



RFTA Solicitation No. 12-043

**REQUEST FOR QUALIFICATIONS (RFQ)
ON-CALL GENERAL ARCHITECTURAL &
ENGINEERING CONSULTING SERVICES**

IMPORTANT DATES:

Date Issued:	Thursday, September 6, 2012
Pre-Proposal Meeting:	Thursday, September 20, 2012, 4:00 PM (MT)
Statements of Qualifications Due:	Wednesday, October 3, 2012 1:00 PM (MT)

Procurement Department
1340 Main Street
Carbondale, CO 81623
procurement@rfta.com
970-384-4861



NOTICE TO PROPOSERS

RFTA SOLICITATION NO. 12-043

Dear Proposer:

The Roaring Fork Transportation Authority ("RFTA") is soliciting Statements of Qualifications (SOQ) from firms or teams capable of providing RFTA with a wide range of on-call architectural and engineering consulting services generally relating to:

- Planning, development and management of capital construction projects;
- Management, maintenance and replacement of existing RFTA facilities, properties and infrastructure; and
- General expert advice, opinions and recommendations of an architectural or engineering nature.

Proposers should be aware that while most work to be assigned by RFTA will be for planned projects, the selected Consultant or team must also have the capability of immediately responding to emergency requests by RFTA.

The contract will be a task order type contract. Task orders shall be entered into for individual projects under the contract. Task orders may or may not be funded with federal grant funds. Task orders that are funded with federal grant funds shall be subject to federal contracting requirements and shall be limited to projects and services that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.

Solicitation Documents will be available **Thursday, September 6, 2012** by request. To request copies of the solicitation documents, please go to <http://www.rfta.com/rfps.html> and complete and return the Vendor Registration Form, to ensure that your name is listed on the "List of Potential Proposers." Be sure to include the solicitation number **12-043**. Vendors already registered with RFTA should complete the abbreviated version of the Vendor Registration Form on the RFTA web site by checking the appropriate selection at the top of the form.

A **Pre-Proposal Meeting** will be held **Thursday, September 20, at 4:00 p.m. (MT)** at the Glenwood Springs Community Center located at 100 Wulfsohn Road, Glenwood Springs, Colorado.

SOQs will be due **Wednesday, October 3, 2012 by 1:00 p.m. (MT)**. SOQs must be submitted via e-mail to procurement@rfta.com in PDF format. "**Response to RFQ #12-043**" should be placed in the subject line of the submission e-mail to clearly indicate the contents. To be considered, SOQs must arrive at RFTA on or before the date and time specified. Any SOQs received after the specified submission deadline will not be considered.

Published in the following: APTA Passenger Transport, Transit Talent, Denver Business Journal, RFTA Web Site (www.rfta.com/rfps.html), Aspen Times, Glenwood Post-Independent, Vail Daily, and Grand Junction Free Press

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RFTA SOLICITATION No. 12-043
REQUEST FOR QUALIFICATIONS FOR
ON-CALL GENERAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES

PART I – Solicitation, Offer & Award

1.1 Purpose of Procurement. The Roaring Fork Transportation Authority (“RFTA”) is soliciting Statements of Qualifications (SOQ) from firms or teams capable of providing RFTA with a wide range of on-call architectural and engineering consulting services generally relating to:

- Planning, development and management of capital construction projects;
- Management, maintenance and replacement of existing RFTA facilities, properties and infrastructure; and
- General expert advice, opinions and recommendations of an architectural or engineering nature.

If the Proposer is a team, the team must be led by a firm that has the managerial and technical resources to communicate and coordinate directly with RFTA and manage the work of the entire team, including all task orders issued by RFTA.

The requested services will be conducted in accordance with generally accepted standards and as defined within the Scope of Services (Part II of this RFQ). This solicitation does not commit RFTA to award a contract, or pay any cost incurred in preparation of the SOQ, or to produce or contract for services.

1.2 Award. RFTA reserves the right to award a contract without regard to potential future similar projects. RFTA may competitively procure any project when it is deemed to be in its best interest to do so. Selection for this award would not bar the selected firm or any team member firm from proposing on any of RFTA's other projects; however, the selected firm and team member firms could be restricted from proposing on projects directly resulting from any work performed under the contract resulting from this RFQ.

1.3 Type and Term of Contract. The successful proposer will be required to execute a professional services contract with RFTA. The term of the contract will be for a period of twelve (12) months with the option to renew the contract for up to four (4) additional twelve month periods. Any contract award made as a result of this

solicitation shall bind the Proposer to all of the terms, conditions, and specifications set forth in this solicitation.

The contract will be a Professional Services (Consulting) contract, with indefinite delivery and indefinite quantities, managed by task order. The number of task orders that may be issued under the contract is limited only by the total dollar amount of the contract. The cumulative amount of all task orders under the contract shall not exceed the total negotiated contract amount.

Task orders may or may not be funded with federal grant funds. Task orders that are funded with federal grant funds shall be subject to federal contracting requirements and shall be limited to projects and services that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.

Time is of the essence in the performance of the services outlined in this solicitation and the attached contract. The contract will require the Consultant to begin performance under the Contract on the date of contract execution, or as soon thereafter as is practical.

- 1.4 Solicitation Schedule. This solicitation will be governed by the following schedule:

Solicitation Date:	September 6, 2012
Pre-Proposal Meeting:	September 20, 2012; 4:00 p.m. (MT)
Statements of Qualification Due:	October 3, 2012, not later than 1:00 PM (MT)
Interviews (if required)*:	Week of October 8, 2012
RFTA Recommendation for Contract Award*:	October 16, 2012
RFTA Chief Executive Officer (CEO) Awards Contract*:	October 19, 2012

- 1.5 Restrictions on Communications with RFTA during Solicitation, Offer & Award Period. All official correspondence from RFTA regarding this solicitation shall be transmitted to and from RFTA's Procurement Department. All inquiries, offers, submissions and/or other correspondence regarding this solicitation, excluding protests, must be directed, in writing, to Collina Washington, RFTA Procurement Manager, at procurement@rfta.com.

From the date of issuance of this solicitation through the date of contract award by RFTA, all official communications to and from RFTA will be transmitted in writing (defined as being sent or received via electronic mail). Oral

communications regarding this solicitation shall not be considered official communications. RFTA is not responsible for any oral statements made by its employees regarding this solicitation. Please see Part I, Section 1.25 for instructions regarding the submittal of protests.

- 1.6 Deadline for Submission of Statements of /Late Submissions. Statements of Qualifications submitted in response to this solicitation must be received by RFTA no later than **1:00 PM (MT) on October 3, 2012**. Submissions received after the deadline will not be evaluated. No exceptions.
- 1.7 Format of Submissions. RFTA requires that the Proposer's Statement of Qualifications be submitted via electronic mail ("e-mail"), with the documents attached in Portable Document Format (".pdf"). All SOQs must be prepared and submitted in accordance with the content requirements specified in Part I, Section 1.26 of this solicitation. As a condition of responsiveness, all documents that require the signature of the Proposer must be signed and incorporated into the .pdf document(s).
- 1.8 Method of Delivery/Location for Submission. The Proposer's SOQ must be submitted exclusively to the RFTA Procurement Department at procurement@rfta.com. The e-mail containing the proposal should not be sent to anyone at RFTA other than the RFTA Procurement Department. The subject line of the e-mail containing the proposal must reference "**Response to RFQ No. 12-043**" to ensure that the SOQ is properly identified and evaluated by RFTA. Failure to clearly denote your e-mail as required may result in late discovery of your submission, which will result in your firm/team being disqualified from evaluation.

Upon receipt of a submission by e-mail, RFTA will reply to the e-mail as confirmation of receipt. It is the sole responsibility of the Proposer to ensure that its submission is successfully delivered to RFTA by the specified date and time.

RFTA will not be responsible for late or lost deliveries of SOQs submitted via e-mail, nor will we be held responsible for information technology issues which result in delaying submittals. RFTA shall not be responsible for delays by non-responsive IT systems; failure of e-mailed submittals to pass through spam or other security screens; or rejection of .pdf files that exceed RFTA system's size limitations for attachments, which are subject to change.

- 1.9 Pre-Proposal Meeting. A Pre-Proposal meeting will be held at **4:00 p.m. (MT) on Thursday, September 20, 2012** at the Glenwood Springs Community Center, 100 Wulfsohn Road, Glenwood Springs, Colorado, 81601. RFTA will not reimburse potential Proposers for expenses incurred related to attendance at the Pre-Proposal Meeting.

Small, minority and woman-owned businesses are encouraged to attend this meeting to learn about the procurement and to network with potential Prime Contractors and subcontractors.

1.10 Amendments to Solicitation (Addenda)/Postponement of Submission Deadline.

RFTA reserves the right to revise or amend the RFQ up to the time set for the submission of SOQs. Such revisions and amendments, if any, shall be announced by written addendum to the RFQ. If an addendum significantly changes the RFQ, the date set for submission may be postponed by such number of days as, in the opinion of RFTA, shall enable potential Proposers to revise their SOQ. In any case, the submission deadline shall be at least five (5) business days after the last addendum, and the addendum shall include an announcement of the new date, if applicable, for the submission of the SOQ.

Upon issuance, addenda will be considered part of the RFQ and will prevail over inconsistent or conflicting provisions contained in the original RFQ. Copies of all addenda will be made available on the RFTA web site at www.rfta.com/rfps.html. All potential Proposers that have previously requested and received a copy of the RFQ document will be notified via e-mail that an addendum is available. This process will be repeated each time an addendum is made available by RFTA.

A valid e-mail address must be provided when requesting the original RFQ in order for RFTA to notify potential Proposers of the availability of addenda. RFTA will not be responsible for a potential Proposer failing to receive notification of the availability of addenda if an invalid e-mail address is provided to RFTA. RFTA will only be responsible for providing notification of the availability of addenda to potential Proposers who directly request and receive copies of the original RFQ document from RFTA.

Proposers shall acknowledge receipt of all addenda by completing and submitting Attachment #2 (Acknowledgement of Addenda), included in Part IV of this RFQ as part of its SOQ. As with other required documentation, submissions that fail to reference receipt of addenda by inclusion of Attachment #2 may be excluded from consideration for a contract award.

1.11 Modification of Statements of Qualification. Except at the written request of RFTA, no SOQ may be modified after the deadline for submission identified in Part I, Section 1.6 above.

1.12 Conditional Statements of Qualification. Conditional SOQs and any proposal taking exception to these instructions, the Scope of Services or to other RFTA requirements will be considered non-responsive and shall be rejected.

1.13 Withdrawal of Statements of Qualification. SOQs previously submitted to RFTA may be withdrawn upon written request by the Proposer prior to the time fixed for the receipt and opening of submittals. No SOQ may be withdrawn for a period of 90 days after the time set herein.

- 1.14 Single Response to Solicitation. If only one SOQ is received in response to this solicitation, an evaluation of the single respondent's SOQ will be performed. If the single respondent is determined to be qualified, then a price proposal will be requested. A cost analysis, evaluation, and/or audit of the price proposal may be performed by RFTA in order to determine if the proposal price is fair and reasonable. If RFTA determines that a cost analysis is required, the single respondent must be prepared to provide, upon request, detailed summaries of estimated costs (i.e., labor, equipment, supplies, overhead costs, profit, etc.) and documentation supporting all cost elements.
- 1.15 Confidential/Proprietary Information. All SOQs that are received by RFTA in response to this RFQ will be considered public record subject to the Colorado Open Records Act (C.R.S. 24-72-201 to 24-72-309) and shall be fully open to public inspection following award of a contract. If a Proposer believes a portion of the information submitted in its SOQ constitutes a trade secret or proprietary information as provided by Colorado state law, the Proposer may request that RFTA consider keeping confidential the trade secrets or proprietary information which the Proposer believes should be legally protected from disclosure. For such information to be so considered, the Proposer must mark in boldface as "PROPRIETARY TRADE SECRET INFORMATION" the top and bottom of each page of its proposal that contains such information. Notwithstanding the Proposer's claim of or designation of information as a trade secret or proprietary information, the determination whether it is or not will be determined by RFTA under Colorado state law.
- 1.16 Reserved Rights. RFTA reserves the right to reject any and all SOQs or any portion of a specific SOQ for any reason. RFTA also reserves the right to award a single or multiple contracts as a result of this solicitation; however, issuance of this RFQ and receipt of SOQs does not commit RFTA to award a contract or contracts.

RFTA has the sole right to select the successful submission for contract award; to reject any SOQ as unsatisfactory or non-responsive due to non-conformance with the requirements of this RFQ; to cancel the solicitation and to advertise for new SOQs or not to award a contract as a result of this RFQ.

RFTA reserves the right to accept any submittal deemed to be in the best interest of RFTA and to waive any irregularities that do not prejudice other Proposers. RFTA further reserves the right to negotiate with any source whatsoever. A contract will be negotiated with the Proposer whose SOQ is considered by RFTA in its sole discretion to be most advantageous to RFTA.

RFTA further reserves the right to retain all SOQs submitted and to use any ideas or concepts in any SOQ for any purpose regardless of whether that SOQ is selected for contract award.

SOQs shall be submitted to RFTA on the most favorable of terms possible from the standpoint of quality and technical capability. No Proposer shall have any cause of action against RFTA arising out of the methods by which SOQs are evaluated.

- 1.17 Equipment. The Proposer shall at its own expense furnish all labor, supplies, equipment and machinery necessary to provide the services required by the Contract.
- 1.18 Personnel. The Proposer represents that he/she has, or will secure at his/her own expense, all personnel required in performing the services under the contract. Such personnel shall not be employees of or have any contractual relationship with RFTA. All the services required hereunder will be performed by the Proposer or under his/her supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized or licensed, if applicable, under state and local law to perform such services. None of the work or services covered by this contract shall be sub-contracted without prior written approval by RFTA.
- 1.19 Knowledge of Conditions. Each Proposer shall thoroughly examine and be familiar with the scope of services and all conditions and requirements that may in any manner affect the work to be performed under the contract. The submission of an SOQ shall constitute an acknowledgement that the Proposer has thoroughly examined and is familiar with the scope of services, conditions and requirements in every detail.
- 1.20 Tax Exempt. RFTA is exempt from payment of Federal and State taxes, and such taxes must not be included in the proposal price. RFTA will furnish the Consultant with the necessary tax-exempt certificates.
- 1.21 Prime Consultant Responsibilities. The Consultant will be required to assume responsibility for all services required by the contract regardless of who provides them. Further, RFTA will consider the Consultant to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.
- 1.22 Conflicts of Interest. RFTA employees and directors are bound by the RFTA Code of Ethics and Standards of Conduct, which were adopted by the RFTA Board of Directors on April 13, 2006. The RFTA Code of Ethics and Standards of Conduct prohibits RFTA employees and directors engaged in the award and administration of contracts, or any person acting on their behalf, from accepting, directly or indirectly, any gift with a value of more than a nominal amount, including meals or tickets to sporting events, from any person with whom the employee interacts on official RFTA business. Therefore, Proposer, or its subcontractors or suppliers, may not make gifts or favors to any RFTA employee or director. It is a violation of the RFTA Code of Ethics and Standards of Conduct for any RFTA employee to accept any such gift or favor.

- 1.23 Contractual Relationships. RFTA intends to execute a Professional Services Contract for the provision of the required services with the successful Proposer (Consultant). The Consultant's contractual responsibility must solely rest with one firm or legal entity, which shall not be a subsidiary or affiliate with limited resources.

RFTA will not be a party to agreements between the Consultant and/or any subcontractors it may choose to employ during fulfillment of the contract; however, the Consultant shall execute fair and reasonable agreements with its subcontractors (if any) and shall provide RFTA with copies of said agreements not later than five (5) business days prior to their execution.

- 1.24 Responsibility for Compliance with Legal Requirements. Consultant's products, services, and facilities shall be in full compliance with any and all applicable federal, state, and local laws, regulations, ordinances, and standards and any standards adopted by nationally recognized testing facilities regardless of whether or not they are referred to in this RFQ.

- 1.25 Protests. Protests related to this RFQ or resulting contract award must be submitted in writing to the RFTA Procurement Department.

1.25.1 RFTA's protest procedures, as included in the 2010 RFTA Procurement Manual, are as follows: 3.13.1 AUTHORITY TO RESOLVE PROTESTED SOLICITATIONS AND AWARDS

- (1) Right to Protest. Any actual or prospective proposer or contractor who is aggrieved in connection with the solicitation or award of a contract shall first try to resolve the grievance/protest with the RFTA Procurement Manager. If the grievance is not satisfied, the prospective proposer or contractor shall then protest to the RFTA CEO. The protest shall be submitted in writing within 5 days after such aggrieved person knows or should have known of the facts giving rise thereto.
- (2) Authority to Resolve Protests. The RFTA CEO shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved proposer or contractor, actual or prospective, concerning the solicitation or award of a contract.
- (3) Decision. If the protest is not resolved by mutual agreement, the RFTA CEO shall promptly issue a decision in writing. The decision shall:
 - a. state the reason for the action taken; and
 - b. inform the protestant of its right to administrative review as provided in this Article.

(4) Notice of Decision. A copy of the decision under Subsection 3.13.1 (3) of this Section shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

(5) Finality of Decision. A decision under Subsection 3.13.1 (3) of this Section shall be final and conclusive, unless the protestant appeals administratively to the RFTA Board acting as the Procurement Appeals Board.

In all instances involving FTA funds, RFTA will disclose information regarding the protest to the FTA Region VIII office, and keep them informed about the status of the protest. A protester must exhaust all administrative remedies with the RFTA before pursuing a protest with FTA.

1.26 Information Required from the Proposer. To be eligible for evaluation by RFTA as a complete, responsive submittal to RFTA Solicitation No. 12-043, any and all SOQs submitted to RFTA must contain all of the following documents, properly signed (as required), fully completed and arranged in the following order:

- 1.26.1 Cover Sheet. The cover sheet for the SOQ must include all of the information listed below. There is no prescribed format for this document. The document shall be limited to one (1) typed page.
- a. The full name and address of the Proposer and if applicable, the branch or office or the subordinate element that will perform or assist in performing the work. If the Proposer is a team then this document should list the information for the firm that will serve as the prime consultant to RFTA and that will execute the contract with RFTA.
 - b. Name and Title of person authorized to submit SOQ on behalf of Proposer (this person must sign the appropriate Attachments on behalf of the Proposer).
 - c. Telephone Number (direct line) of person authorized to submit SOQ.
 - d. E-mail Address of person authorized to submit SOQ.
 - e. Name and Title of Contact Person for the SOQ (if different than the person authorized to submit SOQ; please signify if they are or are not the same person)
 - f. Telephone Number (direct line) of Contact Person
 - g. E-mail Address of Contact Person

1.26.2 Cover Letter. The purpose of the cover letter is to briefly describe the Proposer's interest in the Scope of Services for the Engagement and its commitment to the contract and to provide information on the lead firm and its team, if applicable. The Cover Letter must contain the following information:

- a. The full legal name and address of the entity that will contract with RFTA for the Services, and if applicable, the branches or offices or the subordinate elements that will perform or assist in performing the work;
- b. If the Proposer is a joint venture or team, provide the full legal names and addresses of all entities that comprise the joint venture or team;
- c. Name and title of person authorized to submit SOQ on behalf of Proposer (this person must sign the appropriate Attachments on behalf of the Proposer);
- d. Telephone number (direct line) and e-mail address of person authorized to submit SOQ;
- e. Name and title of contact person for the SOQ (if different than the person authorized to submit SOQ; please signify if they are or are not the same person);
- f. Telephone number (direct line) and e-mail address of contact person for the SOQ.

The cover letter must be signed and dated by the person authorized to submit the SOQ as identified on the cover sheet. The person authorized to submit the SOQ must be an authorized officer or agent of the Proposer.

There is no prescribed format for this document. The format of the document shall be at the discretion of Proposer; however, the document shall be limited to two (2) typed pages.

1.26.3 Proposer Questionnaire. This document summarizes key information about the Proposer for RFTA's assistance and reference during evaluation of SOQs. This document must be fully completed, signed and submitted with the SOQ. Blank form is attached as Attachment #1 in Part III of this RFQ.

1.26.4 Acknowledgement of Addenda to RFQ. This document is required by Part I, Section 1.10 of this RFQ. This document must be fully completed, signed and submitted with the SOQ. If no addenda to the RFQ were issued by RFTA, Proposer must still complete the form and

include it in its SOQ. Blank form is attached as Attachment #2 in Part III of this RFQ.

- 1.26.5 Federal Standard Form 330 (Architect-Engineer Qualifications). RFTA's use of this form is for the purpose of obtaining information from architectural and engineering firms about their professional qualifications. A fillable form version of SF 330 is available at: <http://www.acgov.org/pwa/documents/sf330.pdf>
- 1.26.6 Approach to Management. This document shall include a narrative description of how the Proposer would generally manage its subcontractors and task orders for various projects assigned by RFTA. In addition, this document should describe how the Proposer would approach and manage the three (3) specific projects described in Section 2.4.2 of the Scope of Services, attached as Part II to this RFQ. There is no prescribed format for this document. The format of the document shall be at the discretion of Proposer.
- 1.26.7 References/List of Relevant Work. This document shall include a list and descriptions of recent relevant work performed by the Proposer and its team members (if applicable) within the last three (3) years. The list and descriptions of recent relevant work should include at least three (3) engagements by the firm that will serve as the prime consultant to RFTA and at least one (1) engagement each for all other firms on the Proposer's team. In addition, the overall list and descriptions of recent relevant work should include at least three (3) engagements with other public sector clients, one (1) of which should be within Colorado. The list and descriptions of recent relevant work may expand on the descriptions of the Relevant Projects in Section 19 of SF 330 or it may describe other projects not listed on SF 330. Proposers must provide the following information for each client referenced:
- 1.26.7.1 Name and address of client
 - 1.26.7.2 Name and title of contact person for the client
 - 1.26.7.3 Telephone number and e-mail address for contact person for the client
 - 1.26.7.4 Services provided to client during most recent engagement, including specific disciplines and tasks performed
 - 1.26.7.5 Current status of the most recent engagement, including start and end dates for the engagement, and, if the engagement is complete, whether the engagement was completed on time and within budget

There is no prescribed format for this document. The format of the document shall be at the discretion of Proposer.

- 1.26.8 Conflict of Interest Statement. This document, Attachment #3 in Part III of this RFQ, shall serve as a list of all entities and/or individuals with which the Proposer, including the firms comprising the Proposer's team (if applicable), has relationships that may create or appear to create conflicts of interest with the work to be performed as a result of the contract. As a condition of SOQ responsiveness, this document must be fully completed, signed and submitted with the SOQ.
- 1.26.9 Debarment & Suspension. This document, Attachment #4 in Part III of this SOQ, is required for compliance with the FTA's requirements related to the federal debarment status of firms proposing on federally funded contracts. Firms that appear on the Federal Excluded Parties List System (www.epls.gov) are not eligible for contract awards that utilize federal grant funds. As a condition of proposal responsiveness, this document must be fully completed, signed and submitted with the proposal package.
- 1.26.10 DBE. These documents, Attachments #5, #6 and #7 in Part III of this RFQ, are required for compliance with the FTA's requirements related to the participation by Disadvantaged Business Enterprises (DBE) in federally funded contracts and shall serve as proof of the Proposer's "good faith efforts" to, where practicable; include certified DBE firms on their teams. As a condition of proposal responsiveness, these documents must be fully completed, signed and submitted with the proposal package.
- 1.26.11 Corporate Certification of Illegal Aliens. This document, Attachment #8 in Part III of this RFQ, is required by C.R.S. § 8-17.5-101, et. seq. (Colorado State House of Representatives Bill No. 06-1343).
- 1.26.12 Certification Regarding Lobbying. This document, Attachment #9 in Part III of this RFQ, is required by the FTA to document a Proposer's compliance with 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). As a condition of SOQ responsiveness, this document must be fully completed, signed and submitted with the bid package.
- 1.27 Proposal Evaluation and Consultant Selection. RFTA selects firms for Architectural/Engineering services contracts on the basis of professional qualifications as required by the federal Brooks Act (40 U.S.C. 1101 - 1104), 49 U.S.C. 5325(b), the Colorado state Brooks Act (C.R.S. 24-30 part 14, C.R.S. 12-25-102, C.R.S. 12-25-202 and C.R.S. 12-25-302) and Federal Transit Administration (FTA) Circular 4220.1F.

1.27.1 Standards for Award. RFTA Solicitation No. 12-043 is a Request for Qualifications (RFQ). RFTA intends to award a contract to the Proposer whose SOQ conforms to the solicitation and is determined to be the most qualified firm or team. In order to be eligible for contract award a SOQ must meet all of the following criteria:

1.27.1.1 The SOQ submitted is responsive to the solicitation.

1.27.1.1.1 An SOQ shall be considered responsive if it conforms in all material aspects to the requirements of the solicitation at the scheduled time of submission and does not require further discussions with the Proposer.

1.27.1.1.2 It shall be at the sole discretion of RFTA to determine if an SOQ “conforms in all material aspects to the requirements of the solicitation.”

1.27.1.2 The Proposer who submitted the SOQ is a responsible Proposer.

1.27.1.2.1 A Proposer shall be considered responsible if the Proposer possesses, at the time of contract award, the ability to perform successfully and a willingness to comply with the terms and conditions of the solicitation.

1.27.1.3 The Proposer is judged, at the sole discretion of RFTA, to be the most qualified firm or team to provide the required Services to RFTA.

1.27.2 Evaluation and Award Process. All SOQs shall be evaluated by a Proposal Evaluation Committee to be comprised of professional staff employed by RFTA.

1.27.2.1 SOQs will first be evaluated by RFTA Procurement staff for responsiveness in accordance with the standard set forth in Part I, Section 1.27.1.1 above. Only those SOQs that are determined to be responsive shall be evaluated for Proposer responsibility.

1.27.2.2 Proposers who submitted responsive SOQs will be evaluated by the Proposal Evaluation Committee for responsibility in accordance with the standard set forth in Part I, Section 1.27.1.2 above.

1.27.2.3 SOQs that are determined to be responsive and that were submitted by responsible Proposers shall be further

evaluated by the Proposal Evaluation Committee to determine the Proposer that is the most qualified firm or team to provide the required Services to RFTA. To determine the most qualified Proposer, the Proposal Evaluation Committee will specifically consider information submitted in accordance with Part I, Section 1.26 above. Selection may be made based solely on the proposals received or RFTA may elect to interview a short list of Proposers at this step in the evaluation process.

- 1.27.2.4 A Short List of the three (3) highest ranked Proposers who meet the standards for contract award specified above will be forwarded to the RFTA Chief Executive Officer (CEO) for review and approval. The list will be ranked in order from 1 to 3, with 1 representing the highest ranking.

If RFTA receives more than three (3) SOQs, it will rank all of the Proposers in order of their qualifications; however, only the three (3) highest ranked Proposers will be forwarded to the CEO as part of the initial Short List. If RFTA does not receive at least three (3) SOQs from qualified Proposers, the Proposal Evaluation Committee will determine whether to forward a Short List of less than three (3) Proposers to the CEO or re-solicit for additional Proposers. There is no obligation for RFTA to proceed with a Short List of less than three (3) qualified Proposers.

- 1.27.2.5 Upon approval of the Short List by the RFTA CEO, contract negotiations with the No.1 ranked Proposer will commence.

- 1.27.2.5.1 If contract negotiations are successful, a contract will be executed with the No. 1 ranked Proposer and a Notice to Proceed will be issued. In addition, a Notice of Contract Award will be sent to all Proposers who submitted SOQs in response to the solicitation.

- 1.27.2.5.2 If contract negotiations are unsuccessful, RFTA will formally terminate contract negotiations with the No. 1 ranked Proposer and will attempt to negotiate a contract with the next highest ranked firm or team.

This process will be repeated until a contract has either been successfully negotiated and executed with one of the three (3) highest ranked Proposers or until contract negotiations

have been terminated with all three (3) of the highest ranked Proposers. Once contract negotiations are formally terminated with a Proposer, RFTA may not re-open negotiations with that Proposer in an attempt to negotiate a contract. RFTA may only negotiate with one Proposer at a time.

1.27.2.5.3 If RFTA is unable to negotiate a mutually acceptable contract with any of the three (3) highest ranked Proposers, the Proposal Evaluation Committee will re-evaluate the SOQs of the qualified Proposers who were ranked No. 4 and lower (if applicable) to determine if any of the remaining Proposers are qualified to perform the required Services. If RFTA determines that any of the Proposers ranked No. 4 and lower are qualified to perform the required Services, the Proposal Evaluation Committee will send a list of the remaining qualified Proposers, ranked in order, to the CEO for approval and the process as described beginning in Section 1.28.2.5.1 above will be repeated. If the Proposal Review Committee determines that none of the Proposers originally ranked No. 4 and lower are qualified to perform the Services then RFTA may choose to re-solicit the required Services. RFTA has no obligation to consider Proposers ranked No. 4 and lower for a contract award.

1.27.2.6 Upon negotiation of a mutually acceptable contract, a Recommendation for Contract Award will be forwarded to the RFTA CEO for approval.

1.27.2.7 The RFTA CEO may, at his sole discretion, approve the Recommendation for Contract Award and execute the negotiated contract, delay consideration of the Recommendation for Contract Award, reject the recommendation and award the contract to another Proposer or cancel the procurement altogether.

1.27.3 Evaluation Criteria. The selection of a firm or team for a contract award as a result of this RFQ will be based solely on the qualifications of the firm or team comprising the Proposer. Price will not be considered as a selection criteria. **NO PRICING INFORMATION WHATSOEVER**

SHOULD BE INCLUDED IN ANY SOQ SUBMITTED IN RESPONSE TO THIS RFQ. The specific evaluation criteria for this solicitation are:

- 1.27.3.1 Professional qualifications, including specialized experience and technical competence, necessary for satisfactory performance of the required Services as described in the Scope of Services;
- 1.27.3.2 Capacity to accomplish assigned work efficiently and within reasonable time constraints;
- 1.27.3.3 Ability to respond to emergency requests for Services by RFTA within a reasonable time (to be determined on a case-by-case basis);
- 1.27.3.4 Demonstrated past experience and performance on contracts for similar work with other Government agencies and private industry with specific emphasis on cost control, quality of work, and compliance with performance schedules.



RFTA SOLICITATION No. 12-043
REQUEST FOR QUALIFICATIONS FOR
ON-CALL GENERAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES

PART II – Scope of Services

- 2.1 Organizational Background & Summary. RFTA is the regional public transportation provider for Garfield and Pitkin Counties as well as a portion of southwestern Eagle County in Colorado. RFTA operates commuter bus service along the 40-mile State Highway (SH) 82 corridor from Glenwood Springs to Aspen and the 27-mile Interstate 70 (“I-70”) corridor from Glenwood Springs to Rifle. RFTA also owns and maintains the 45-mile Rio Grande Trail, a recreational trail between Glenwood Springs and Aspen. The Rio Grande Trail is located within a rail banked railroad right-of-way that is owned by RFTA and was constructed on the rail bed.

RFTA consists of eight member jurisdictions, including the municipalities of Aspen, Basalt, Carbondale, Glenwood Springs, New Castle, Snowmass Village, Eagle and Pitkin counties. As the second largest public transit agency in Colorado and one of the largest rural public transit providers in the nation, RFTA transported approximately 4.14 million passengers in 2011. Following a successful regional vote in November 2008, RFTA began implementation of a Bus Rapid Transit (BRT) system (“*VelociRFTA*”) between Glenwood Springs and Aspen that will begin operation in September 2013. More information on RFTA and the *VelociRFTA* project can be found at www.rfta.com or www.rftabrt.com.

RFTA currently owns and maintains two (2) bus operations and maintenance facilities in Aspen and Glenwood Springs, two (2) office facilities in Carbondale and two (2) employee housing facilities in Carbondale. RFTA is jointly responsible, with the City of Aspen, for the maintenance of the Rubey Park Transit Station in Aspen. RFTA also maintains over 100 bus stops (i.e. signs, shelters, benches, park & ride lots, etc.) between Aspen and Rifle and is currently constructing 13 new BRT stations that will be maintained by RFTA. All BRT stations will consist of enclosed, heated passenger shelters while some will have parking facilities, bicycle storage facilities and restroom facilities.

2.2 Purpose of the Procurement.

In accordance with the provisions of 40 U.S.C. § 1102, 49 U.S.C. § 5325b and C.R.S. § 24-30 part 14, C.R.S. 12-25-102, C.R.S. 12-25-202 and C.R.S. 12-25-302, the types of services to be provided by the selected Consultant shall be limited to the following:

- A. Practice of architecture, as defined in section 12-25-302(6), C.R.S.;
- B. Practice of engineering, as defined in section 12-25-102(10), C.R.S.;
- C. Practice of professional land surveying, as defined in 12-25-202(6), C.R.S.;
- D. Practice of landscape architecture, as defined in 24-30-1402(4), C.R.S.;
- E. Practice of industrial hygiene, as defined in 24-30-1402(3.5), C.R.S.;
- F. Professional services of an architectural or engineering nature that are associated with research, planning, development, design, construction, alteration or repair of real property;
- G. Other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

- 2.3 Contract Information. The selected Consultant or Consultant Team shall provide On-Call General Architectural/Engineering Consulting services to RFTA for a period of twelve (12) months with the option for RFTA to renew the contract annually for up to four (4) additional 12-month periods. The services to be provided to RFTA shall include a range of design, engineering and transportation-related technical services. Consulting Teams should be led by the firm that will be self-performing a majority of the work and that has the managerial and technical resources capable of leading the team to assist and advise RFTA and which will function as the prime consultant.

The contract will be a Professional Services (Consulting) contract, with indefinite delivery and indefinite quantities, managed by task orders. Task orders shall be entered into for individual projects under the contract. The number of task orders that may be issued under the contract is limited only by the total dollar amount of the contract. The cumulative amount of all task orders under the contract shall not exceed the total negotiated contract amount.

Task orders may or may not be funded with federal grant funds. Task orders that are funded with federal grant funds shall be subject to federal contracting requirements and shall be limited to projects and services that are directly in

support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.

Plans for most facilities/systems will be completed in accordance with Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and/or Colorado Department of Transportation (CDOT)'s Plan Development Process as appropriate to the project. Otherwise, guidance will be provided for each Project Task Order.

- 2.4 Scope of Services. The entire range of services to be provided by the selected Contractor during the contract term is unknown by RFTA at the time of solicitation; however, the following list represents those services that are known or expected by RFTA to be required. The following list is not intended to be a comprehensive or exclusive list of all services to be provided during the contract term; however, Proposers should include subcontractors on their teams that can provide all of the listed services.

Proposers should be aware that while most work to be assigned by RFTA will be for planned projects, the selected Consultant or team must also have the capability of immediately responding to emergency requests by RFTA.

The services to be provided by the selected Contractor shall include:

- 2.4.1 Perform all tasks associated with the research, planning, design, construction administration, and repair of transportation facilities/systems for the following:

- 2.4.1.1 Pedestrian Sidewalks and Paths
- 2.4.1.2 Bicycle Lanes or Paths
- 2.4.1.3 Recreational Trails
- 2.4.1.4 Intersections
- 2.4.1.5 Traffic Control/ITS devices
- 2.4.1.6 Highways
- 2.4.1.7 Freeways
- 2.4.1.8 HOV/HOT Lanes
- 2.4.1.9 Interchanges
- 2.4.1.10 Railroads and Railroad Right-of-Way
- 2.4.1.11 Bus Maintenance and Operations Facilities
- 2.4.1.12 Park and Ride Lots
- 2.4.1.13 Commuter Bus Systems
- 2.4.1.14 Bus Rapid Transit Systems
- 2.4.1.15 Intermodal Facilities
- 2.4.1.16 Transit stations and bus stops
- 2.4.1.17 Other improvements or combinations of improvements as required.

2.4.2 Specific Projects. At the time of this solicitation, RFTA knows of three (3) specific projects that the selected Consultant will perform through task orders. These projects are representative of the types of projects that the selected Consultant will be required to perform for RFTA; however, additional types of projects may also be required. Proposers should address how they would accomplish these specific projects in their SOQ. The three (3) projects are as follows:

2.4.2.1 Aspen Maintenance Facility (AMF) Recommissioning Project (Phases I & II) – In early 2013 RFTA will solicit bids for the construction of improvements to its AMF. The construction project will be funded with federal grant funds from the Federal Transit Administration (FTA), so the task order for this work will include federal contracting requirements. The construction project will include replacing the majority of the fire alarm, fire suppression, HVAC and electrical systems at the AMF as well as the construction of an 18,000 s.f. geo-exchange system and the replacement and expansion of existing parking surfaces. The design plans for this construction project are complete and a building permit for the project has been issued for part of the project. RFTA will soon submit the application for the building permit for the remainder of the project. The selected Consultant will be required to perform the following services related to this project:

- Review of the current plan set, specifications and SEQ sheets for constructability, errors, omissions, and possibly value engineering;
- Assistance in developing a construction phasing plan;
- Assistance with procurement of construction contractor;
- Construction management services;
- Survey services;
- Other services that are customarily provided by engineering firms during large facility construction projects.

2.4.2.2 Aspen Maintenance Facility (AMF) Recommissioning Project (Phase III – Facility expansion) – RFTA recently received FTA grant funds to expand the AMF building to accommodate interior storage for approximately 30 additional buses. The project is currently at the conceptual design phase and construction will likely not occur until 2014. The selected Consultant will be required to perform the following services related to this project:

- Preliminary design (30-50%) services with the goal of developing a plan set suitable for the issuance of a

Design-Build procurement solicitation for final design and construction;

- Project programming services;
- Environmental approval services (likely a documented Categorical Exclusion);
- Survey services;
- Geotechnical services;
- Community development assistance services related to approval of land use entitlements and building permits;
- Investigate and recommend alternate energy sources for the building, including geo-exchange and solar, to reduce or eliminate the AMF energy footprint;
- Assistance with procurement of design-build construction contractor;
- Project/construction management services;
- Facility commissioning services;
- Other services that are customarily provided by engineering firms during large facility construction projects.

2.4.2.3 New Castle Park & Ride Lot – RFTA owns a parcel of land in New Castle on which it desires to construct a temporary or permanent Park & Ride Lot for its Regional “Hogback” Bus Service. The site of the future Park & Ride Lot is currently undeveloped. The selected Consultant will be required to begin work on this task order in 2012 with construction of the Park & Ride Lot to as soon as possible. The selected Consultant will be required to perform the following services related to this project:

- Design services;
- Project programming services;
- Environmental approval services;
- Survey services;
- Geotechnical services;
- Community development assistance services related to approval of land use entitlements and building permits;
- Assistance with procurement of design-bid-build construction contractor;
- Project/construction management services;
- Other services that are customarily provided by engineering firms during parking facility construction projects.

2.4.3 Special Project Requirement. All work is to be performed under the direction and supervision, appropriate to the task, of a Colorado-Licensed Professional

Engineer, a Colorado-Licensed Professional Land Surveyor, a Colorado-Licensed Architect, a Colorado-Licensed Landscape Architect, a Colorado-Certified Industrial Hygienist, or, as appropriate, any combination of the foregoing.



RFTA SOLICITATION No. 12-043
REQUEST FOR QUALIFICATIONS FOR
ON-CALL GENERAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES

PART IV – Attachments and Certifications

CHECKLIST¹

The following items must be included in your proposal in order to receive consideration. Failure to complete all forms included in this package may result in your proposal being ruled non-responsive. Non-responsive Statements of Qualifications (SOQ) will not be evaluated or considered for a contract award. Please sign and date each form and/or certifications.

- ☐ Cover Sheet
- ☐ Cover Letter
- ☐ Attachment #1 - Proposer Questionnaire
- ☐ Attachment #2 - Acknowledgement of Addenda to RFQ
- ☐ Federal Standard Form 330
- ☐ Approach to Management
- ☐ References/List of Relevant Work
- ☐ Attachment #3 –Conflict of Interest Statement
- ☐ Attachment #4 - Federal Debarment & Suspension Certification
- ☐ DBE Enclosures (one copy each)
 - ☐ Attachment #5 - DBE Letter of Intent
 - ☐ Attachment #6 - DBE Affidavit
 - ☐ Attachment #7 – DBE Unavailable Certification
- ☐ Attachment #8 - Corporate Certification of Illegal Aliens
- ☐ Attachment #9 – Certification Regarding Lobbying

¹ This form is for your information only and is not to be returned with your proposal.

ATTACHMENT #1
PROPOSER QUESTIONNAIRE

A. SUBMITTING BUSINESS ENTITY IDENTIFICATION & OWNERSHIP DISCLOSURE

Company: _____

Contact Person: _____

Title: _____

Address: _____

Telephone No.: _____

Organized under the laws of the State of _____

Principal place of business located at _____

Taxpayer Identification Number: _____

Indicate which of the following apply (mark all that apply):

- ☐ Corporation
- ☐ Partnership
- ☐ Sole Proprietor
- ☐ Small Business
- ☐ Disadvantaged Business Enterprise (DBE)

Certified by _____

B. OTHER INFORMATION

1. General character of work performed by your firm:

2. Has your firm ever failed to complete any work awarded to you? If yes, explain.

3. Has your firm ever defaulted on a contract? If yes, explain.

4. Indicate the names of subcontractors, if any, proposed for this project and whether the subcontractor is a certified Disadvantaged Business Enterprise (DBE) and by whom they are certified.

5. Please indicate if your firm, subcontractor or any persons associated therewith in the capacity of owner, partner, director, officer or any other position involving the administration of federal funds²:

☐ is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility of any federal agency;

☐ has been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the last three (3) years;

☐ has a proposed debarment pending; or

☐ has been indicted, convicted, or had a civil judgment rendered against it or them by a court competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

CERTIFICATION

I certify that this Statement of Qualifications (SOQ) is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a SOQ for the same services, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of the State and Federal law and can result in fines, prison, sentences, and civil damage awards.

I hereby certify that the responses to the above representations, certifications, and other statements are accurate and complete. I agree to abide by all conditions of this Request for Qualifications and certify that I am authorized to sign for the Proposer.

Signature _____
Printed Name _____

Date _____
Title _____

² Any of the above conditions will not necessarily result in denial of award, but will be considered in determining Offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and date of action. Providing false information may result in federal criminal prosecution or administrative sanctions.

ATTACHMENT #2
ACKNOWLEDGMENT OF ADDENDA

The following form must be completed and included in the Statement of Qualifications (SOQ).

Failure to acknowledge receipt of all addenda may cause the SOQ to be considered non responsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included with the SOQ.

ACKNOWLEDGMENT OF ADDENDA

The undersigned acknowledges receipt of the following addenda to the documents:

Addendum No.	_____	Dated	_____
Addendum No.	_____	Dated	_____
Addendum No.	_____	Dated	_____
Addendum No.	_____	Dated	_____
Addendum No.	_____	Dated	_____

Offeror: _____
Name

Street Address

City, State, Zip

Signature of Person Authorized to
submit SOQ

Title

Phone

ATTACHMENT #3
CONFLICT OF INTEREST STATEMENT

Proposer shall provide a list of all entities and/or individuals with which it has relationships that create, or may appear to create, conflicts of interest with the work that is contemplated by this RFQ. The list should indicate the names of the entities and/or individuals, their relationship to the Proposer, and a description of the real and/or apparent conflicts. In addition, please be sure to include descriptions of relationships with any or all RFTA Board Members and RFTA employees that create, or may appear to create, any real and/or apparent conflicts of interest. The following real and/or apparent conflicts exist:

1.	Name:	
	Relationship to Proposer:	
	Description of Conflict:	
2.	Name:	
	Relationship to Proposer:	
	Description of Conflict:	
3.	Name:	
	Relationship to Proposer:	
	Description of Conflict:	
4.	Name:	
	Relationship to Proposer:	
	Description of Conflict:	
5.	Name:	
	Relationship to Proposer:	
	Description of Conflict:	

Signature

Title

Date

ATTACHMENT #4
FEDERAL DEBARMENT AND SUSPENSION CERTIFICATION

The Offeror certifies, by submission of this Offer, that neither it nor its “principals” as defined at 49 C.F.R. § 29.105(p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

If the prospective Offeror is unable to certify to the statement above, it shall attach an explanation, and indicate that it has done so, by placing an “X” in the following space:

_____.

THE OFFEROR, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND EXPLANATION, IF ANY. IN ADDITION, THE OFFEROR UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET. SEQ. APPLIES TO THIS CERTIFICATION AND EXPLANATION, IF ANY.

Signature of the Offeror's Authorized Official

Name and Title of the Offeror's Authorized Official

Date

ATTACHMENT #5
DBE LETTER OF INTENT
(To be completed by DBE)

To: _____
(Name of Prime Proposer)

The undersigned intends to perform work in connection with the above project as a DBE in the following capacity (check one):

- | | |
|--------------------------------------|--|
| ☐ Individual | ☐ Corporation |
| ☐ Partnership | ☐ Joint Venture |

The Disadvantaged Business status of the undersigned is confirmed:

- (a) On the reference list of Disadvantaged Business Enterprises dated _____, or
(b) On the attached Disadvantaged Business Enterprise Identification Statement.

The undersigned is prepared to perform the following work in connection with the above project *(specify in detail the particular work items or parts thereof to be performed)*:

The above work will not be sublet to a non-Disadvantaged Business Enterprise at any tier. The undersigned will enter into a formal agreement for the above work with you, conditioned upon your execution of an agreement with RFTA.

Date _____
Name of Disadvantaged Business Enterprise

By _____

ATTACHMENT #6
DBE AFFIDAVIT
(To be completed by DBE)

STATE OF _____ (DATE _____)

COUNTY OF _____

The undersigned being duly sworn, deposes and says that he/she is the _____
(Sole owner, partner, president, treasurer or
_____ of _____ and certifies that since the date
other duly authorized official of a corporation) (Name of DBE)
of its certification by the Colorado Department of Transportation (CDOT), *UCP or other *DOT, the
certification has not been revoked nor has it expired nor has there been any change in the minority status
of _____.
(Name of DBE)

(Signature and Title of Person Making Affidavit)

Sworn to before me this _____ day of _____, 20_____.

(Notary Public)

Affix Seal Here:

NOTE: The Offeror must attach the DBE's most recent certification letter or document to this affidavit.

*Please list other entity

ATTACHMENT #7
DBE UNAVAILABLE CERTIFICATION

To be completed by Prime Contractor:

I, _____, the below named agent of _____, certify that I have contacted the following Disadvantaged Business Enterprise to obtain a proposal for the following work items.

Certified DBE Contractor	Work Disciplines Sought

To the best of my knowledge and belief, said Disadvantaged Business Enterprise was unavailable for work on this project, or unable to prepare a proposal for the following reason(s):

Signature: _____ Date: _____

To be completed by DBE:

_____ was offered an opportunity to propose
(Name of Disadvantaged Business Enterprise)
on the above identified work on _____ by _____.
(Date) (Source)

The above statement is a true and accurate account of why I did not submit a proposal on this project.

(Signature of Disadvantaged Business Enterprise) (Date)

(Title)

ATTACHMENT #8
CORPORATE CERTIFICATION OF ILLEGAL ALIENS

_____, ("Contractor" herein) acknowledges that Contractor has been notified of the immigration compliance requirements of C.R.S. § 8-17.5-101, *et. seq.* (House Bill 06-1343), and hereby **CERTIFIES** that:

1. The Contractor shall not knowingly employ or contract with an illegal alien to perform work under the public contract for services; or
2. Enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under the public contract for services;
3. The Contractor has verified or attempted to verify through participation in the basic pilot program that the Contractor does not employ any illegal aliens and, if the Contractor is not accepted into the basic pilot program prior to entering into a public contract for services, that the Contractor shall apply to participate in the basic pilot program every three months until the Contractor is accepted or the public contract for services has been completed, whichever is earlier. This provision shall not be required or effective in a public contract for services if the basic pilot program is discontinued;
4. The Contractor acknowledges that the Contractor is prohibited from using basic pilot program procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed;
5. If the Contractor obtains actual knowledge that a subcontractor performing work under the public contract for services knowingly employs or contracts with an illegal alien, the Contractor shall be required to:
 - a. Notify the subcontractor and the contracting state agency or political subdivision within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
 - b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to subparagraph (A) of this Section 5 the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
6. Contractor is required to comply with any reasonable request by the State Department of Labor and Employment ("Department" herein) made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

7. If Contractor violates a provision of the public contract for services required herein may terminate the contract for a breach of the contract. If the contract is so terminated, the Contractor shall be liable for actual and consequential damages to RFTA.
8. RFTA is obligated to notify the office of the secretary of state if a Contractor violates a provision of this Addendum and RFTA terminates the contract for such breach. Based on this notification, the secretary of state shall maintain a list that includes the name of the Contractor, the state agency or political subdivision that terminated the public contract for services, and the date of the termination. A Contractor shall be removed from the list if two years have passed since the date the contract was terminated, or if a court of competent jurisdiction determines that there has not been a violation of the provision of the public contract for services required pursuant to Section I. An agency or political subdivision shall notify the office of the secretary of state if a court has made such a determination. The list shall be available for public inspection at the office of the secretary of state and shall be published on the internet on the website maintained by the office of the secretary of state.
9. The Department may investigate whether a Contractor is complying with the provisions of a public contract for services required pursuant to Section I. The Department may conduct on-site inspections where a public contract for services is being performed, request and review documentation that proves the citizenship of any person performing work on a public contract for services, or take any other reasonable steps that are necessary to determine whether a Contractor is complying with the provisions of a public contract for services required pursuant to Section I. The Department shall receive complaints of suspected violations of a provision of a public contract for services (this Addendum) and shall have discretion to determine which complaints, if any, are to be investigated. The results of any investigation shall not constitute final agency action. The Contractor is hereby notified that the Department is authorized to promulgate rules in accordance with article 4 of title 24, C.R.S., to implement the provisions of C.R.S. § 8-17.5-101, *et. seq.*

Dated this _____ day of _____, 2012.

By _____
[Printed Name]

ATTACHMENT #9

CERTIFICATION REGARDING LOBBYING

APPENDIX A, 49 CFR PART 20 CERTIFICATION REGARDING LOBBYING⁵ Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

⁵ The filing of Standard Form LLL (Rev. 7-97, OMB 0348-0046) and full disclosure is required pursuant to 31 U.S.C. section 1352 for each instance described above, whether or not federal monies are used. The information requested through this certification is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance is placed by the Roaring Fork Transportation Authority when the transaction referred to in this solicitation is made or entered into.

The Proposer, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Proposer understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Proposer's Authorized Official

_____ Name of Proposer's Authorized Official

_____ Title of Proposer's Authorized Official

_____ Date