REQUEST FOR PROPOSAL

Right-Of-Way Delineation – The Buckingham Branch: Clifton Forge to Doswell

There will be a Mandatory pre-proposal conference for this solicitation. The pre proposal will be held via a teleconference using the GOTOWebinar service. The mandatory pre-proposal will be August 18, 2020 at 11AM. Step by step instructions on how to attend the meeting will be in an attachment after the RFP as well as in section XI of this RFP.

Notice: The Virginia Department of Rail and Public Transpiration (DRPT) is releasing this RFP, but due to passage of HB 1414 by the Virginia General Assembly, a Virginia Passenger Rail Authority (VPRA) will be created as of July 1, 2020. Therefore, this RFP allows for assignability to VPRA at any stage in the procurement process or after award of procurement.

Vendor Registration: In order to receive an award, the firm must be a registered vendor with eVA before the RFP submission due date and time. See section XVIII page 14 - eVA Vendor Registration Requirements.

Note: This public body does not discriminate against faith based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against an Offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

DRPT

Virginia Department of Rail and Public Transportation

Issue Date: August 4, 2020 RFP# 505-694

Title: Right-Of-Way Delineation – The Buckingham Branch: Clifton Forge to Doswell

Commodity Code: 92586, 91800, 96252 Surveying

Issuing Agency and Address: Commonwealth of Virginia
Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, Virginia 23219
ATTN: Melissa Myers

Location of Work: Clifton Forge, VA to Doswell, VA

Period of Contract: Date of award through completion of Project

All inquiries for information should be directed in writing to Melissa Myers, Procurement Officer at melissa.myers@drpt.virginia.gov. All questions must be received no later than August 21, 2020 at 3:30pm

Sealed proposals for furnishing the services described herein will be received until **3:00 p.m. Eastern time** on **September 9, 2020**. **All proposals must received via eVA. Instructions on how to do this are included in this RFP**

In compliance with this Request For Proposal (RFP), which includes the attached Table of Contents and all provisions and appendices attached and referenced therein, and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services **described in the RFP cited above and submit this signed proposal which includes this completed and signed page, the completed and signed Forms AE-1, AE-2, AE-3, AE-4, AE-5 and AE-6 and other data as required by the RFP**. It is understood that this proposal and the scope of services may be modified, by mutual agreement in subsequent negotiations.

Name and Address of Offeror:

_____ _____
Date

_____ _____
Signature (in Ink)

_____ _____
Printed or Typed Name of Above

_____
FEI/FIN Number

_____ _____
E-mail Phone

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Note: Electronic copies of A/E Data Forms (AE-1 through AE-6) forms are available for download at:
https://dgs.virginia.gov/search/documents-and-forms/?filter=DEB

I. PURPOSE

The Department of Rail and Public Transportation ("DRPT"), an agency of the Commonwealth of Virginia, is issuing this request for proposal ("RFP") for the purposes of entering into a contract through competitive negotiations for the professional services of an architectural/engineering ("A/E") firm, authorized to do business in the Commonwealth of Virginia, with experience in land surveying and mapping services. Experience must be applicable to land surveying and mapping with specific experience in performing property boundary surveys and rail profile surveys located in a corridor with active freight and passenger rail.

II. BACKGROUND

DRPT and CSX Transportation (CSXT) have entered into an agreement for DRPT to purchase real property, track, and other infrastructure and facilities from CSXT. The Project limits include approximately 164-miles of existing CSX Transportation right-of-way (ROW) on the Buckingham Branch Railroad (BBRR) Corridor, which includes all or portions of the North Mountain Subdivision, Washington Subdivision, and Piedmont Subdivision. The limits extend from JD Cabin Interlocking at milepost (MP) 276 in Clifton Forge, VA to Doswell Interlocking at MP 111.7 in Doswell, VA, between which the BBRR has been granted trackage rights by CSXT. The Project covers the following milepost limits along the CSXT ROW:

- MP 276 – MP 180 (North Mountain Subdivision)
- MP 180 – MP 160.3 (Washington Subdivision)
- MP 160.3 – MP 111.7 (Piedmont Subdivision)

III. GENERAL

The Offeror ("Offeror") is the firm submitting the proposal and may be referred to as the "prime consultant" and "responding firm" on the attachments.

This RFP does not commit DRPT to award a contract, to pay any costs incurred in the preparation of a proposal in response to this request, or to procure or contract for services.

DRPT reserves the right to alter the project delivery method at any time during the contract period. DRPT will notify the Offeror of such decision, revise the scope of services, and negotiate a fair and reasonable fee as appropriate. The change, if necessary, will be implemented utilizing an additional task order or supplemental agreement based on the contract type.

DRPT reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm, or to modify or cancel in part or in its entirety the RFP if it is in the best interest of DRPT to do so.

IV. SCOPE

The scope of work shall consist of the items listed in Attachment A – Scope of Services.

V. CONFLICT OF INTEREST

Each Offeror shall require its proposed team members to identify potential conflicts of interest or a real or perceived competitive advantage relative to the procurement. Prior or existing contractual obligations between a company and a federal, state, or local agency relative to the project or DRPT's program may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the Offeror shall submit in writing the pertinent information to DRPT's point of contact as identified in the solicitation.

DRPT, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to the procurement that cannot be mitigated, shall not be allowed to participate as a team member for the Right-of-Way Delineation project. Failure to abide by DRPT's determination in this matter may result in a Proposal being declared non-responsive.
Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and, for example, may include, but are not limited to, the following situations:

1. An organization or individual hired by DRPT to provide assistance in development of instructions to Offerors or evaluation criteria for the project.
2. An organization or individual hired by DRPT to provide assistance in development of instructions to Offerors or evaluation criteria as part of the programmatic guidance or procurement documents for DRPT's program, and as a result has a unique competitive advantage relative to the project.
3. An organization or individual with a present or former contract with DRPT or DDOT to prepare planning, environmental, engineering, or technical work product for the Project, and has a potential competitive advantage because such work product is not available to all potential Offerors in a timely manner prior to the procurement process.
4. An organization or individual with a present or former contract with DRPT to provide assistance in contract administration for the project.

DRPT reserves the right, in its sole discretion, to make determinations relative to potential conflicts of interest on a project specific basis.

DRPT may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive

advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Virginia law, the Offeror will be given the opportunity to waive this protection from disclosure. If the Offeror elects not to disclose, the Offeror may be declared non-responsive.

VI. APPLICABILITY OF THE A/E MANUAL

The rights and duties of the Owner and Architect/Engineers (A/E) applicable to State projects are set forth in the Terms and Conditions of the A/E Contract (CO-3a) and the A/E Manual as defined in the current edition of the Construction and Professional Services Manual (CPSM), as amended. The Terms and Conditions are available at:

https://dgs.virginia.gov/globalassets/business-units/bcom/documents/forms/dgs-30-018_05-15_co-3a.pdf

Offeror's attention is directed to Chapter 2, Definitions of the CPSM, for definitions of terms used in this RFP. The terms "“Agency”" and "“DRPT”" are used interchangeably in the material referenced in this RFP and mean the Department of Rail and Public Transportation, the public body issuing this solicitation for services and with whom the successful A/E Offeror will enter into an agreement.

VII. PROPOSAL PREPARATION AND SUBMISSION REQUIREMENTS

A. General Requirements

1. RFP Response

In order to be considered for selection, Offerors must submit a complete sealed electronic response to this RFP. RFP must be submitted electronically using eVA. https://eva.virginia.gov/index.html If you are not registered in eVA, you must do so in order to submit a proposal and have a contract with the state of Virginia.

Proposals must be received in eVA by September 9, 2020 by 3pm.

In addition, the Offeror may be required to make a subsequent oral presentation detailing how the Offeror would approach the specific elements outlined in the Scope of Work.

2. Electronic Proposal Preparation

A. Proposals shall be electronically signed by an authorized representative of the Offeror. All information requested should be submitted. Failure to submit all information requested may result in the DRPT requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals,

which are substantially incomplete or lack key information, may be rejected by the DRPT at its discretion.

B. Proposals should be organized in the order in which the requirements are presented and follow the requirements in Section V: Specific Proposal Requirements of this RFP. All pages of the proposal should be numbered. 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 any of the requirements 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.

C. Proposals should be prepared simply and economically, providing straightforward concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Each tab must be submitted separately as an attachment in eVA. Each attachment can be no more than 60MB. You can submit up to five attachments at a time and as many as necessary. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Proposals should use a font size of 12 (or larger) and have no less than ¾" margins. **No proposal, in its entirety, should exceed 50 pages one- sided**.

B. SPECIFIC PROPOSAL REQUIREMENTS

Proposals should be as thorough and detailed as possible so that DRPT may properly evaluate the Offerors capabilities to provide the required services. Offerors are required to submit the following items in order for their proposal to be considered complete.

RFP Cover Sheet – The RFP Cover Sheet (page 2 of this RFP) shall be completely filled out and signed as required.

Tab 1: Introduction and Executive Overview (2 Page Maximum)
The Offeror must concisely highlight the most relevant and noteworthy elements of their proposed approach, experience and qualifications to perform the work outlined in Attachment A of this RFP.

Tab 2: Understanding of Work and Plan for Providing Services (10 Page Maximum)
The Offeror must provide a detailed description of its understanding of the services to be provided with descriptions of the approach and procedures employed on similar projects elsewhere. The Offeror should also describe the management procedures it will follow to oversee work by its personnel and work by sub-consultants.

Tab 3: Experience and Qualifications (25 Page Maximum)

The Offeror must describe the skills and qualifications it has available to perform the various types of tasks described in the Scope of Work. The key personnel who will be assigned to these various tasks need to be identified. The Offeror must demonstrate that it has sufficient personnel with the various types of skills needed to perform the work.

The Offeror shall provide all of the following information concerning its company, sub-consultants and personnel qualifications:

1) A detailed statement indicating the organizational structure under which the firm proposes to conduct business. If more than one firm is involved in this project, state the type of arrangement between the firms and the percentage of work to be performed by each.
2) A list of the key personnel including sub-consultants who could be assigned to the various tasks identified. Give the relevant experience record of each and include resumes and any certifications.
3) A list of references to include name, address, telephone number, project, and amount of project.

Tab 4: Virginia Department of Small Business and Supplier Diversity (DSBSD/SWAM) Participation

The Offeror shall indicate the percentage of DSBSD/SWAM participation and specify the types of work to be performed by DSBSD/SWAM sub-Consultant. In order to be considered for the selection of this Request for Proposals, the Offeror must submit a copy of the Small Business Subcontracting Plan in the proposal. A blank copy of this document is included as Attachment D.

All DSBSD/SWAM Offerors must be certified with the Virginia Department of Small Business and Supplier Diversity. If the DSBSD/SWAM is not certified they must demonstrate that they are eligible to be certified, and they must receive such certification prior to the solicitation due date. The Virginia Department of Small Business and Supplier Diversity can be contacted at (804) 786-6585. The DSBSD/SWAM goal for this contract is **10%**; if the DSBSD/SWAM is the Prime Offeror, the Offeror will receive full credit for planned involvement.

Tab 5: **Contact Person**

The primary Offeror must identify the name, telephone number and e-mail address for the contact person who will be responsible for coordinating the efforts and personnel of all parties and/or sub-Consultants involved in the proposal.

Tab 6: Staffing Plan

Offerors shall identify all staff positions necessary to perform the services described in the Statement of Work, and listed pursuant to Tab 2. Final pricing/rates will be addressed in the negotiation phase.

VIII. EVALUATION CRITERIA AND CONTRACT AWARD

A. Evaluation Criteria

Proposals shall be evaluated by DRPT using the following criteria:

Offeror's Approach to Performing the Scope of Services (20 points):

- Offeror has a well-developed, pragmatic approach to managing and delivering the scope of services;
- Offeror demonstrates a clear understanding of the scope of services required under the solicitation and demonstrates the ability to deliver those services;
- Offeror clearly outlines how the Offeror will provide QA/QC of their services, including written deliverables, reports, etc.

Offeror's Capability, Past Experience (30 points):

The Offeror's demonstrated track record in providing similar services including:

- Expertise and past experience of the Offeror in providing services on other contracts or on projects of similar size, scope and features as those required for the scope of services on this RFP.
- Offeror's experience in providing services in conformance to the Commonwealth's construction and capital outlay procedures including codes, standards, accessibility and building efficiency, as applicable.

Qualifications of Key Staff (30 points):

The expertise, experience, and qualifications of the Offeror's personnel and proposed sub-consultants in each discipline listed in the Scope of Work.

Small Business Utilization (10 points):

Use of small businesses and businesses owned by women and minorities as consultants, subcontractors, suppliers or support services.

Quality of Proposal (10 points):

Clear and concise organization of the proposal including completeness, appearance, and quality.

IX. POLICY ON SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES:

It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in state procurement activities. The Commonwealth encourages contractors to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses is required with any proposal for A/E services where the total A/E contract amount may exceed $100,000. Since the potential for the contract exceeds $100,000, the Offeror must provide information on its past

utilization of Small, Women, and Minority Owned disadvantaged businesses, and must also state any plans to utilize such businesses and the manner in which they may be utilized under this Contract.

A list of Virginia Department of Small Business and Supplier Diversity certified SWAM firms are maintained at www.DSBSD.virginia.gov under the SWAM Vendor Directory link.

X. LICENSE AND REGISTRATION:

All business entities, except for sole proprietorships, are required to register with the State Corporation Commission. Foreign Professional corporations and Foreign Professional Limited Liability Companies (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company, or sole proprietorship that does not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects ("Board") of the Department of Professional and Occupational Regulation ("DPOR"). Board regulations require that all branch offices of professional corporations and business entities located in Virginia that offer or render any professional services relating to the professions regulated by the Board be registered as separate branch offices with the Board. All offices, including branches, that offer or render any professional service must have at least one full-time resident professional who is responsible and in charge who is licensed in the profession offered or rendered at that office. All firms that are to provide professional services must meet these criteria prior to submitting a Proposal to DRPT. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the *Code of Virginia*.

Each business entity (prime and sub-consultants) on the proposed team that is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis, geotechnical analysis and landscape architecture, must provide evidence in the Proposal, including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, and for appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The Proposal should convey the requested information for each registrant by the use of a concise table or matrix. Full size copies of the State Corporation Commission and DPOR supporting registration will not count towards the page restriction.

- The State Corporation Commission registration detailing the name, registration number, type of corporation and status of the business entity.

- The DPOR registration information for each office practicing or offering to practice any professional services in Virginia, including the business name, address, registration type, registration number, expiration date.

- The DPOR license information for each of the Key Personnel practicing or offering to practice professional services in Virginia, including the name, address, type, registration number, and expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.

- The DPOR license information for those services not regulated by the Board, such as real estate appraisal, including the business name, address, registration type, registration number, and expiration date.

Failure to comply with either state or federal law with regard to requirements in Virginia regarding the Offeror's organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature, may render the Proposal submittal, in the sole and reasonable discretion of the Agency, non-responsive. In that event, the Proposal submittal may be returned without any consideration or evaluation.

XI. MANDATORY PRE-PROPOSAL CONFERENCE

There will be a Mandatory pre-proposal conference for this RFP on August 18, 2020 at 11:00am.

The pre proposal will be held via teleconference using the GOTOWebinar service. The Step by step instructions on how to attend the meeting will be in an attachment after the RFP.

DRPT is requesting only two representatives from each firm be on phone/registered. Please register for Rail Project Oversight Project Manager Mandatory Pre Proposal before August 18, 2020.
https://attendee.gotowebinar.com/register/1595038837366924813

Call in number is 415/655-0052 Attendee Code is 728-154-040

After registering, you will receive a confirmation email containing information about joining the webinar.

Please make sure you are able to log in, register, and are familiar with the gotowebinar service in advance. If you dial in late you will miss important information and DRPT will not go back over what has already gone over.

Any changes resulting from this conference will be issued as a written addendum to the

RFP.

XII. AWARD OF CONTRACT:

For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

XIII. REPORTING AND PERFORMANCE REQUIREMENTS

A. MEETINGS AND REVIEWS –

DRPT shall hold an initial conference with the contractor at a place and time selected by DRPT for the purpose of reviewing the contractor's schedules, procedures, methods, and to clarify any ambiguities that may then exist. The contractor's Principal Officer and others requested by DRPT shall attend the conference. DRPT may request additional reviews during the contract period to evaluate vendor performance and provide feedback.

B. PROGRESS REPORTS

Offerors must meet all due dates on all tasks assigned. To provide feedback to DRPT concerning this requirement, the Offeror shall submit monthly progress reports providing detailed information on the status of the work effort on each of the various project tasks. The progress reports shall include total authorized funds and expended funds to date, broken down by task order. The total expended must be broken down by amounts paid to SWAM and non-SWAM businesses each month and paid to date. It shall summarize all work efforts in the reporting period including personnel utilization and hourly rates. It shall also discuss any anticipated difficulties and proposed resolution.

C. SUBMISSION OF SMALL BUSINESS SUBCONTRACTING PLAN, EVIDENCE OF COMPLIANCE WITH SMALL BUSINESS SUBCONTRACTING PLAN, AND SUBCONTRACTOR REPORTING

1. Submission of Small Business Subcontracting Plan: It is the statewide goal of the Commonwealth that 42% of its purchases be made from small businesses certified by DSBSD. This includes discretionary spending in prime contracts and subcontracts. All bidders/offerors are required to submit a Small Business Subcontracting Plan. The contractor is encouraged to offer such subcontracting opportunities to DSBSD-certified small businesses. This shall include DSBSD-certified women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status when they have also received DSBSD small business certification. Where it is not practicable for any portion of the goods/services to be subcontracted to other suppliers, the bidder/offeror shall note such on the Small Business Subcontracting Plan. No bidder/offeror or subcontractor shall be considered a small business unless certified as such by the Department of Small Business and Supplier Diversity (DSBSD) by the due date for receipt of bids or proposals.

2. Evidence of Compliance with Small Business Subcontracting Plan: Each prime contractor who wins an award in which provision of a small business subcontracting plan is a condition of the award, shall deliver to the contracting agency or institution monthly reports substantiating compliance in accordance with the small business subcontracting plan. If a variance exists, the contractor shall provide a written explanation. A subcontractor shall be considered a Small Business for purposes of a contract if and only if the subcontractor holds a certification as such by the DSBSD. Payment(s) may be withheld until the purchasing agency confirms that the contractor has certified compliance with the contractor's submitted Small Business Subcontracting Plan or is in receipt of a written explanation of the variance. The agency or institution reserves the right to pursue other appropriate remedies for non-compliance to include, but not be limited to, termination for default.

3. Prime Contractor Subcontractor Reporting:

a. Each prime contractor who wins an award greater than $100,000, shall deliver to the contracting agency or institution on a monthly basis, all applicable information for each subcontractor listed on the Small Business Subcontracting Plan that are DSBSD-certified businesses or Employment Services Organizations (ESOs). The

contractor shall furnish the applicable information to the purchasing office via the Subcontractor Payment Reporting tool accessible within the contractor's eVA account.

b. In addition each prime contractor who wins an award greater than $200,000 shall deliver to the contracting agency or institution on a monthly basis, all applicable information on use of subcontractors that are not DSBSD-certified businesses or Employment Services Organizations. The contractor shall furnish the all applicable information to the purchasing office via the Subcontractor Payment Reporting tool accessible within the contractor's eVA account.

FEDERAL REQUIREMENTS

Review the document at https://cms8.fra.dot.gov/grant-administration/reporting-requirements/ffata-report for requirements under the Federal Funding Accountability and Transparency Act (FFATA). These requirements relate to DRPT's reporting requirements and contractors may be required to supply requested information to the DRPT to facilitate our reporting requirements.

XIV. TIME SCHEDULE:

The items that are asterisked below are approximate dates and may be changed.

Pre-Proposal: August 18, 2020 at 11:00 a.m.
Questions Due: August 21, 2020 at 3:30 p.m.
Proposals due: September 9, 2020 at 3 p.m.
Interviews with Offeror: September 21, 2020*
Negotiations start: September 28, 2020*
Awarded by: October 1, 2020*

XV. FEES:

The MOU prepared by the Agency will document the negotiated acceptable labor rates for the various A/E classifications/disciplines/skill levels. These rates will be used by the Agency in arriving at any hourly rate work that is authorized by the Agency for the Task Order issued under the Contract resulting from this solicitation.

XVI. TASK ORDERS:

A single task order may contain multiple tasks and project elements.
Services procured under this contract will be done on a Purchase Order basis. No commitment is made until an eVA Purchase Order is issued.

XVII. eVA VENDOR REGISTRATION:

The eVA Internet electronic procurement solution, web site portal www.eVA.virginia.gov, streamlines and automates government purchasing activities in the Commonwealth. The

eVA portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution by completing the free eVA Vendor Registration. All bidders or offerors must register in eVA and pay the Vendor Transaction Fees specified below; failure to register will result in the bid/proposal being rejected. Vendor transaction fees are determined by the date the original purchase order is issued and the current fees are as follows: a. For orders issued July 1, 2014, and after, the Vendor Transaction Fee is:

(i) DSBSD-certified Small Businesses: 1%, capped at $500 per order.

(ii) Businesses that are not DSBSD-certified Small Businesses: 1%, capped at $1,500 per order. b. Refer to Special Term and Condition "eVA Orders and Contracts" to identify the number of purchase orders that will be issued as a result of this solicitation/contract with the eVA transaction fee specified above assessed for each order. For orders issued prior to July 1, 2014, the vendor transaction fees can be found at www.eVA.virginia.gov.

The specified vendor transaction fee will be invoiced, by the Commonwealth of Virginia Department of General Services, typically within 60 days of the order issue date. Any adjustments (increases/decreases) will be handled through purchase order changes

XVIII SPECIAL TERMS AND CONDITIONS:

1. **AUDIT:** The contractor shall retain all books, records, and other documents relative to this contract for five years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The agency, its authorized agents, and/or state auditors shall have full access to and the right to examine any of the materials during this period.

2. **eVA ORDERS AND CONTRACTS:** The solicitation/contract will result in One purchase order with the applicable eVA transaction fee assessed for each order.

   Vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution and agree to comply with the following: If this solicitation is for a term contract, failure to provide an electronic catalog (price list) or index page catalog for items awarded will be just cause for the Commonwealth to reject your bid/offer or terminate this contract for default. The format of this electronic catalog shall conform to the eVA Catalog Interchange Format (CIF) Specification that can be accessed and downloaded from www.eVA.virginia.gov. Contractors should email Catalog or Index Page information to eVA-catalog-manager@dgs.virginia.gov.

3. **LATE PROPOSALS**: To be considered for selection, the proposal must be received in the issuing office by the designated date and hour. The official time used in the receipt of proposal is the time on the automatic time stamp machine in the issuing office. Proposals

received in the issuing office after the date and hour designated are automatically disqualified and will not be considered. The Agency is not responsible for delays in the delivery of mail by the U.S. Postal Service, private couriers, or the intradepartmental Agency mail system. It is the sole responsibility of the Offeror to ensure that its bid reaches the issuing office by the designated date and hour.

4. **CANCELLATION OF CONTRACT:** The Agency reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

5. **SUBCONTRACTS**: No portion of the work shall be subcontracted without prior written consent of the purchasing agency. In the event that the contractor desires to subcontract some part of the work specified herein, the contractor shall furnish the purchasing agency the names, qualifications and experience of their proposed subcontractors. The contractor shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the contract.

6. **STATE CORPORATION COMMISSION IDENTIFICATION NUMBER:** Pursuant to Va. Code Ann. § 2.2-4311.2(B), a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or 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 bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.
   For assistance in complying with the above requirement please read the following:
   The link below takes you to the State Corporation Commission document which provides information for foreign firms pertaining to exclusions to the requirement to register with the State Corporation Commission. Note that a foreign firm is defined as "*organized or existing under the laws of a state or jurisdiction other than Virginia.*"
   http://www.scc.virginia.gov/clk/befaq/forinva.aspx#a1

7. **INTELLECTUAL PROPERTY RIGHTS:** The Virginia DRPT shall have exclusive rights to all data and intellectual property generated in the course of the project Intellectual property, which includes all inventions subject to the U. S. Patent System. This shall be inclusive but not limited to, new processes, materials, compounds and chemicals, and all creations subject to the U. S. Copyright Act of 1976, as amended, including but not limited to printed material, software, drawings, blueprints, and compilations such as electronic databases.) Furthermore, DRPT shall have all rights, title, and interest in or to any invention reduced to practice pursuant to a resulting contract. Proposals should recognize the requirements of public sector agencies and of public policy generally, including the

Freedom of Information Act, State statutes and agency rules on release of public records, and data confidentiality.
All copyright material created pursuant to this contract shall be considered work made for hire and shall belong exclusively to DRPT. Neither DRPT nor the contractor intends that any copyright material created pursuant to the contract, together with any other copyright material with which it may be combined or used, be a "joint work" under the copyright laws. In the case that either whole or part of any such copyright material not be deemed work made for hire, or is deemed a joint work, then contractor agrees to assign and does hereby irrevocably assign its copyright interest therein to DRPT. DRPT may reasonably request documents required for the purpose of acknowledging or implementing such assignment.

The contractor warrants that no individual, other than regular employees and subcontractors of the contractor or DRPT regular employees, agents, or assigns while working within the scope of their employment or contracted duty, shall participate in the creation of any intellectual property pursuant to the contract. If this situation should arise, such individual and his or her employer, if any, must agree in writing to assign the intellectual property rights, as described herein, for work performed under this contract to DRPT either directly or through the contractor.

DRPT shall have all rights, title and interest in or to any invention reduced to practice pursuant to this contract. The contractor shall not patent any invention conceived in the course of performing this contract. The contractor hereby agrees that, notwithstanding anything else in this contract, in the event of any breach of this contract by DRPT, the remedies of the contractor shall not include any right to rescind or otherwise revoke or invalidate the provisions of this section. Similarly, no termination of this contract by DRPT shall have the effect of rescinding the provisions of this section.

DRPT is only entitled to the intellectual property rights for deliverables and associated documentation produced by the contractor for which DRPT has fully paid the contractor as the contract is completed or as the contract is terminated for any reason.

Copyright or pre-existing work of the contractor shall remain the property of the contractor. The contractor grants to DRPT a perpetual, royalty-free, irrevocable, worldwide, non-exclusive license to use such pre-existing work in connection with exercising the rights of ownership granted to DRPT pursuant to this section.

Notwithstanding anything herein to the contrary, DRPT acknowledges that as part of the contractor's provision of services hereunder, the contractor may license third-party software or acquire proprietary works of authorship (collectively referred to as "products"), which have been developed by third parties. DRPT must approve the third-party license agreements and the acquisition of these third-party products prior to their use by the contractor and DRPT agrees that these products will remain the sole property of the third party.

The contractor shall grant DRPT license to use all software developed by the contractor under this contract in other applications within Virginia as DRPT sees fit. Should the contractor desire to re-use software developed under this contract for other projects (both DRPT contracts and others), DRPT must be notified in writing 60 days prior to such use. Furthermore, DRPT shall be justly compensated for the re-use of such software. Compensation shall be negotiated and agreed upon prior to DRPT releasing software rights. Typically, DRPT prefers increased software capabilities and/or functionality instead of monetary compensation.

8. DRPT reserves the right to approve any personnel or subcontractors proposed for the work described in this RFP and/or any subsequent contract resulting from this RFP. DRPT will provide written justification to the contractor when approval is not granted.

9. PATENT RIGHTS: If any invention, improvement or discovery of the Consultant or any of its Sub consultants is conceived or first actually reduced to practice in the course of or under this Project which invention, improvement or discovery may be patentable under the Patent Laws of the United States of America or any foreign country, the Consultant shall immediately notify DRPT and provide a detailed report. The rights and responsibilities of the Consultant, his Sub consultants and the Department with respect to such invention will be determined in accordance with applicable Federal laws, regulations, policies, and waivers thereof.

10. KEY PERSONNEL: People identified in terms of this RFP as "key personnel" who will work on the service contract, must continue to work on this contract for its duration so long as they continue to be employed by the Consultant unless removed from work on the Contract with the consent of the purchasing agency.

Attachment A – Scope of Services

Detailed Scope of Work

Right-Of-Way Delineation – The Buckingham Branch: Clifton Forge to Doswell

Virginia Department of Rail and Public Transportation

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Section I. Overview

Project Name

The project title determined by the Virginia Department of Rail and Public Transportation ("DRPT") is "Right-Of-Way Delineation – The Buckingham Branch: Clifton Forge to Doswell" whereby the Offeror's contract scope will be referred to throughout as "the Project".

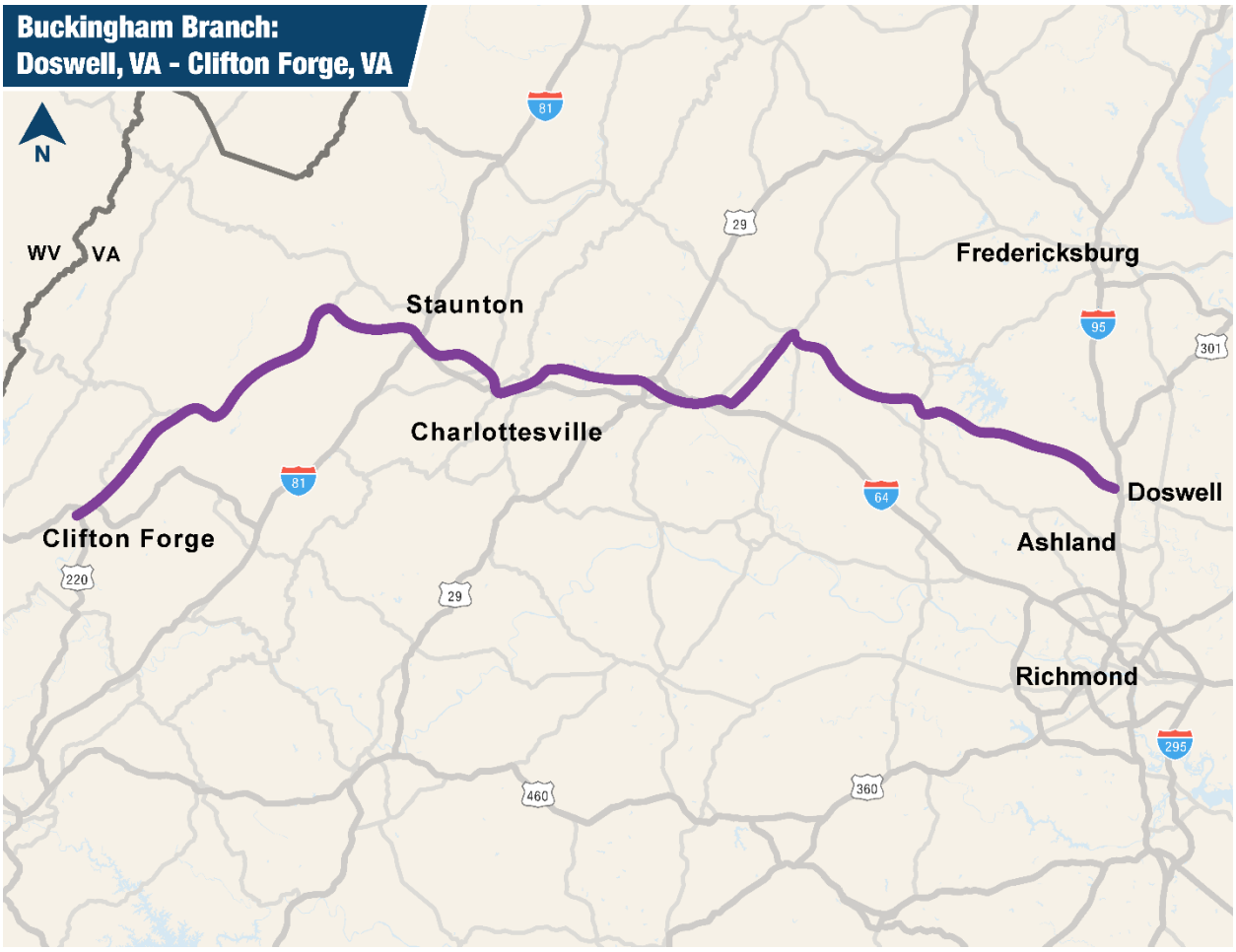
Project Location

The Project limits include approximately 164-miles of existing CSX Transportation (CSXT) right-of-way (ROW) on the Buckingham Branch Railroad (BBRR) Corridor, which includes all or portions of the North Mountain Subdivision, Washington Subdivision, and Piedmont Subdivision. The limits extend from JD Cabin Interlocking at milepost (MP) 276 in Clifton Forge, VA to Doswell Interlocking at MP 111.7 in Doswell, VA, between which the BBRR has been granted trackage rights by CSXT. The Project covers the following milepost limits along the CSXT ROW:

- MP 276 – MP 180 (North Mountain Subdivision)
- MP 180 – MP 160.3 (Washington Subdivision)
- MP 160.3 – MP 111.7 (Piedmont Subdivision)

The Project limits are shown in Figure 1 below.

Figure 1: Project Location Map



Project Description

DRPT and CSXT have entered into an agreement for DRPT to purchase real property, track, and other infrastructure and facilities from CSXT. The Project includes the field verification and documentation of the existing CSXT railroad ROW and railroad tracks, the definition of the railroad ROW that will be purchased from CSXT, the preparation of ROW Strip Maps, and preparation of related documents in support of the agreement.

Section II. Description of Work

The description of work provides an explanation of the survey activities required by the Project. The following sections provide details on each individual task. Additional information on the required submittals and other deliverables for each task are provided in Section III. Deliverables. The Offeror shall coordinate with DRPT to ensure deliverables are provided in a format that meets the needs of the agreement with CSXT.

Task 1.0: Project Management and Coordination

The objective of this task is to provide support to DRPT for oversight and execution of technical and administrative functions needed to keep the Project on schedule, within budget, and in compliance with all applicable requirements. All procedures, including management, administrative, financial, accounting, and reporting, shall be in accordance with Virginia law.

1.1 Coordination Meetings

This task includes the following meetings throughout the length of the Project:

- One (1) kick-off meeting with DRPT
  - The kick-off meeting will be used to define the roles, responsibilities, and procedures for internal and external communication, progress reporting, invoicing, and other management-related operations.
- Biweekly (every other week) project management, schedule, and status coordination conference calls with DRPT

The Offeror shall provide agendas for each meeting at least three (3) business days in advance of the scheduled meeting, shall facilitate the discussions during the meetings, and shall submit minutes documenting each meeting.

1.2 Project Administration and Management

The Offeror shall submit a detailed schedule for the Project within 10 days of NTP which shall contain all the activities, right-of-entry notification, tasks, events, meetings, reviews, and deliverables for the duration of the Project. To meet the requirements in the agreement between CSXT and DRPT, the schedule shall include completion of all final deliverables for the Project by

November 1, 2022. After DRPT review of the schedule, the Offeror shall address the DRPT review comments, update the schedule, and resubmit to DRPT within 5 business days. Due to schedule constraints associated with the agreement and to aid in the timely review of the deliverables, the Offeror shall plan to submit the ROW Strip Maps in segments. The Offeror shall include a recommended segmentation of the corridor for submittal purposes in the proposed schedule.

The Offeror shall submit monthly schedule updates to DRPT in native and PDF formats. The Project completion date has been set in the agreement between CSXT and DRPT, so it is the responsibility of the Offeror to propose recovery measures, mitigate delays, and update the sequence and logic of activities to avoid delays to the critical path and keep the project on schedule.

The Offeror shall submit monthly invoices to DRPT that are accompanied by progress reports describing activities completed in the month. The monthly schedule updates should be provided with the invoice and progress report. Changes to the schedule since the last submission should be clearly identified.

1.3 Railroad Coordination and Right-of-Way (ROW) Access

The Offeror shall ensure that all activities completed in association with the Project comply with FRA regulatory requirements for safety and security, including standards, specifications, regulations, design handbooks, safety design checklists, and other recommended practices.

The Project is located within and adjacent to CSXT ROW. Within the limits of the CSXT ROW, BBRR and CSXT maintain a lease agreement in which BBRR retains trackage rights through this corridor. The Offeror shall coordinate with BBRR to obtain a temporary Right of Entry Permit and if required, BBRR flagging protection for project activities within CSXT ROW. The Offeror shall coordinate project activities with both BBRR and CSXT in interchange areas where both railroads may be operational. The Offeror shall coordinate with BBRR and CSXT on all field reconnaissance, data collection, site assessment, and other necessary tasks, including Property Owner Notifications. Offeror project staff accessing the CSXT ROW shall have federally mandated training including annual CSXT-certified and BBRR-certified Roadway Worker Protection training consistent with 49 CFR Part 214. Offeror team field personnel shall be equipped with required Personal Protective Equipment in compliance with federal regulations, BBRR, and CSXT requirements. The Offeror shall copy DRPT on all coordination and correspondence with BBRR and CSXT.

The Offeror is responsible for all coordination and scheduling related to BBRR and CSXT escorts, flagging, and/or ROW access. Expenses for BBRR and CSXT escorts and/or flagging protection shall be directly billed from BBRR and CSXT to DRPT.

Task 2.0 Right-of-Way Survey

The Offeror shall establish project control and perform field survey and records research to develop an accurate record of the existing railroad ROW and railroad tracks within the Project limits. The

Offeror shall establish monuments as needed to perform the scope of work and to allow for the track centerline alignment to be re-established. The monuments shall be set with disks in concrete with rebar and shall tie to the track centerline by right angle with coordinates to three decimal places shown on the Survey Control Plans. DRPT will provide all title reports. If additional title information is required to perform the scope of the Project, the Offeror shall request the information from DRPT. The Offeror will be responsible for all coordination necessary to perform the fieldwork.

In order to prepare ROW Strip Maps, the Offeror shall survey the existing CSXT property boundaries and the existing top-of-rail locations at an interval sufficient to allow for the reconciliation of the existing track centerline geometry shown on the CSXT Valuation Maps. The Offeror shall use survey methods that limit the impact of the Project on train operations. Based on the field survey of the existing ROW and the existing CSXT tracks, the Offeror shall prepare ROW Strip Maps which shall be signed and sealed by a Professional Land Surveyor. The ROW Strip Maps shall include, but are not limited to the following information:

- Existing Railroad ROW
- Monuments found and relied on to establish the ROW
- Mileposts observed during fieldwork
- Track centerline station alignment based on existing CSXT Valuation Maps
- Bearings and distances along ROW lines and track centerline
- Adjacent subdivision lot, block, and ownership information (vesting deed)
- Easements of record that are adjacent to the existing railroad ROW

After the Draft ROW Strip Maps have been submitted by the Offeror, DRPT will review the documents to ensure that they meet the requirements of the Project. The Offeror shall sign and seal the Final ROW Strip Maps. See Section III. Deliverables for more information about the submittal process.

All survey information must be conveyed in the Virginia State Plane Coordinate System. Virginia is divided into two (2) Lambert Conformal Conic Projection zones, North and South. The dividing line runs along a latitude of 38º. The Code of Virginia 55-288.1 divides the zones along the county lines. This boundary, along with the information described above, can be found in Chapter 10 of the VDOT Survey Manual.

In advance of work being performed on parcels adjacent to the corridor, the Offeror shall comply with section 4.01 Right of Entry Notifications from Chapter 4 of the VDOT Survey Manual. All survey information must comply with the Model Virginia Map Accuracy Standards and the National Map Standards for the scale of mapping. These standards are attached as Appendix C of the VDOT Survey Manual. Control and right-of-way surveying must comply with all applicable requirements of the latest edition of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects regulations.

Section III. Deliverables

Task 1.0: Project Management and Coordination

1.1 Coordination Meetings

- Meeting Agendas and Materials
- Meeting Minutes

1.2 Project Administration and Management

- Detailed Schedule with Monthly Updates (Native and PDF)
- Monthly Progress Reports and Invoices

1.3 Railroad Coordination and ROW Access

- BBRR Temporary Right of Entry Permit and Coordination
- BBRR Flagging Protection Coordination
- CSXT Temporary Right of Entry Permit and Coordination (as required)
- CSXT Flagging Protection Coordination (as required)

Task 2.0: Right-of-Way Survey

Submittal Process:

The Offeror shall provide two (2) submissions; Draft ROW Strip Maps and Final Signed and Sealed ROW Strip Maps. The following process for comment resolution shall be followed for both Draft ROW Strip Map submittals:

- DRPT will compile all comments from stakeholders and provide a comment matrix to the Offeror after the review has been completed.
- The Offeror shall respond to the comments using the DRPT provided comment matrix and submit to DRPT for use during the comment resolution meeting.
- The Offeror shall conduct a comment resolution meeting with DRPT and project stakeholders to discuss comments and responses, gather additional background to better understand comments, and provide backup to responses as necessary to reach agreement on the path forward for the submittal comments.
- The Offeror shall submit the updated comment resolution matrix to document all agreed to comment responses.
- The agreed to comments shall be incorporated into the subsequent submittal.

After incorporating the comments from the Draft ROW Strip Map submittal, the Offeror shall submit the Final Signed and Sealed ROW Strip Maps to DRPT. DRPT will confirm that all comments were properly incorporated as agreed to during the comment resolution meeting and documented in the updated comment resolution matrix. The Offeror is responsible for updates to the Final Signed and Sealed ROW Strip Maps to incorporate any previous comments that were not incorporated but no new comments will be issued during the check of the Final Signed and Sealed

ROW Strip Maps.

Submittal Quantities:

The Offeror shall provide DRPT with five (5) 22x34 printed copies of the drawings, five (5) 11x17 printed copies of the drawings, five (5) printed copies of the deliverables and (1) electronic PDF copy of the deliverables at each submission. The Offeror shall provide all CAD files and a GIS geodatabase (ESRI format or compatible) with projection information, including but not limited to assets and boundary information with each submission.

Task 2 Deliverables:

- Signed and Sealed ROW Strip Map
- Survey Control Plans
- Comment Response Matrix
- CADD files of ROW Strip Map
- Copy of Surveyor's Field Notes in PDF Format
- ASCII Point File of all Survey Data
- GIS geodatabase

Attachment B – Small Businesses and Businesses Owned by Women and Minorities Data Form

Form DGS-30-360
Instructions

Form DGS-30-360 is a format for use in reporting participation in State procurement transactions by small businesses and businesses owned by women and minorities.

Note: An electronic version of this form is available for download on BCOM's website at http://www.dgs.virginia.gov/FormsCenter/BCOMForms/tabid/823/Default.aspx?udt_1673_param_detail=271

"Part I" on page 28: View definitions and other general information before completing the remaining parts of this form.

"Part II" on page 31: Enter data on the firm submitting the proposal.

"Part III" on page 32: Enter data on past utilization of disadvantaged businesses by the Offeror. Submission of Past Utilization Reports for multiple projects is encouraged. Submit separate "Part III" forms for each past project.

"Part IV" on page 33: Enter data on disadvantaged businesses proposed for utilization on this Project.

When complete, print out the "Definitions" sheet and "Parts I, II, and III" and submit all sheets as part of the proposal.

FORMAT FOR DATA ON PARTICIPATION IN STATE PROCUREMENT TRANSACTIONS BY SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES

The Offeror is required to provide responses to the following inquiries concerning its status regarding SWAM Business certification and also the status of the subcontractors, suppliers, consultants and vendors which have been used on past projects and those proposed for use on this Project. Complete the information required for each of the three categories of businesses contained in this form: (1) participation by small businesses; (2) participation by businesses owned by women; and (3) participation by businesses owned by minorities. Failure to complete and return this form with the RFP response will require the firm to be considered "Non-responsive."

Certification of SWAM vendors is necessary in order to obtain accurate and easily accessible data on SWAM Procurement and to assure a consistent and appropriate approach to compliance issues. In the past, many SWAM vendors saw no benefit in becoming certified so failed to do so. These new programs will provide important incentives to SWAM vendors to encourage them to become certified.

PART I. DEFINITIONS

Definitions. The definitions set forth below shall be applicable to SWAM vendors doing business with the Commonwealth, although federal definitions shall govern with respect to meeting federally funded highway construction and other applicable federally financed programs goals. They shall also apply if the Governor proposes legislation to codify these definitions for the purpose of this SWAM procurement program.

Certified Vendors: Beginning October 1, 2004, for the purposes of state procurement rules, no vendor shall be considered a Small Business Enterprise, a Minority Owned Business Enterprise or a Women-Owned Business Enterprise, or be entitled to the benefits of the state SWAM procurement opportunities, unless certified as such by the Commonwealth. All certified SWAM vendors shall be assigned a specific identification number and, through that process, standardized reports will be able to be generated from CARS, eVA and other state reporting systems. No vendor shall be required to certify under this program and no vendor shall be excluded from doing business with the Commonwealth because of their failure to certify as a SWAM vendor. However, a qualified vendor who fails to certify shall be disqualified for participation in the applicable SWAM procurement programs.

Minority-Owned Business Enterprise: A business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal

resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

Minority Individual: "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

"Asian Americans" means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India, Pakistan, Bangladesh and Sri Lanka and who are regarded as such by the community of which these persons claim to be a part.

"African Americans" means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.

"Hispanic Americans" means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.

"Native Americans" means all persons having origins in any of the original peoples of North America and who are regarded as such by the community of which these persons claim to be a part or who are recognized by a tribal organization.

"Eskimos and Aleuts" means all persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia and who are regarded as such in the community of which these persons claim to be a part.

Small Business Enterprise: "Small business enterprise" shall mean an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of $10 million or less averaged over the previous three years. Nothing in this provision prevents a program, agency, institution or subdivision from complying with the qualification criteria of a specific state program or a federal guideline to be in compliance with a federal grant or program.

Woman-Owned Business Enterprise: A business concern which is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more women, and whose management and daily business operations are controlled by one or more of such individuals.

Disadvantaged Business Enterprise: A small business concern which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the

case of any corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Period: The specified 12-month period for which the information provided in this list is applicable and valid. The period will be specified as month and year.

Firm Name, Address and Phone Number: The name, address and business phone number of the small business, women-owned business or minority-owned business with which the Offeror has contracted or done business over the specified period or plans to involve on this contract, as applicable.

Contact Person: The name of the individual in the specified small business, women-owned business or minority-owned business who would have knowledge of the specified contracting and would be able to validate the information provided in this list.

Type of Goods or Services: The specific goods or services the Offeror has contracted for from the specified small, women-owned or minority-owned business over the specified period of time or plans to use in the performance of this contract, as applicable. **The Offeror will asterisk (*) those goods and services that are in the Offeror's primary business or industry.**

Percent of Total Contract: Calculated by dividing the estimated dollars planned for the indicated firm on this contract by the total Offeror estimated price of this contract or by a similar calculation involving work distribution.

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(Rev. 11/04)

PART II
DATA ON FIRM SUBMITTING PROPOSAL

PROPOSER:

Firm Name:

Contact Person:

Phone Number:

DPOR Registration # :

PARTICIPATION STATUS:

		DMBE Certificate #
Is the Proposer a "Small Business Enterprise" as defined in Part I ?		
Is the Proposer a "Woman-Owned Business Enterprise" as defined in Part I ?		
Is the Proposer a "Minority-Owned Business Enterprise" as defined in Part I ?		

PROPOSAL FOR:

Agency:

Project:

Sub-Project:

REMARKS / COMMENTS:

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(Rev. 11/04)

PART III
LISTING OF PAST UTILIZATION OF DISADVANTAGED BUSINESSES BY OFFEROR

OFFEROR:

Firm Name: _____

Contact Person: _____

Phone Number: _____

Date Form Completed: _____

PROJECT UTILZATION REPORT FOR PAST PROJECT:

Agency: _____ _____

Project: _____ _____

Sub-Project: _____ _____

List small businesses, businesses owned by women, and businesses owned by minorities with which the Offeror has contracted or done business with on the project noted above.
Also list the dollar amount spent with each of these businesses. Offerors are encouraged to provide additional information and expand upon the following format.

Firm Name	Firm Address	Contact Person/ Phone Number	DPOR Registration # (if applicable)	DMBE Certificate #	Services or Materials Provided	Contract Amount	% Of Total Contract	Firm Type: Small Business	Firm Type: Minority-Owned Business	Firm Type: Woman-Owned Business

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PART IV
LISTING OF DISADVANTAGED BUSINESSES PROPOSED FOR THIS PROJECT

OFFEROR:

Firm Name:

Contact Person:

Phone Number:

Date Form Completed:

PROPOSAL FOR PROJECT:

Agency:

Project:

Sub-Project:

List Offeror's plans to involve small businesses, businesses owned by women, and businesses owned by minorities in the performance of this contract either as part of a joint venture, as a partnership, as subcontractors, as consultant, or as suppliers. Offerors are encouraged to provide additional information and expand upon the following format.

Firm Name	Firm Address	Contact Person/ Phone Number	DPOR Registration # (if applicable)	DMBE Certificate #	Services or Materials Provided	Estimated Contract Amount ...	… or % of Total Contract	Firm Type: Small Business	Firm Type: Minority-Owned Business	Firm Type: Woman-Owned Business
						N/A				
						N/A				
						N/A				
						N/A				

Attachment C

State Corporation Commission Form

STATE CORPORATION COMMISSION FORM: Required of all bidders pursuant to Title 13.1 or Title 50 (See Appendix B, Section II, 64.). Include SCC Form, Annex 6-J, in Invitation for Bids.

<u>Virginia State Corporation Commission (SCC) registration information</u>. The bidder:

☐ is a corporation or other business entity with the following SCC identification number:

-OR-

☐ is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust **-OR-**

☐ is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the bidder in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder's out-of-state location) **-OR-**

☐ is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned bidder's current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the Code of Virginia.

****NOTE** >>** Check the following box if you have not completed any of the foregoing options but currently have pending before the SCC an application for authority to transact business in the Commonwealth of Virginia and wish to be considered for a waiver to allow you to submit the SCC identification number after the due date for bids (the Commonwealth reserves the right to determine in its sole discretion whether to allow such waiver):☐