



March 14, 2014

To Whom It May Concern:

Subject: Consultant Pre-qualification for Highway Project Development

As part of our consultant pre-qualification process, the Montana Department of Transportation is accepting statement of qualifications (SOQ) proposals from consulting firms interested in developing highway projects throughout the state. The Department will rate and rank the SOQ proposals according to various highway related design categories (described herein). The Department will then use the resulting lists of pre-qualified consulting firms for selection of consultants on future projects or term contracts.

The pre-qualification process will apply for a two-year period. This year is the beginning of the two-year period, meaning **all firms** interested in being on MDT's pre-qualification roster must provide SOQ proposals. Firms will remain on the roster for the entire two-year period. Our pre-qualification procedures will allow for consultant performance to be evaluated by the Department more than once in the two-year period and for proposal updates at the midpoint of the period (spring 2015) should a firm's makeup or personnel change significantly during the two-year period. It will also allow for firms not on the roster during the two-year cycle to submit proposals during the midpoint of the period. This will provide for a changing roster during the two-year period.

At least three consultants will be considered and evaluated for each project as the individual projects become available. The best-suited firm for the project will then be asked to submit a cost proposal. An agreement will be made with that firm following successful negotiations. The other two firms under consideration will remain as alternates. If an agreement cannot be reached with the first firm, the Department will begin negotiating with one of the alternates.

In addition to your SOQ proposal submittals, submit the following information electronically to Sheryl Tangen via email at stangen@mt.gov, by the deadline listed under Proposal Submittal.

1. A letter identifying your firm's field(s) of expertise,
2. A completed Standard Form 330, **Part II**, [PDF](#) | [Word](#)
3. A completed [Consultants Update file](#)
(include all employees and branches that may do work with MDT)
Be sure and fill out both tabs and include a principal contact for the main office and every branch office that will do work in Montana.

This information may also be accessed by visiting MDT's website located here:
<http://www.mdt.mt.gov/business/contracting/maillinglist.shtml>.

If your firm fails to submit the above information, your proposals may be considered non-responsive. However, if your firm has submitted the above information (items 1–3) within the last 90 days, you do not need to resubmit unless there has been a change in the information provided.

CATEGORIES OF SERVICE

There are twelve (12) specific categories of service that make up the pre-qualification roster. Firms may submit SOQs for any or all of the categories. Certain categories contain sub-categories to further delineate the work. If a category contains sub-categories, they will be identified with an alpha character (i.e. "A", "B", etc.). Firms may submit for any or all of the sub-categories within a category, as applicable. If a category does not contain sub-categories, the firm must be capable of providing all of the services described for that category. 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 required for that category. 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.

Consulting services will generally involve engineering design and analysis resulting in preparation of plans, specifications, and cost estimates for the construction of various highway facilities. Other services such as right of way acquisition, construction engineering, and planning may also be required throughout the year.

1) Comprehensive Roadway Design

Montana professional engineering license required.

No sub-categories, work includes:

Firms interested in the "Comprehensive Road Design" category must establish a team of experts capable of dealing with all the work required to complete a road design project. This typically includes engineering, design, surveys, investigations, studies, tests, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Projects vary in size from multi-million dollar, complex, full facility reconstructions to small projects with minor complexity. The work required to accomplish this generally includes, but is certainly not limited to: cost benefit analysis on alternatives; topographic and cadastral surveying; engineering of roadway alignment and grade and cross-section features; analysis and design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way design; determination of quantities; development of construction traffic control plans; estimating; public and regulatory agency coordination; and overall advanced project management.

2) Bridges & Structures

Montana professional engineering license required.

No sub-categories, work includes:

Comprehensive design of new structures or the rehabilitation of existing structures, including steel and concrete superstructures, pile bents, drilled shafts, solid piers, and abutments. Structures to be designed in accordance with the current AASHTO Specifications for Highways and Bridges and the procedures outlined in the Department's Design Manual(s). Services to include all detailing (except shop drawings), the determination of all quantities and plans & specifications, and may include reviewing and checking of submitted shop drawings and design related to construction support.

3) **Traffic & Safety**

Montana professional engineering license required.

Categories are as follows:

A) Traffic & Safety Engineering:

This area of service consists of comprehensive design of stand-alone Traffic Engineering projects. This involves all project development activities leading to preliminary design, scope of work, identification of project impacts (i.e., right-of-way and utility involvement), and final plan preparation including quantities and specifications. These stand-alone design projects will typically include signals, roundabouts, intelligent transportation systems, roadway lighting, and roadway signing. The design must conform to the Manual on Uniform Traffic Control Devices, AASHTO guidelines, and be performed in accordance with the procedures outlined in the Department's Traffic Engineering Manual, Road Design Manual and other manuals. This area of service also consists of the comprehensive review of traffic crashes, identification of crash trends, development of countermeasures to reduce the number and/or the severity of crashes, benefit/cost evaluations and the design of safety improvements.

B) Traffic Operations:

This category of service consists of traffic engineering studies and traffic signal operations. The general traffic engineering studies includes analysis that determines the best use of the highway right-of-way. These studies may include highway capacity analysis for signalized intersections, unsignalized intersections, two-lane highways, and freeway operations, as well as traffic signal warrant studies, auxiliary turn lane analysis, speed zone investigations, pedestrian studies, etc. Traffic signal operations consist of the review, design, optimization, implementation, and the fine tuning of traffic signal timing plans. It also consists of an assessment of the existing operational characteristics of a traffic control system and identifying improvements to that existing system (e.g. protected left turn arrows, dual left turn lanes, etc.). The traffic engineering studies and traffic signal timings must conform to the Manual on Uniform Traffic Control Devices, AASHTO guidelines, Highway Capacity Manual, and be performed in accordance with the procedures outlined in the Department's Traffic Engineering Manual, Traffic Signal Operations Manual, and other manuals where applicable.

4) **Geotechnical & Materials**

Montana professional engineering license required.

Categories are as follows:

A) Project Development:

This area of service includes design and analysis work required to produce all reports as outlined in the Department's Geotechnical and Materials Manual. These reports must include geology reconnaissance and/or pavement structure analysis, soils, pavement, structure foundation, and special provisions. Other possible areas of service include plan sheet, special provision, and construction estimate preparation.

B) Exploration, Drilling & Sampling:

This area of service includes on-site supervision during exploration, sampling of earth or rock materials including keeping field records of boring logs, boring locations, etc., and directing all exploration activities. Includes all types of drilling; geophysical exploration; SPT, ring sample, thin wall tube, pitcher, diamond core and bulk sampling; in-situ testing such as cone penetrometer, vane shear; and installation of monitoring instrumentation such as inclinometers, piezometers, etc.

C) Analysis:

This area of service includes analysis of results of exploration, drilling and testing. Make recommendations and prepare reports. Prepare special geotechnical reports based on field information such as landslides and slope design, settlement, embankment, drainage, foundation support, retaining structures, etc.

D) Non-destructive Testing:

This area of service includes performing non-destructive testing of pavements and structures. Tests to perform may include ground penetrating radar, falling weight deflectometer, locked wheel skid test, impact echo, distress surveys, profiling, ultrasound, etc. Provide complete records of testing and compile results and recommendations based on results and experience.

E) Material Testing (Laboratory):

This area of service includes performing various ASTM, AASHTO and Department standard tests on aggregate, concrete, asphalt, soils, metals, etc. Must be AASHTO accredited in area of testing to be performed.

F) Pavement Design:

This area of service includes preparation of materials report; preparation of materials reports on pavement rehabilitation projects; development of alternate surfacing typical sections with an economic analysis for each typical. Design must be based on accepted engineering design guides.

5) **Hydraulics & Hydrology**

Montana professional engineering license required.

No sub-categories, work includes:

- Analysis and design for hydrology and hydraulics for rural and urban roadway projects. The design and analysis of hydraulic features must be performed in accordance with the procedures outlined in the AASHTO Model Drainage Manual, MDT's Design Manuals and current reference manuals such as the HEC Circulars. Plans and details should be prepared according to the Department's CADD standards and hydraulic analysis should be prepared with software compatible with the Department and FHWA standards.
- Bridge Opening Design: Hydrologic evaluation, water surface profile modeling and calibration, scour analysis and mitigation designs, flood risk assessment, preparation of hydraulic reports and recommendations, field reconnaissance, and obtaining floodplain permits.

- Highway Drainage Design: Hydrologic evaluation, culvert hydraulics, roadside drainage and permanent erosion control design, culvert service life analysis, channel change design, fish passage analysis, flood risk assessment, preparation of hydraulic reports and recommendations, field reconnaissance, and obtaining floodplain permits.
- Urban Drainage Design: Urban hydrologic evaluation, spread width evaluation, inlet layout and design, storm drain and outfall design, detention and water quality facility design, development or review of local drainage master plans and storm drain agreements, preparation of hydraulic reports and recommendations, and field reconnaissance.
- Irrigation Design: Water surface profile modeling and calibration, the design of pipe and siphon crossings, canals, ditches, inlet, outlet, and diversion structures, weirs, and channel linings; coordination with ditch companies, regulatory agencies, and landowners, preparation of hydraulic reports and recommendations, field reconnaissance, and consultation during construction.
- Bank Stability and Restoration: Eroded stream bank restoration designs near roadways and bridge abutments, scour analysis and risk evaluation on existing bridges, development of traditional armoring methods to protect structures and alternative restoration methods to promote vegetation and aquatic habitat, preparation of hydraulic reports and recommendations, field reconnaissance, obtaining necessary permits, and consultation during construction.
- Emergency Flood Remediation: Evaluation and analysis of sites damaged by flooding, completion of an on-site survey and field reconnaissance, plan and/or detail development, obtaining floodplain permits, providing construction oversight, and completing with a very quick turnaround.
- LOMR/CLOMR/PMR, etc.: Submittals to FEMA, completing MT-2 Form, following modeling protocol, developing appropriate work map, navigating the appropriate FEMA process.

6) **Environmental Engineering**

Montana professional engineering license required.

No sub-categories, work includes:

Research, coordination, and preparation of environmental documents in compliance with the National Environmental Policy Act (NEPA) and with the Montana Environmental Policy Act (MEPA), and in following the US DOT FHWA Technical Advisory. The consultant may also prepare, coordinate and obtain various environmental permits such as Clean Water Act permit approvals, Montana Stream Protection Act 124 authorizations, and State and Tribal water quality permits. May also include preparation of preliminary designs for submittal to regulatory agencies for early comment. The consultant will assist the Department in or develop the project's public involvement process, and may be requested to coordinate with Federal, State, Local, or Tribal agencies.

7) **Environmental Public Water Supplies and Wastewater Treatment Systems**

Montana professional engineering license required.

No sub-categories, work includes:

Design of public water supply and wastewater treatment systems at Department rest areas, waysides, and facilities. The design may include well installation (depth, screened interval, pump size), water distribution, and wastewater treatment. The wastewater at rest areas is considered a high-strength source and may require additional evaluation and treatment. The consultant must be familiar with DEQ's design requirements and review/approval process. The consultant may also be required to provide engineering support for Operation and Maintenance (O&M) of existing public water supply and wastewater treatment systems; troubleshoot water supply contamination issues; design collection and distribution systems at groundwater springs; and prepare source water delineation and assessment reports for public water supplies.

8) **Environmental Resource Studies and Design**

Montana professional engineering license required by the prime consultant for category B) Design.

Categories are as follows:

A) Evaluation & Studies:

This area of services requires the consultant to perform project environmental evaluations and conduct studies and scientific field surveys, and analysis of potential project impacts. These services may include:

- biological resources reports
- threatened and endangered species biological assessments
- wetland determinations, delineations, and assessments
- stream morphology assessments
- GIS, GPS, and Microstation or other drafting capabilities compatible with MDT's formats
- feasibility analysis of wildlife crossing structures or other wildlife mitigation strategies
- aquatic findings reports documenting final impacts to aquatic resources, as well as avoidance and minimization measures and debiting/crediting calculations
- preparation of permit applications
- identification of potential mitigation needs, opportunities, feasibility studies, and monitoring
- development of draft mitigation plans, monitoring goals and performance standards, and crediting schemes
- wetland and stream mitigation feasibility study activities including: soil sampling and classification; hydrologic modeling and analysis; evaluating hydrology, topography, soils, and vegetation; hazardous materials and water quality analysis; water rights evaluation; water budget calculations; preliminary property appraisals and ownership studies

B) Design:

This area of services requires the consultant to perform engineering and design services for the purposes of developing mitigation projects. This may include:

- conceptual, preliminary and/or final mitigation design plans
- wetland and stream restoration design services
- engineering and design services
- water right permit applications

9) **Right of Way Acquisition**

Special licenses or certifications not required for this category.

No sub-categories, work includes:

The consultant will provide all necessary management to effectively perform the right-of-way activities authorized. Work includes updating titles and providing necessary documents to show ownership of property to be acquired, obtaining adequate interest in property, clearing of all encumbrances, preparation of deeds, easements, and exhibits, preparation of timely and adequate written records, providing recommendations for settlements, direct negotiations with property owners and/or their attorneys, and preparation of condemnation documents, including providing the Department with the necessary witnesses for expert testimony at the request of the Department's Legal Services. Coordination of consultant field right-of-way personnel with the Department to obtain all necessary reviews and approvals, as well as maintenance of adequate records and files is of critical importance. The consultant will be responsible for obtaining advice from their attorney on all legal matters. All work will be performed in accordance with guidelines and procedures contained in the Department's Right-of-Way Manual and 49 CFR, "Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally-Assisted Programs" as amended.

10) **Land Survey**

Montana professional land surveyor license required.

While there are no sub-categories for Land Survey, firms should identify the District(s) they are submitting for. Work for this category includes:

- Various types of surveys will be required to furnish data necessary for design of highways, bridges, buildings, drainage/irrigation facilities, etc. Surveys of this type may include: geodetic control, project control, photo control, cadastral/land/property, retracement, engineering, hydraulic/hydrographic, topographic, quality control (e.g. verification of aerial and/or DTM mapping, etc.), and construction. Electronic deliverables must be 100 percent compatible with the Department's equipment and software.
- At times the MDT may specifically request completion of survey work using GNSS survey methods and equipment. Use of GNSS survey methods and equipment may be requested for: geodetic control, project control, photo control, cadastral/land/property, retracement, engineering, hydraulic/hydrographic, topographic, quality control (e.g. aerial map verification etc.), and construction.

11) Planning

Special licenses or certifications not required for this category.

No sub-categories, work includes:

Development of urban transportation plans, development of pre-NEPA corridor plans and studies, providing general transportation and rail planning assistance, and data collection related to infrastructure and geometrics and for traffic volumes, weights and classification.

12) Community Transportation Enhancement Program (CTEP) and Transportation Alternatives (TA)

Montana professional engineering license required. A Montana architect license or Montana landscape architect license may be substituted for a Montana professional engineering license when applicable.

No sub-categories, work includes:

- CTEP Project Design and/or Construction Management: Work consists of operating under contract with local and tribal governments in the design of any or all phases of transportation enhancement projects as outlined in the Department's Community Transportation Enhancement Program (CTEP) Manual. The consultant will typically provide services to include surveys, investigations, studies, tests, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. The consultant may be required to assist the local or tribal government with bid letting, bid evaluation, and award recommendation. The consultant may also be required to provide construction management, including construction inspection, quality assurance/materials testing, and contractor payment review and recommendations. Includes development of environmental documents in compliance with National Environmental Policy Act (NEPA); obtain required local, state, and federal permits related to the project; assist with Right-of-Way and Utility clearance and certification, all in accordance with the Department's CTEP Manual and related MDT Manuals and Guidelines.
- TA Project Design and/or Construction Management: The consultant will typically provide services to include engineering, design, surveys, investigations, and studies, tests, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Typically, these are small projects or projects with minor complexity. The scope, for example, may include site plan preparations for multi-use paths, sidewalks, curb ramps, pre-fabricated pedestrian bridges, rehabilitation of historic transportation facilities, bike lane design, etc. TA projects are typically administered by MDT. Includes development of environmental documents in compliance with National Environmental Policy Act (NEPA), as well as obtaining the required local, state, and federal permits related to the project

SCHEDULE

Projects will be developed on specific schedules. Each individual schedule will be negotiated prior to developing the contract agreement for services.

PROPOSAL SUBMITTAL

Clearly label each SOQ proposal with the proper categories and subcategories of service. For the Land Survey SOQ proposals, also label the District. For example, if your firm only wishes to be considered for survey in the Butte District, your proposals must be clearly marked "Land Survey, Butte District". Also as an example, if your firm wishes to be considered for all aspects of the Geotechnical & Materials category, your proposals must be clearly marked "Geotechnical & Materials, Subcategories A, B, C, D, E, and F". This is important. If you do not do this, your proposal may not be evaluated properly for the areas of service you wish to be considered.

For the "Comprehensive Road Design" category, seven (7) copies of the SOQ proposals are required. For the "Land Survey" category, submit two (2) copies of the SOQ proposals plus one copy for **each** of the Department's five Districts in which you are interested in doing work (3 minimum; 7 maximum). The Department's five Districts can be viewed at <http://www.mdt.mt.gov/mdt/organization/districts.shtml>. For all other categories of service, submit three (3) copies of the SOQ proposals for **each** category. The correct number of proposals must be submitted in order for your firm to be considered. All proposals must be submitted in hard copy format; electronic proposals will not be considered.

The Department must receive the SOQ proposals no later than 3:00 PM MST, April 29, 2014. 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 the proposal at vendor's expense or the State will dispose of the proposal if requested by the offeror. (See Administrative Rules of Montana (ARM) 2.5.509.)

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.

Once submitted, proposals become the property of the Department. The Department views the information contained in the proposals as partially proprietary in nature and will strive to keep the information confidential, but cannot make any such guarantees.

PROPOSAL CONTENTS

Keep proposals short and concise. Avoid large copies and binders. The proposal must contain the information listed in this section. Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal:

Cover page/Introduction (*One (1) page maximum*)

The introduction should include the following information:

- 1) Category and subcategory(s) of service,
- 2) Contact information for questions and follow-up, including name of individual, title, telephone number, mailing address, and email address.

1) Quality of Firm and Personnel

A) Related experience on similar projects.

(Three (3) pages maximum)

Provide a discussion of your firm's previous related project experience as it relates to the scope of services detailed herein.

B) Qualifications, experience and training of personnel to be assigned to projects.

(Four (4) pages maximum)

Discuss the qualifications, experience, and training of the professional staff that will be utilized. Include an organization chart that indicates the project staff, their area of expertise, registration, and office location(s). Clearly state your firm's qualifications regarding any licensing requirements identified in the Categories of Service section above.

2) Capacity and Capability of Firm

A) Ability to meet technical requirements and applications.

(Three (3) pages maximum)

Briefly describe the services your firm will provide MDT including professional expertise and technical capabilities that your firm possesses. Discuss any subcontractors and support services that you anticipate utilizing and describe their expertise.

B) Compatibility of systems, equipment, i.e., CADD and word processing, etc.

(One (1) page maximum)

Provide a brief discussion on the computer systems and software that your firm utilizes (i.e. Word, Excel, Microstation, ArcView, etc.). Describe any additional support equipment you intend to use.

C) Capability of firm to meet project time requirements.

(One (1) page maximum)

Briefly describe your ability to meet project schedules based on available staff and projected workload during the next two years.

D) Capability to respond to project and MDT requirements.

(One (1) page maximum)

Describe your firm's approach in preparing work plans/cost estimates, reports and implementing work and managing projects. Briefly discuss your firm's ability to respond to fast-tracked or emergency projects. Describe your firm's ability to work on projects in various parts of the state (i.e. staffing availability, office locations, etc.)

Appendix A

Resumes

Include brief resumes that describe the education, training, experience, and qualifications of the personnel listed in the SOQ.

Appendix B

References

List as references all of the firm's clients from the past three (3) years for projects that deal with work similar to the proposed work. The reference list is a single document that includes all references for all proposed categories of service. Include client name, a currently employed contact person, and a corresponding valid phone number. Give range of contract value.

Unbound attachment

References

Submit separately ONE UNBOUND COPY of the reference list from Appendix B, regardless of how many proposals are submitted.

EVALUATION OF PROPOSALS

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

- 1) Quality of Firm and Personnel (30 points)**
 - A) Related Experience on similar projects
 - B) Qualifications, experience, and training of staff to be assigned to project
- 2) Capacity and Capability of Firm (35 points)**
 - A) Ability to meet technical requirements
 - B) Compatibility of systems, equipment, i.e., CADD and word processing etc.
 - C) Capability of firm to meet project time requirements
 - D) Capability to respond to project and Department requirements
- 3) Record of past performance of firm and personnel on previous projects (30 points)**
 - A) Previous record with the Department, quality of work, on-schedule performance, and cooperation with the Consultant Design Engineer and other Department personnel.
 - B) No previous record with the Department will require reference checks.
- 4) Location (5 points)**
 - A) This criterion will be applied at the time of final selection for specific projects, not during the rating of this SOQ. The score will be based on the proximity of the firm's office to project site. Projects will be located throughout the state.

Following the review, evaluation, and rating of all proposals, a roster of the individual firms will be developed in the order of their relative scores. The Consultant Selection Board will select firms from this roster for future projects on an as-needed basis. Contract agreements will be made with the selected firms subsequent to successful cost negotiations. The rosters will be made available for viewing upon adoption by the Consultant Selection Board.

The Consultant Selection Board may also use the pre-qualification rosters for selection of consultants for term contracts in specific disciplines or categories. For example, a consultant may be selected to provide survey services in one District for a two-year term and a specified cost ceiling. Individual survey term assignments would then be assigned on an as-needed basis.

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.

FUTURE 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.

Do not submit actual numerical financial information within this proposal.

OTHER INFORMATION

Other design information for the Department can be found in the "MDT Road Design Project Development Guidelines". The referenced guidelines are available on the Department's web page at: http://www.mdt.mt.gov/publications/docs/manuals/mdtguide_regrdplans.pdf.

SINGLE POINT OF CONTACT

From the date this SOQ solicitation is issued until the pre-qualification roster is finalized by MDT at the Consultant Selection Board meeting in July, 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

DBE goals may be set for individual projects and will be identified prior to reaching a contract agreement. Consulting firms are strongly recommended to utilize DBE firms. 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.

Ryan Dahlke, P.E.
Consultant Design Engineer

Attachment

copies: Jay Skoog – ACEC Executive Director
Consultant Design Bureau File

e-copies: Patricia McCubbins – MDT Civil Rights Bureau Chief
Lynn Zanto – MDT Rail, Transit & Planning Division Administrator
Dwane Kailey, P.E. – MDT Acting Chief Engineer
Jim Walther, P.E. – MDT Preconstruction Engineer
Ed Toavs, P.E. – MDT Missoula District Administrator
Jeff Ebert, P.E. – MDT Butte District Administrator
Dave Hand – MDT Great Falls District Administrator
Shane Mintz – MDT Glendive District Administrator
Stefan Streeter, P.E. – MDT Billings District Administrator
Kevin Christensen, P.E. – MDT Construction Engineer
Tom Martin, P.E. – MDT Environmental Services Bureau Chief
Robert Stapley – MDT Right of Way Bureau
Kent Barnes, P.E. – MDT Bridge Engineer
Roy Peterson, P.E. – MDT Traffic & Safety Engineer
Paul Ferry, P.E. – MDT Highways Engineer
Mark Goodman, P.E. – MDT Hydraulics Engineer
Jeff Jackson, P.E. – MDT Geotechnical Engineer
Bryce Larsen – MDT Photogrammetry & Survey Section Supervisor
Mike Wherley, P.E. – MDT CTEP/TA Engineer
Bryan Miller, P.E. – MDT Consultant Plans Engineer

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the Consultant (hereafter in this Section “the Party”), for itself, its assignees and successors in interest, agrees as follows:

A) **COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the

Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party 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.