for this project and the estimated value of each scope or portions of work identified. Use additional pages if warranted.

| Scope or Portions of Work Identified for DBE Participation | Estimated Value | % of Contract Value |
|--|-----------------|---------------------|
| 1. | \$ | |
| 2. | \$ | |
| 3. | \$ | |
| 4. | \$ | |
| 5. | \$ | |
| 6. | \$ | |
| 7. | \$ | |
| 8. | \$ | |
| 9. | \$ | |
| 10. | \$ | |
| 11. | \$ | |
| 12. | \$ | |
| TOTAL | \$ | |

B. **NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES:** Please complete all fields below, list all sources of advertisement and outreach to DBE subs.

Did you attend all pre-bid and/or outreach meetings scheduled by HRPDC/HRTPO to inform DBEs of subcontracting opportunities?

| YES | NO | Date of Meeting |
|-----|----|-----------------|
| | | |

DOCUMENTATION OF GOOD FAITH EFFORTS-401

OR
723 Woodlake Drive,
Chesapeake VA, 23320

III. **ADVERTISING SUBCONTRACTING OPPORTUNITIES:** You must identify publications in which announcements or notifications were placed and published. Include a copy of each announcement or notification.

| Source of Advertising/Outreach | What sub-contracting areas of work were advertised? | Date of Ad | Due Date & Time for Sub Bids | | Proc. Off. VERIFICATION |
|--------------------------------|---|------------|------------------------------|------|-------------------------|
| | | | Date | Time | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |

C. **INITIAL SOLICITATION & FOLLOW-UP:** You must complete all fields below, list all certified DBE firms that received telephone or e-mail notification of work items to be subcontracted. If no response was received to the initial solicitation, you must indicate when firms received subsequent telephone or email solicitations (list delivery date, or read receipt date, and certified firm’s response). You must include copies of the physical and/or electronic notice(s) sent to certified firms. Use additional pages as warranted.

| DBE FIRM & CONTACT | PHONE | Scope of Work Solicited | Date of Written Notification | Result of Initial Communication | Date of Follow-up and Method of Contact (Phone, Fax, Email) | Result of Follow-up Communication |
|------------------------------------|-----------------------|-------------------------|------------------------------|---------------------------------|---|-----------------------------------|
| <i>Ex. ABC Company /Jane Smith</i> | <i>(504) 123-4567</i> | <i>Legal services</i> | <i>01/01/14</i> | <i>Will submit a quote</i> | <i>01/10/14 email</i> | <i>Quote received</i> |
| 1. | | | | | | |
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| 4. | | | | | | |
| 5. | | | | | | |
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| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |

DOCUMENTATION OF GOOD FAITH EFFORTS-401

| DBE FIRM & CONTACT | PHONE | Scope of Work Solicited | Date of Written Notification | Result of Initial Communication | Date of Follow-up and Method of Contact (Phone, Fax, Email) | Result of Follow-up Communication |
|-------------------------------------|-----------------------|-------------------------|------------------------------|---------------------------------|---|-----------------------------------|
| <i>Ex. ABC Company //Jane Smith</i> | <i>(504) 123-4567</i> | <i>Legal services</i> | <i>01/01/14</i> | <i>Will submit a quote</i> | <i>01/10/14 email</i> | <i>Quote received</i> |
| 13. | | | | | | |
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| 38. | | | | | | |
| 39. | | | | | | |
| 40. | | | | | | |

DOCUMENTATION OF GOOD FAITH EFFORTS-401

Contact Procurement Officer for questions on completing this form. Via email: djankosky@hrpdva.gov
OR
723 Woodlake Drive
Chesapeake, VA 23320

IV. OTHER: Please provide narrative details of any other efforts your firm conducted to attain the DBE goal. Use additional pages as warranted.

| | | | |
|----------|---------------------|-----------------------------------|-------------------------------|
| APPROVED | NOT APPROVED | TOTAL % UTILIZATION % _____ | TOTAL DBE COMMITMENT \$ _____ |
| BY _____ | DATE ____/____/____ | RFP DBE PARTICIPATION SCORE _____ | |

Attachment 2 Scope of Work

1. Services to be provided to the Organization

The Organization is seeking an audit firm to audit and prepare its financial statements on an annual basis, in accordance with generally accepted auditing standards as contained in GASB, and the provisions of the Uniform Guidance (which replaces OMB Circular A-133), and to provide professional advice and counsel as may be required throughout the year. The fiscal year begins July 1st and ends June 30th. Requirements include delivery of both draft financials, draft MD&A statement, and final copies of work products within the specified time frames, both in PDF and printed and bound formats. These time frames should take into account that the final, bound copies should be available no later than on or around October 8th of each year. Please review our latest audited financial statements at: <https://www.hrpdcva.gov/library/view/1048/fy2019-audited-financial-statements> for a description of the types of funding received.

2. Services to be provided to the Authority

The Authority is seeking an audit firm to audit and prepare its financial statements on an annual basis, in accordance with generally accepted auditing standards as contained in GASB, and the provisions of the Uniform Guidance (which replaces OMB Circular A-133), and to provide professional advice and counsel as may be required throughout the year. The fiscal year begins July 1st and ends June 30th. Requirements include delivery of both draft financials, draft MD&A statement, and final copies of work products within the specified time frames, both in PFD and printed and bound formats. These time frames should take into account that the final, bound copies should be available no later than on or around October 8th of each year. The Authority, formed in 2020, is funded entirely by contributions from the five member cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach.