

REQUEST FOR PROPOSALS



On Behalf of the
Southside Networking Authority

Hampton Roads Region –
Southside Regional
Connectivity Ring 100%
Design

PDC-RFP-2020-01

December 5, 2019

REQUEST FOR PROPOSALS (RFP)

Hampton Roads Planning District Commission

ISSUE DATE: December 5, 2019

RFP No: PDC-RFP-2020-01

TITLE: Hampton Roads Region – Southside Regional Connectivity
Ring 100% Design

ELEMENT No: 233820

ISSUED BY: Hampton Roads Planning District Commission (Organization), Procurement Office,
723 Woodlake Drive, Chesapeake, VA 23320 on behalf of the Southside Networking Authority (Authority)

PURPOSE: On behalf of the Authority, the Organization is soliciting proposals from qualified Offerors to establish a contract to complete the Final 100% Design Work for the Hampton Roads Region – Southside Regional Connectivity Ring (Fiber Ring). The Organization is serving as the project sponsor on behalf of the Authority, which has been formed by the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach (five Southside Cities). The contract for this project will be issued by the Authority, and the Authority will provide ongoing management and oversight for this project.

COMPETITIVE PROPOSALS WILL BE RECEIVED UNTIL: January 14, 2020, 2:00 P.M. Eastern Standard Time

All inquiries for information should be directed to: Tiffany Smith, Procurement Office, email: tsmith@hrpdcva.gov, phone (757) 420-8300, fax: (757) 523-4881, or to the address noted below. All questions must be submitted **in writing** to Ms. Smith **by the date and time noted in Section IV below**. If necessary, an addendum will be posted on the following website at <http://www.hrpdcva.gov/page/procurement>.

It shall be the responsibility of the prospective Offeror to monitor the website 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 (see Appendix B, Form 3).

DELIVER PROPOSALS BY MAIL OR HAND DELIVERY TO:

**Tiffany Smith
Procurement Office
Regional Building
723 Woodlake Drive
Chesapeake, VA 23320**

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

TABLE OF CONTENTS

Request for Proposals No. PDC-RFP-2020-01

Hampton Roads Region – Southside Regional Connectivity Ring 100% Design

I. PURPOSE..... 4

II. BACKGROUND 4

III. SCOPE OF WORK..... 5

IV. SCHEDULE OF EVENTS 5

V. CONFLICTS AND QUESTIONS 6

VI. PROPOSAL PREPARATION AND INSTRUCTIONS 6

VII. SPECIFIC PROPOSAL INSTRUCTIONS..... 7

VIII. DISCLOSURE OF PROPOSAL CONTENTS..... 8

IX. SUBMITTAL PROCESS AND INFORMATION..... 8

X. SELECTION CRITERIA..... 9

XI. AWARD OF CONTRACT 11

APPENDIX A

DISADVANTAGED BUSINESS ENTERPRISES AND DISADVANTAGED MINORITY BUSINESS ENTERPRISES ... 12

APPENDIX B

REQUIRED FORMS..... 20

ATTACHMENTS

Attachment 1A – Nondiscrimination Contractor/Contractor/Supplier Agreement: USDOT 1050.2 –
Appendix A 33

Attachment 1B – Nondiscrimination Contractor/Contractor/Supplier Agreement: USDOT 1050.2A –
Appendix E..... 34

Attachment 1C – Disadvantaged Business Enterprise Forms 35

Attachment 2 – Scope of Work 48

I. PURPOSE

The Organization is requesting proposals from qualified Offerors to establish a contract to complete the Final 100% Design Work for the Southside Regional Connectivity Ring (Fiber Ring). The Authority will entertain proposals that provide the 100% design services for the Fiber Ring as outlined in this RFP. Offerors are encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts.

The Organization is supporting this procurement process on behalf of the Authority, which was recently established by the five Southside Cities. The contract for this project will be issued by the Authority. The Authority and the five Southside Cities are seeking a qualified consultant with experience in designing middle-mile fiber optic networks that adhere to specific requirements and quality standards that are detailed in this RFP. The 100% design work shall provide construction level drawings and all necessary work to secure permits and approvals needed to allow the Fiber Ring to proceed to construction. The design work shall also provide the costs for the construction of the Fiber Ring. The design of the Fiber Ring must also address cyber security issues and relevant federal standards related to this issue.

Internet traffic is growing quickly, at rates exceeding over 36% annually. These rates of growth are forecasted to continue for the foreseeable future. With bandwidth demands growing at this rate, Hampton Roads has a unique opportunity to address these needs by leveraging the transatlantic fiber optic cables that have landed in Virginia Beach. The Fiber Ring will connect to these subsea cables and distribute this ultrafast fiber system among the Southside through a fiber ring that connects employment, government, educational and other activity centers in these localities.

II. BACKGROUND

The Fiber Ring is a project that is being facilitated through the Organization, to connect the five Southside cities. The ring will consist of open access, dark fiber, which will be available to each city, as well as to lease as a regional asset.

Hampton Roads' population nucleus is not confined to one central city; population is spread among several cities and counties, including Virginia Beach, the largest in population, and Suffolk, the largest in land area in Virginia. There is much diversity between the cities in the region, and a disparity in the areas that could achieve suitable Internet speeds to be considered a part of this evolving digital economy. However, Hampton Roads' positioning in the middle of the East Coast presents a unique opportunity to leverage the unprecedented bandwidth of the incoming transatlantic cables and provide connectivity throughout the whole region. With these upgraded capabilities, Hampton Roads is well poised to create region-wide, "smart region" opportunities.

There are more than 500 communities across the country running fiber networks as public utilities with success stories in lowering operational Internet costs, encouraging economic development, and addressing the gap of digital disparity. The Regional Connectivity Ring (RCR) Master Plan provides a vision and implementation roadmap for the Hampton Roads region's Southside fiber optic network, which will eventually be expanded to the other 12 Hampton Roads localities. The Master Plan and 30% Pre-Engineering Design report and drawings are available for review at the Organization's website at <http://www.hrpdcva.gov/page/procurement> and <https://www.hrtpo.org/page/procurement/>.

The Master Plan aims to detail the core focuses of the RCR:

- to provide low-cost, effective, secure, and resilient information and communication technologies;
- to support existing local business and encourage new competition;
- to support deployment of future smart technologies throughout the region; and
- to provide a 21st century interconnected fiber network that establishes Hampton Roads as a smart region that attracts high tech companies and spurs economic growth.

Each of these focuses are pillars supporting the main goal of providing a robust, region-wide communication network which will be used to transform the region. The new system will provide many benefits to the cities, businesses, schools, and residents, as well as other stakeholders. Many cities in the region have developed or are currently developing their Next Generation Network to enhance city operations. While some contract with third party vendors for Internet service for city use, a review of existing network capabilities of each city, as well as the desire to integrate these initiatives on a regional level, demonstrated the necessity of building a singular platform to unify regional initiatives and level the playing field so that the region may be able to leverage the incredible opportunities presented by the transatlantic cables.

Most businesses are very aware of the value of the potential these cables present for increased speeds and acknowledge the opportunities that this type of service would create (i.e. job creation, business retention, etc.). Higher education facilities in the region are in a similar position, providing opportunities for enhanced research capabilities. In addition, the creation of technology jobs supported by the RCR will help in retaining recent college graduates in Hampton Roads and enhancing human capital in the region.

III. SCOPE OF WORK

A description of a 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>
Issuance of RFP	Procurement Office/Staff		12/5/19
Submission of Questions	Potential Offerors	2:00 PM on	12/16/19
*Pre-Proposal Conference	Procurement Office/Staff	1:00 PM on	12/17/19
Addenda Published	Procurement Office/Staff		12/20/19
Submission of Proposals	Offerors	2:00 PM on	1/14/20
Selection Shortlist	Evaluation Committee		TBD
Oral Presentations	Offerors		TBD
Post Intent to Award	Procurement Office/Staff		TBD
Award Contract	Procurement Office/Staff		TBD

*Questions will also be accepted during the Pre-Proposal Conference.

** There WILL be a Pre-Proposal Conference. This conference will be NON-Mandatory.

The Pre-Proposal Conference will be held at 1:00PM in the Regional Building, 723 Woodlake Drive, Chesapeake, VA on the date shown above.

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 Office 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 appropriate 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 services to be provided in writing by email to tsmith@hrpdcva.gov, or by facsimile transmission to (757) 523-4881, to the attention of Tiffany Smith, Procurement Office. 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 and 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 this 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.

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), **fifteen (15) hard copies**, and **one electronic copy** of the proposal in PDF-format must be submitted to the Procurement Office 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. Proposals should take the opportunity to elaborate on the requirements of the RFP, using the expertise of the proposing team to provide insights and innovative approaches to address each requirement of the submission.
- 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 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. A statement of financial stability. Submit a copy of the most recent annual audited financial statement if this is a public document.
 - 3. Documentation showing a minimum of five years' demonstrated experience, preferably with public sector/government organizations, and any other specialized services.
 - 4. A brief description of your organizational structure.
 - 5. A description of Affirmative Action and DBE Participation. Offeror shall present documentation to describe its compliance with Federal and State nondiscrimination laws and regulations and its Small, Women-owned, and Minority-owned (SWaM) and Disadvantaged Business Enterprise (DBE) activities.
 - 6. A description of staff and other resources which will be assigned to this contract. Include those individuals to include years of experience with similar successful

contracts comparable to the requirements contained in this solicitation and years with the Offeror.

7. Exceptions to the 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"), fifteen (15) 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, January 14, 2020 delivered to:

HRPDC Procurement Office
c/o Receptionist, Front Lobby
The Regional Building
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 ensure 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.

Proposal Acceptance Period: Any proposal in response to this solicitation shall be valid for one hundred twenty (120) days. At the end of the 120 days the proposal may be withdrawn at the written request of the offeror. If the proposal is not withdrawn at that time it remains in effect until an award is made or the solicitation is canceled.

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*). **NOTE: The entire proposal CANNOT be considered proprietary. Please reference Form 9 when replying to this section.**

X. **SELECTION CRITERIA**

An Evaluation Committee composed of representatives of the Organization, the Authority and any committees involved will evaluate each proposal received and submit a recommendation to the Procurement Office. The Evaluation Committee will evaluate each proposal pursuant to the Organization's 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). Offerors are encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. 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>
Offeror's General Approach to the Project	30%
Innovation and Creativity	25%
Qualifications and Experience	20%
Experience Involving Multiple Local Jurisdictions/Agencies	10%
*DBE/SWaM Participation	10%
**Cost	<u>5%</u>
Total	100%

*To ensure the full participation of DBEs in all phases of the HRPDC/Authority procurement activities, all Offerors 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 Offeror was non-responsive to the DBE provisions and the proposal will not be evaluated by the selection committee. Points will be allocated under the DBE/SWaM Participation factor as described below:

- (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.

**Total cost, products delivered, and schedule will all be considered during the selection process. Specific attention will be given to the commitment implied for key staff and the overall labor effort proposed, and their relationship to the estimated project cost. In addition, special attention will be placed on the strength of the approach and qualifications described in the proposal.

- B. After the Evaluation Committee's initial evaluation of the proposals, the Committee may hold interviews with the top ranked Offerors. 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. 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. 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 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 Enterprises and Disadvantaged Minority Business Enterprises

The recipient in accordance with *Title VI of the Civil Rights Act of 1964, 78 stat. 252 US C 2000d- 2004d-4* and *Title 49 CFR Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation*, issued pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

It is the policy of the Organization that Disadvantaged Business Enterprises (DBEs) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of DOT assisted contracts. The Commonwealth's Department of Small Business and Supplier Diversity (SBSD) has encompassed both SWaM (Small, Women-owned, and Minority-owned Business) and DBE (Disadvantaged Business Enterprise). This Department can be found at www.sbsd.virginia.gov. This department will coordinate certification for these types of vendors. Contractors are encouraged to take all necessary and reasonable steps to ensure that SWaM and DBEs have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the contractor intends to subcontract a portion of the services on the project, the contractor is encouraged to seek out and consider SWaM and DBEs as potential sub-contractors. The contractor is encouraged to contact SWaM and DBEs to solicit their interest, capability and qualifications. Any agreement between a contractor and a SWaM or DBE whereby the SWaM or DBE promises not to provide services to other contractors is prohibited. If a SWaM or DBE is not certified, they must become certified (with the Virginia Department of Minority Business Enterprise) prior to your response being submitted. If a SWaM or DBE is the prime contractor, 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 SWaM or DBE sub-contractors. SWaM or DBE prime contractors are encouraged to make the same outreach efforts as other contractors. SWaM or DBE credit will be awarded only for work actually being performed by the SWaM or DBE themselves. When a SWaM or DBE prime contractor, or sub-contractor, subcontracts work to another firm, the work counts toward SWaM or DBE goals only if the other firm is itself a SwaM or DBE. A SWaM or DBE must perform or exercise responsibility for at least 30% of the total cost of the contract with its own force.

The Organization actively solicits including Small, Women- and Minority-owned (SWaM) and DBE (Disadvantaged Business Enterprise) businesses to respond to all Invitations for Bids and Requests for Proposals.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

I. DBE PROGRAM COMPLIANCE

The requirements of the HRPDC Disadvantaged Business Enterprise (“DBE”) Program apply to this Agreement. It is the policy of the HRPDC 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 has enacted the DBE Program for all of its contracts.

Contractor agrees to use its best efforts to fully and completely carry out the applicable requirements of HRPDC’s DBE Program in the award and administration of this Agreement, including without limitation, all reporting requirements and established DBE participation percentage. The Contractor’s failure to carry out these requirements, as determined in good faith by HRPDC’s Procurement Officer, 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 under any applicable law, ordinance, or rule, including, but not limited to those set forth in the DBE Program.

II. DBE CONTRACT GOAL

HRPDC 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 Contractor may count only the total dollar value of the subcontract awarded to certified DBE subcontractor/supplier(s) toward the contract goal.
3. A Contractor 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. Contractor 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 Contractor is in a joint venture with one or more DBE business entities, the Procurement Officer, after reviewing the joint venture agreement, shall determine the percent of participation that will be counted toward the contract goal.
6. Contractor 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 shall reject any bid 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's DBE Program goals prior to the award of a contract, as well as the Contractor's responsibility to put forth measures to meet or exceed the contract DBE participation goal throughout the duration of the contract.

The Procurement Officer shall be responsible for determining whether a Contractor has made their best efforts to achieve the DBE Program contracting objectives. In making this determination, the following factors will be considered:

A. SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR:

1. Contractor 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.
2. Contractor listed the estimated value of each scope or portions of work identified.

B. NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES:

1. Contractor contacted the Procurement Officer to request submission of subcontracting opportunities on the DBE Opportunities page.
2. Contractor included a copy of each announcement or notification.

C. INITIAL SOLICITATION & FOLLOW-UP:

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

D. NEGOTIATE IN GOOD FAITH:

1. Contractor provided an explanation for any rejected DBE bid or price quotation.
2. Contractor included a copy of the written rejection notice including the reason for rejection to the rejected DBE firm.

If the most qualified Contractor has not met the DBE participation Goal, after scoring, selection approval and final negotiations, the firm must apply for a Good Faith Effort (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 the HRPDC's Procurement Officer. However, if the Contractor fails to submit documented Good Faith Efforts as outlined, the proposal shall be considered non-responsive.

The Procurement Officer may consider the performance of other Contractors in meeting the contract DBE participation goal and may, if deemed advisable, request further information, explanation or justification from any Contractor. A Contractor'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 deciding whether a Bidder or Proposer is in compliance with the Good Faith Effort policy.

V. REQUIRED DBE FORMS for RFPs/RFQs

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

A. DBE Participation Form-400: (Attachment "1C"):

A completed DBE Participation Form-400 shall be considered a methodology on how the Contractor plans to meet the contract DBE participation goal if awarded the contract.

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

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

1. If the amount of DBE participation on the DBE Participation Form-400 is less than the Contract Goal, the selected Contractor 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 Contractor shall provide all required supporting documentation of demonstrated Good Faith Efforts as specified on the DBE GFE Form-401.

The Procurement Officer 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/Contractor. Thereafter, the Contractor shall be bound by the established percentage, as approved by the Procurement Officer.

VI. CONTRACTOR COOPERATION

The Contractor shall:

- A. Designate an individual as the “DBE Liaison” who will monitor the Contractor’s DBE participation as well as document and maintain records of “Good Faith Efforts” with DBE subcontractors/suppliers (“DBE Entities”).
- B. Execute written contracts with DBE Entities that meet the applicable DBE goals.
 1. The contractor shall provide the Procurement Officer with copies of said contracts within thirty (30) days from the date the Agreement is fully executed between HRPDC and the Contractor.
 2. The Contractor shall agree to promptly pay subcontractors, including DBE Entities, in accordance with law.
- C. Establish and maintain the following records for review upon request by the Procurement Officer:
 1. Copies of written contracts with DBE Entities and purchase orders;
 2. Documentation of payments and other transactions with DBE Entities;
 3. 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 Contractor does not use in accordance with the approved DBE participation submission;
 4. Any other records required by the Procurement Officer.

The Contractor 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.

- D. HRPDC is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime contractor 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 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/Contractor may include debarment or removal of the firm from other contracts the contractor has with HRPDC.

1. Reports are required even when no activity has occurred in a monthly period.
 2. If the established percentage is not being met, the monthly report shall include a narrative description of the progress being made in DBE participation.
 3. The Contractor 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.
- E. Conform to the established percentage as approved by the Procurement Officer.
1. 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.
 2. No changes to the established percentage and DBE Entities submitted on DBE Participation Form-400 shall be allowed without approval by the Procurement Officer.
 3. HRPDC will not adjust the contract for any increase in cost due to replacement of DBE Entities.

VII. POST-AWARD MODIFICATION

Post-award modifications are change requests made by the Contractor/Contractor 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.

49 Code of Federal Regulations 26.53 (49 CFR 26.53) provides that prime Contractors/Contractors 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 Procurement Officer may grant a post-award modification request if:

1. For a reason beyond the Contractor/Contractor's control, the Contractor is unable to use the certified DBE entity submitted on DBE Participation Form-400 to perform the specified work. The Contractor must notify the Procurement Officer of the intent for removal and substitution of a certified DBE immediately upon determination that the DBE submitted on DBE Participation Form-400 is unable to perform the specified work. In such case, the Contractor 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

2. The Contractor reasonably believes that, due to a change of scope, execution of the work in accordance with the directions from the HRPDC is unlikely to meet the established percentage or terms. In such case, the Contractor 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 Procurement Officer will monitor the Contractor’s use of DBE subcontractors/suppliers (“**DBE Entities**”) through the following actions:

- A. Job site visits;
- B. Routine audits of contract payments to all subcontractors;
- C. Reviewing of records and reports; and/or
- D. Interviews of selected personnel.

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

IX. FAILURE TO COMPLY

If the Procurement Officer determines in good faith that the Contractor 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 under any applicable law, ordinance, or rule, including, but not limited to those set forth in HRPDC’s DBE Program.

All DBE Compliance forms are maintained by the Procurement Office and are subject to change. Please contact the Procurement Office at tsmith@hrpdcva.gov to request a copy of all DBE referenced documents or visit our website at www.hrpdcva.gov.

SWAM PARTICIPATION: In accordance with the Governor’s Executive Order No. 20, the Hampton Roads Planning District Commission (HRPDC) also requires the utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded contractor 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. Contractors 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 contractor intends to subcontract a portion of the services on the project, the contractor is encouraged to seek out and consider SWaM firms as potential sub-contractors. The contractor is encouraged to contact SWaM firms to solicit their interest, capability, and qualifications. Any agreement between a contractor and a SWaM firm whereby the SWaM firm promises not to provide services to other contractors is prohibited.

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

- A. Written documentation of the prime's commitment to the SWaM firm to subcontract a portion of the services, a description of the services to be performed, and the percent of participation.
- B. Written confirmation from the 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 the HRPDC to collect certain data about firms attempting to participate in HRPDC contracts. This data must be provided on the enclosed Vendor Verification Form 6.

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

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

SWaM certification entitles contractors to participate in HRPDC's SWaM program. However, this certification does not guarantee that the firm will obtain HRPDC 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
- Attachment 1C: All 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:

_____	Date: _____
_____	By: _____
_____	(Sign in Ink)
_____	Name: _____
_____ Zip Code: _____	(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: _____

EMAIL: _____

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: _____

Email 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

Submit to: Tiffany Smith; Fax: (757) 523-4881; email: tsmith@hrpdcva.gov

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 states, 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 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 be 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, 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/Contractor/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/Contractor/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 statutes 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 shall complete:

2. DBE GFE FORM-401.

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

DBE PARTICIPATION FORM-400

Proposers: This completed form must be submitted 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/contractor 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/RFO/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)

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 Form-404 and receive approval from the Office of Business Diversity & Engagement to remove and/or replace the firm. It is the proposer’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 Firms that it is participating in the contract as stated in the prime contractor’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 subcontractor form if needed)

Sub-Contractor 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? <input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	% _____	

Sub-Contractor 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-Contractor 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-Contractor 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-Contractor 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-Contractor 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?

[Empty box for additional steps]

ACKNOWLEDGED BY:

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

Offeror's Authorized Agent Signature

Title

____/____/_____
Date

Do Not Write in Box – For Organization Use Only

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 Proposer 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 Bidder/Proposer 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 Bidder/Proposer 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 "NA." 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: Bidders/Respondents may only solicit from the State and Local Disadvantaged Business Enterprise directories located on the SBSB website.

DOCUMENTATION OF GOOD FAITH EFFORTS-401

Contact Procurement Officer for questions on completing this form.
 Via email: djankosky@hrpdcva.gov
 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.

I. 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

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 subcontracting areas of work were advertised?	Date of Ad	Due Date & Time for Sub Bids		OBDE 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 email 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.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
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.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						
26.						
27.						
28.						
29.						
30.						
31.						
32.						
33.						
34.						
35.						
36.						
37.						
38.						
39.						
40.						

DOCUMENTATION OF GOOD FAITH EFFORTS-401

Contact Procurement Officer for questions on completing this form. Via email: djankosky@hrpdcva.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.

Do Not Write in Box – For Organization Use Only

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

Attachment 2

Hampton Roads Region

Southside Regional Connectivity Ring 100% Design

Scope of Work

I. Purpose

The Hampton Roads Planning District Commission (Organization) is soliciting proposals from qualified offerors (consultant) on behalf of the Southside Networking Authority (Authority) to establish a contract for the 100% design work for the Hampton Roads Region - Southside Regional Connectivity Ring (Fiber Ring). The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach (five Southside Cities) have formed the Authority and are seeking a consultant with experience in designing middle-mile fiber optic networks that adhere to specific requirements and quality standards that are detailed later in this RFP. The overall goal of this design is to provide information and specific recommendations to the participating cities to inform the construction of their segment of the ring.

On behalf of the Authority, the Organization is requesting proposals from qualified consultants to establish a contract to complete the 100% Final Design Work for the Southside Fiber Ring. The Authority will entertain proposals that provide the 100% design services for the Fiber Ring as outlined in this RFP. Offerors are encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts.

The Organization is supporting this procurement process on behalf of the Authority, which was recently established by the five Southside Cities. The contract for this project will be issued by the Authority. The Authority and the five Southside Cities are seeking a qualified consultant with experience in designing middle-mile fiber optic networks that adhere to specific requirements and quality standards that are detailed in this RFP. The 100% design work shall provide construction level drawings and all necessary work to secure permits and approvals needed to allow the Fiber Ring to proceed to construction. The cost for construction of the Fiber Ring shall also be provided as part of this design work. The design of the Fiber Ring must also address cyber security issues and relevant federal standards related to this issue.

Internet traffic is growing quickly, at rates exceeding over 36% annually. These rates of growth are forecasted to continue for the foreseeable future. With bandwidth demands growing at this rate, Hampton Roads has a unique opportunity to address these needs by leveraging the transatlantic fiber optic cables that have landed in Virginia Beach.

The Hampton Roads Region - Southside Regional Connectivity Ring is a project that is being facilitated through the Organization to build a fiber optic dark fiber network that will connect the five Southside Cities. Future phases of this effort will connect to the Peninsula and to the Region's rural areas, providing a regional interconnected fiber network.

To begin this effort, the five Southside Cities have invested in an initiative to implement an open access, dark fiber Regional Connectivity Ring (RCR). The RCR will accelerate the growth of digitally empowered communities.

II. Organization

The Hampton Roads Planning District Commission is one of 21 planning district commissions in Virginia, and is a regional organization representing Hampton Roads' seventeen local governments and 1.7 million residents. The Organization 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, water resources, and other matters.

The Organization is serving as the project sponsor on behalf of the Authority and the five Southside Cities. The contract for this design effort will be issued by the Authority.

III. Requested Services

The primary goal of this initiative is to complete the 100% design for the Fiber Ring which will allow the Authority to move forward to construction. The services that will be required to address this effort include the following:

Fiber Route Design Services

- A. Develop clear, concise, and accurate designs for each new RCR segment with the necessary level of detail to allow the Fiber Ring to proceed to construction.
- B. Provide detailed cost estimates for the construction of the RCR and each segment.
- C. Working with representatives of the five Southside Cities, provide all viable route options, accurate information, new industry technology, new products, and industry best practices to allow the Authority to select the most optimal solution for construction.
- D. Projects in public rights of way require compliance with a wide variety of local, state and federal environmental laws, regulation and executive orders. The selected consultant will work with participating localities to identify all permits required for construction and prepare design plans to support the required permit applications. The consultant shall also identify and address all applicable local, state and federal requirements.

- E. The selected consultant shall address cyber security issues in the 100% design work for the Fiber Ring project. Offerors are encouraged to include cyber security expertise as part of the team assigned to this project. The selected consultant will be required to identify methods to address all federal/state cyber security standards in the design of the fiber ring project.
- F. Adhere to the standards and best practices set forth by preceding fiber optic projects. The selected consultant shall provide recommendations for the design and construction of the Fiber Ring based on their experience and expertise.
- G. The proposed fiber optic network design will be comprised of all underground fiber.
- H. Provide design drawings compatible with and ready for use in ESRI's ArcGIS software, specifically in shapefile format or feature class files contained inside a file geodatabase. Design drawings must also be correctly georeferenced (i.e., all elements of the drawing must be comprised of coordinate points or geometry that correctly correspond to the coordinates of their real-world counterparts) and to scale. Required projected coordinate system for use is "NAD 1983 State Plane Virginia South FIPS 4502 Feet" (ESRI:102747).
- I. The consultant shall produce comprehensive computerized design maps and detailed CAD drawings of entire route and route options, including underground splice enclosures, handhole placements and any associated equipment necessary for network construction.
- J. The contractor will provide on-site field/site surveys and vault location requirements as required.
- K. Provide for underground facility conduit design, conduit detailing, handhole detailing, prepare all forms and documentation for approval of conduit construction and/or installation, and verify as-builts.
- L. Act on the Authority's behalf in rights-of-way negotiations and communicate with local and state governmental jurisdictions to ensure underground infrastructure requirements are met.
- M. Provide, consolidated field notes and electronically store in a format approved by the Authority.
- N. Provide detailed site drawings, permit detail drawings and overview maps in an electronic format approved by the Authority.
- O. Appropriately label all network components (conduit, handholes, vaults, etc.) based upon industry best practices and adhere to Authority labeling requirements.

- P. Be responsible for staking the route and producing computerized maps in an electronic format approved by the Authority.
- Q. Cities have the ability to inform the selected consultant of any changes in conduit specifications after the 100% design has been completed. The design will reflect the default Fiber Ring specifications but will then be adapted to consider city specific requirements for their planned future growth. These additional costs will be absorbed by the cities themselves.

Technical Requirements

The Chief Information Officers (CIOs) of the five Southside Cities have agreed to the following technical standards for the Fiber Ring:

- A. Backbone fiber must be 288 strands.
- B. Fiber will not be direct buried installed in conduit.
- C. Main demarcation point will be determined as part of the design.
- D. Size of conduit:
 - a. The agreed upon standard conduit is 2" x 3", but the consultant will have the option to use other conduit sizes. A final decision will be made when complete pricing is received.
- E. Placement of handholes (pull boxes):
 - a. Handholes will be placed for fiber pull through only, no splicing will be considered.
- F. Size of vaults:
 - a. Vaults shall be sized to accommodate multiple conduit entries and multiple fiber entries.
 - b. JB3 vaults will be considered as standard, but in some cases and as suggested by the consultant, larger sizes may be utilized in some areas (i.e. main intersections, high density areas).
- G. Recommend 10" conduit attachments at railroad, bridge, interstate, road, and body of water crossings.
 - a. The CIOs agreed to adhere to the permits and regulations of the cities, when crossing a railroad and/or other crossings that may require otherspecifications.
 - b. The consultant can identify available conduit through natural crossings, but the Authority will secure the rights to the use of the conduit. Additional cost and additions to the scope will be considered if design is required.
- H. The selected consultant will specify the required depth of conduit per cities specifications (each city has different requirements).

- I. Splice points will have no less than 100 feet of coil slack. If no splicing is required, there shall be no less than 100 feet of fiber coil.
- J. Minimum bend radius:
 - a. The CIOs will provide the selected consultant minimum bend radii requirements based on universal standards.
- K. Acceptable depth:
 - a. The consultant will communicate with each city to determine the acceptable depth.
- L. Storage loops:
 - a. The consultant shall consult with each city regarding specifications.
- M. Distance between boxes:
 - a. Vaults will be 250 feet apart for high density areas and could be placed as far as 1,500 feet apart for lower density and even farther for long hauls. The consultant's recommendations will be considered.

IV. Statement of Needs

- A. The consultant should have experience with fiber network designs, engineering, real estate, cyber security, permitting, community land use planning, infrastructure planning, geospatial analysis, and economic analysis.
- B. The consultant should have experience with engaging multiple cities and coordinating between their GIS departments.
- C. A kick-off meeting will be held within 30 days of the effective date of the contract between the consultant, the Authority, and the Organization. At this meeting, the consultant will:
 - a. Present a final scope of work and timeline for completion of all aspects of the project
 - b. Supply the Authority with a list of documents, information, and other materials needed to complete the project.
- D. It is required that the completed RCR 100% design will include, at minimum, the following sections:
 - a. An executive summary
 - b. Applicable GIS data
 - c. CAD drawings showing each segment of the route following the specifications outlined in this RFP.
- E. The consultant shall make presentations to the City Planning Commissions and City Councils of the five Southside Cities and other public bodies as required that succinctly provide any requested information from any overseeing party.

- F. An agreement that all work produced by the consultant shall be the property of the Authority.

V. Other Requirements

The consultant will provide network design services for the Authority dark fiber-optic network buildout, which includes approximately 103 fiber route miles, using a combination of existing traffic conduit and new construction, as proposed in the recently adopted RCR Master Plan. In addition to the requirements expressed elsewhere in this RFP, the selected consultant shall:

- A. Provide Professional Engineer (PE) approved formal network design and engineering based on the conceptual design contained in the 30% MasterPlan.
- B. Provide revised plans and associated cost estimates to the City at 60%, 90%, and 100% design completion milestones. The 90% and 100% completion milestones shall also include draft and final specifications, respectively.
- C. Produced a design consisting of single-mode fiber placed underground in new (proposed) conduit systems.
- D. Perform outside plant walkout and staking, as needed, to validate design, confirm existing utilities, and collect necessary information for permitting agencies.
- E. Create base maps, which include parcels/addresses and other information needed to design the network.
- F. Include cost of independent PE certification, if required, by funding source.
- G. Create a design and layout of fiber-optic trunk line (backbone) and distribution laterals including:
- a. Underground path (route) determinations using the best and least expensive construction methods to allow potential network connections along said route.
 - b. Field data collection to include, but not limited to:
 - Road widths
 - Right-of-way widths
 - Hard points or standing structures within rights-of-way
 - Define size and type of fiber and conduit
 - Determine network access point and vault locations
 - Select location, type, and size of handholes (vaults) or manholes
 - Determine splicing, patching and termination locations
 - Wiring limits for fiber vaults

- H. Establish construction methods (e.g. bore, plow, trench) and practices.
- I. Provide detailed underground design using ESRI© ARCGIS™ software.
- J. Obtain all necessary permitting (e.g. County, City, Utility, VDoT, etc.) and easements. (actual fees for permits to be paid by the Authority directly.)
- K. Develop general notes and specifications.
- L. Detailed records of labor and materials (project cost estimates).
- M. Detailed project cost estimates (labor and materials).
- N. Provide regular progress updates during bi-weekly management remote meetings with the Authority to present current status and address any issues with meeting notes.

VI. Electronic Resources

The conduit and fiber data sets listed in the table below will be provided to the selected consultant upon award of the contract. This data will assist the consultant in determining fiber routing and network design. Prior to an awarded contract, the consultant will be required to sign a non-disclosure agreement with Authority.

Fiber and Vault Data Sources

Organization	Metadata Description	File Format				
		PDF	Excel	KML/ KMZ	SHP	CAD
City of Chesapeake	Vault Locations					
City of Norfolk	Vault Locations					
City of Portsmouth	Vault Locations					
City of Suffolk	Vault Locations					
City of Virginia Beach	Vault Locations					
HRPDC	RCR Master Plan					
HRPDC	30% Design Drawings					

VII. Expenses

Normal and customary expenses such as mileage to meetings are allowed. The estimated costs for printing documents listed above are to be identified as anticipated expenses in the budget estimate.

VIII. Data and Deliverables

Expected deliverables for this project include:

- Printed and electronic versions of the design documents, including cost estimates
- Present/Review at 60%
- Present/Review at 90%
- 100% design review and acceptance
- GIS and CAD files
- Permits and easements
- Permitted drawings and maps

All data layers, infographics, or other materials generated or created for this project and all deliverables will be property of the Authority.