



January 21, 2016

Subject: Request for Proposals
Statewide MDT Stream Mitigation Annual Monitoring Term Contract

To Whom It May Concern:

The Montana Department of Transportation is accepting proposals from consulting firms interested in a term contract for performing Stream Mitigation Monitoring at various locations throughout Montana.

MDT intends to award one (1) agreement for an approximate three-year period from March 2016 through December 2018. Extension(s) of contracts, by mutual agreement of both parties, may be made at one (1) year intervals, or any interval that is advantageous to MDT. Contracts, including any renewals, may not exceed a total of five (5) years.

Teams may be established as necessary; however it is expected that the prime consultant will be capable of completing the vast majority of the work. As a rule, the prime consultant must complete at least 50% of the work for a specific project or assignment unless written exception is given.

Montana professional engineering licensure is required for this work, and must be in-hand at the time your proposal is submitted. If this requirement is not met and clearly identified in the proposal, your proposal will be considered non-responsive.

If your firm is interested, please submit a proposal as described herein.

SCOPE OF WORK

The Montana Stream Mitigation Procedure (MTSMP), issued by the US Army Corps of Engineers (Corps), Omaha District, Montana Field Office on June 1, 2010 (amended February 2013), requires compensatory stream mitigation for transportation projects on a project by project basis, statewide. Permit conditions issued for such projects often require MDT to monitor the completed stream mitigation projects on an annual basis similar to the current wetland monitoring program. Since 2010, MDT has developed several stream mitigation projects within project corridors for which the Corps has required annual monitoring for a minimum period of five years. Monitoring of streams requires detailed surveying of channel profiles and cross-sections at established transects set at 100 foot intervals through the entire stream mitigation corridor. Other monitoring standard protocols include the measurement of pool/riffle complexes, stream slopes, gravel and bed materials, stream bank stability evaluations, and the development of as-built plans of the restored streams, etc. This monitoring criterion is dependent upon the complexity of the restored stream type and location within the landscape, i.e.

mountain stream versus prairie stream. It is also dependent upon the Corps permit conditions relating to the specific area of the state and the monitoring conditions outlined within that permit. The intent is to hire one consulting firm to conduct statewide stream mitigation monitoring to ensure that the MDT is in compliance with Corps regulations.

A list of the various sites and approximate durations of monitoring remaining for each site is attached. As many of these sites are in various stages of monitoring and development, the firm hired for this next monitoring contract will need to:

Review previous monitoring reports and data collected and continue the monitoring processes initiated at each site in order to understand the complexities and work involved prior to submission of any SOQ/RFP for this contract. These monitoring reports can be found at the following website: <http://www.mdt.mt.gov/publications/brochures/stream-mitigation.shtml>

It is anticipated that additional stream sites may be added to the monitoring contract as they are constructed and completed during the 2016-2018 term contract.

LOCATION

Various – Statewide

Primarily within MDT's Missoula and Billings Districts for the majority of the monitoring cycle with the potential for monitoring within other Districts added as required.

STANDARDS, SPECIFICATIONS, AND POLICIES

Work is expected to follow MDT's various Manuals, Guides, and Policies. These items may be found on MDT's Design Consulting web page at: <http://www.mdt.mt.gov/business/consulting/>.

PROPOSAL SUBMITTAL

Submit four (4) copies of the proposal. The correct number of proposals must be submitted in order for your firm to be considered. Clearly label each proposal with the contract name identified in the subject line of this RFP. All proposals must be submitted in hard copy format; electronic proposals will not be considered.

The Department must receive the proposals for this RFP no later than 3:00 PM MST, February 16, 2016. Send the proposals to:

Ryan Dahlke, P.E.
Consultant Design Engineer
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's responsibility to assure delivery at the specified office by the specified time. Offeror may request the State return late proposals at vendor's expense or the State will dispose of late proposals if requested by the offeror. (See Administrative Rules of Montana (ARM) 2.5.509.). If no request is made, late proposals become

the property of the Department. All proposals submitted on time become the property of the Department.

The costs for developing and delivering responses to this solicitation are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of this submittal.

TENTATIVE RFP/SELECTION SCHEDULE

The anticipated schedule for consultant solicitation and selection for this contract is as follows (subject to change):

January 21, 2016: RFP released
February 16, 2016: Proposals due to be submitted to MDT Consultant Design
February 29, 2016: Proposals reviewed, rated, and ranked by the evaluation committee
March 2, 2016: Consultant Selection Board meeting to select consultant(s)

There are three (3) members on the evaluation committee for this RFP:

1. MDT Environmental Services Bureau
2. MDT Environmental Services Bureau
3. MDT Environmental Services Bureau

PROPOSAL CONTENTS

The proposal must contain the information listed in this section. The proposal is **limited to fourteen (14) pages**, not including the Cover Page, Appendix A, or the Unbound References attachment. Each page is defined as one side of a letter size sheet (no larger than 8 ½” x 11”), minimum font size of 10. Evaluation of information will begin with the first page immediately following the Cover Page, and every page will be counted, in order, from that point forward, including any table of contents or divider pages the firm wishes to include. Once the page limit is reached, any information included thereafter will not be considered or scored. Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal:

Cover page (1 page)

Identify the project name identified in the subject line of this RFP. Also include contact information for questions and follow-up regarding this proposal, including name of individual, title, telephone number, mailing address, and email address. Information presented in the cover page will not be considered in proposal scoring.

Questions

- 1) **Qualifications of Firm:** Provide a discussion of how your firm is best qualified to respond to work assignments for this contract. Discussion should focus on the requirements for this specific contract, particularly:
 - Your firm’s expertise and experience, as it relates to the work described in the “Scope of Work” for this contract. Provide examples of previous related project experience as it relates to these services.
 - Ability and Strategy to meet project schedules, including fast-tracked or emergency projects, and changing priorities. Response should include a brief discussion on current and projected workload.

- Compatibility of systems, software, and equipment (i.e. CADD software, word processing software, etc.), and experience with these systems, software, and equipment. The Department’s standard design software is Microstation and Geopak. Describe any additional support equipment or software you intend to use.
 - Subcontractors and support services that you anticipate utilizing and describe their expertise.
 - Quality assurance/quality control procedures.
- 2) **Qualifications of Personnel:** Provide a discussion of the qualifications of the key personnel to be assigned to this contract. Discussion should focus on the requirements for this specific contract, particularly:
- Expertise, experience, and training of key personnel to be assigned to the contract, as it relates to the “Scope of Work” for this contract. Provide examples of previous related project experience as it relates to these services.
 - Clearly state any professional licensing requirements applicable to this contract.
 - Include an organization chart that indicates the project staff, their area of expertise, registration, and office location(s).
- Resumes may be considered as supplemental information for scoring this question.

Appendix A
Resumes

Include brief resumes for the key personnel to be assigned to the contract.
Resumes are limited to one (1) page per person.

Unbound attachment
References

Submit ONE UNBOUND COPY of references for all of the firm's clients from the past three (3) years for projects that deal with work similar to the proposed scope of services. Include client name, a currently employed contact person, and a corresponding valid phone number. Give range of contract value.

EVALUATION OF PROPOSALS

All proposals will be evaluated in accordance with the following factors:

- 1) **Qualifications of Firm (50 points possible)**
- 2) **Qualifications of Personnel (50 points possible)**
- 3) **Record of past performance (30 points possible)**
 - a) If two (2) or more MDT evaluations specific to the discipline for this contract are available for the consultant, the average score of these evaluations will be used.
 - b) If fewer than two (2) MDT evaluations specific to the discipline for this contract are available for the consultant, the consultant’s current overall past performance score from MDT evaluations will be used.
 - c) If no current overall MDT evaluations are available, reference checks will be used for this score.

All Proposals will be evaluated using the following basic scoring methodology:

- Outstanding/Exceptional response: 90-100% of the available points
- Good response: 70-90% of the available points
- Average response: 50-70% of the available points
- Poor response: 30-50% of the available points
- Qualifications not clearly met: 0-30% of the available points

Following the review, evaluation, and rating of all proposals, the final results will be presented to the Consultant Selection Board at the MDT Headquarters Building. At this time, the Consultant Selection Board will select the most qualified firm(s) for TERM CONTRACT(S).

INDIRECT COST RATE REQUIREMENTS

Proof of the firm's Indirect Cost Rate (overhead rate) is ***not required*** with this proposal submittal. However, an Indirect Cost Rate may be required prior to executing a contract according to MDT's Indirect Cost Rate Requirements:

All submitted indirect cost rates must be calculated in accordance with 23 CFR 172.7(b) for the cost principles of 48 CFR part 31 and include the required items identified in the MDT Indirect Cost Rate Policy located on the MDT Internet website. <http://www.mdt.mt.gov/other/cdb/external/policies/INDIRECT-COST-RATE-POLICY.PDF>

Do not show any actual numerical financial information such as the overhead rate or personnel rates within your proposal. Specific cost information of the firm or team should not be part of the proposal.

AGREEMENT REQUIREMENTS

Contract agreements will generally be administered on a cost plus fixed fee basis. The contracts will have negotiated cost ceilings. If a consulting firm is selected for a specific project and a contract agreement is successfully negotiated, certain financial information will be required as part of the contract agreement. As described in the Indirect Cost Rate Requirements section above, all Consultants and subconsultants must provide the Department with an Indirect Cost Rate (as applicable) audited (when applicable) in accordance with 23 CFR §172.7(b) for the cost principles of 48 CFR Part 31 and based on the firm's latest completed fiscal year's costs. Personnel rates, profit, and direct expenses must be clearly outlined and provided to the Department. The standard MDT agreement can be found at the following address: <http://www.mdt.mt.gov/other/cdb/external/forms/pdf/std-agreement-shell.pdf>

Do not submit actual numerical financial information within this proposal.

STATE OPTION TO AWARD

While the State has every intention to award a contract resulting from this RFP, issuance of the RFP in no way constitutes a commitment by the State to award and execute a contract. Upon a

determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

- Cancel or terminate this RFP (18-4-307, MCA);
- Reject any or all proposals received in response to this RFP (ARM 2.5.602);
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFP that would not have significant impact on any proposal (ARM 2.5.505);
- Not award a contract, if it is in the State's best interest not to proceed with contract execution (ARM 2.5.602); or
- If awarded, terminate any contract if the State determines adequate funds are not available (18-4-313, MCA).

SINGLE POINT OF CONTACT

From the date this solicitation is issued until the consultant selection is finalized by MDT at the Consultant Selection Board meeting, offerors are not allowed to communicate with any state staff or officials regarding this solicitation, except at the direction of the Consultant Design Engineer. Any unauthorized contact may disqualify the offeror from further consideration. Contact information for the single point of contact is as follows:

Ryan Dahlke
Consultant Design Engineer
Montana Department of Transportation
(406) 444-7292 (Direct Line)
(800) 335-7592 (TTY)
rdahlke@mt.gov

DBE/WBE GOALS

There are no DBE/WBE goals for this work, but firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>.

NONDISCRIMINATION COMPLIANCE

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice).

If you have any questions, please contact me at (406) 444-7292 or (406) 444-7696 TDD, or by email at rdahlke@mt.gov. I look forward to receiving your proposal.

Sincerely,

Ryan Dahlke, P.E.
Consultant Design Engineer

Attachment

copies:

Jay Skoog, ACEC Executive Director-Montana Chapter
MDT Consultant Design Bureau file

e-copies:

Dwane Kailey, MDT Chief Engineer
Lynn Zanto, MDT Planning Division Administrator
Tom Martin, Chief, Environmental Services Bureau

Bryan Miller, MDT Consultant Design Plans Engineer
Lawrence Urban, Wetland Mitigation Specialist
Patricia McCubbins – MDT Civil Rights Bureau Chief

**MONTANA DEPARTMENT OF TRANSPORTATION
 STREAM MITIGATION SITES
 Monitoring Contract Period January 1, 2016 - December 31, 2018**

| 2015 – 2016 Stream Monitoring Sites | MDT District | Estimated Years of Monitoring | # of Visits/Year |
|---|---------------------|--------------------------------------|-------------------------|
| I-90 West – Clark Fork River (MP 137.8) | Missoula | 1 year | 1 visit |
| US 93 North – Ashley Creek in Kalispell | Missoula | 1 year | 1 visit |
| US 93 North – Bowser Creek in Kalispell | Missoula | 1 year | 1 visit |
| US 93 North – Foys Bend FCA near Creston** | Missoula | 3 years | 2 visits |
| US 93 North – Spring Creek in Kalispell | Missoula | 1 year | 1 visit |
| US 93 South – Sweathouse Creek near Victor | Missoula | 1 year | 1 visit |
| US 93 South – Mill Creek near Hamilton | Missoula | 1 year | 1 visit |
| US 93 South – N. Fork of Bear Creek near Victor | Missoula | 1 year | 1 visit |
| WS # 1 – US 2/Libby Creek South – Swamp Creek | Missoula | 4 years | 1 visit |
| WS # 9 – Judith River Slide Repair near Lewistown | Billings | 3 years | 1 visit |
| | | | |

Additions /subtractions for 2014 stream Monitoring:

- a) The Foys Bend FCA mitigation site near Kalispell will require an annual low water field visit in March/April in order to evaluate erosion below the bank restoration efforts during low water periods for 2016 and possibly beyond.
- b) We are requesting that longitudinal surveys be added to those stream systems where it is appropriate in order to determine channel form/depth stability and/or incising.
- c) The consultant will need to prepare an additional set of hard copies of the stream monitoring reports as requested for the US Army Corps of Engineers Helena Regulatory office.

**MDT NONDISCRIMINATION
AND
DISABILITY ACCOMMODATION NOTICE**

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

| <u>Federal protected classes</u> | <u>State protected</u> |
|---|--|
| origin, sex, sexual orientation, gender identity, age, physical or mental disability, & Limited English Proficiency | parental/marital status, pregnancy, religion/ creed/ culture, political belief, genetic material, veteran status, & social origin/ancestry |
| | race, color, national |

For the duration of this contract/agreement, the PARTY agrees as follows:

(1) Compliance with Regulations: The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Non-discrimination:

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. Statement that PARTY does not discriminate on the grounds of any protected classes.
 - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for PARTY’s representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
 - iv. Information on how to request information in alternative accessible formats.
- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement the PARTY assures that:
The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.
- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

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

(6) Sanctions for Noncompliance: In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities:

During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- 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 Airways 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 prohibits 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 prevents 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 (70 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.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.