

## INSTRUCTIONS FOR PROPOSALS ENGINEERING SERVICES

The Sample Contract provided with this Request for Proposals contains federal requirements which must be included with Proposals. Appendices C through K contain compliance requirements and certification forms which must accompany the Proposals. **Failure to comply with the requirements may result in finding the proposal to be nonresponsive.**

Additional information is provided below:

1. Proposers may submit one hard copy or one flash drive of the proposal to Kevin Kokes, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. **Proposals must be received by 5:00 p.m., Friday, April 21, 2023.** Proposals received after that time will not be considered and will be returned to the proposer unopened. Proposals containing original signatures and notary seals should be labeled "Original." The in-hand submittal will count as the official submittal. In addition to the in-hand submittal, NCTCOG is requesting electronic submission of proposal documents to [TransRFPs@nctcog.org](mailto:TransRFPs@nctcog.org). Electronic submissions only will **not** be evaluated.
2. The proposal should address the criteria identified in the Request for Proposals that will be used for consultant selection. Proposals should include, at a minimum, the following information.
  - **Proposal Formatting** – Proposals should be printed double-sided and include a footer containing consultant firm name, page number, and total pages in the proposal. (e.g., Planning firm 1 of 20).
  - **Cover Letter** – A brief summary of the key points of the proposal and approach to accomplishing the work. Name and address of the firm, as well as the contact person's name, phone number, and email address should also be included.
  - **Project Understanding** – A general description of the approach to be used in accomplishing the work, including the project organization and management plan. Senior personnel who will work on the project, including subcontractor personnel, should be identified by name and by role in the project; e.g., project manager, principal in charge, project advisor, etc. The project manager in particular must be specified and a clear indication given as to his/her involvement in the project. If more than one firm will be involved, the proposal should clearly delineate the work to be accomplished by each firm and how the work will be coordinated and managed. Any special requirements or coordination needs should be clearly identified.
  - **Scope of Services and Schedule** – This section should respond to the Request for Proposals task descriptions for the project by describing clearly in detail what and how work in each task will be accomplished, the technical methodology to be used, and the planned workflow and schedule. A description should be included concerning quality control and how this will be maintained and accomplished during the course of this project.

- **Consultant Qualifications** – This section should identify the background and experience of the consulting firm(s) and individuals in similar types of work and the results of that experience, along with up-to-date references (name, current affiliation, and phone number), should be included. Knowledge of the Dallas-Fort Worth area should be specifically indicated.
  - **Compliance Requirements** – Appendices C through K of the Sample Contract contain compliance requirements and other certification forms which must accompany the Proposal.
  - **Affirmative Action Plan** – NCTCOG is required, under Title 49, Code of Federal Regulations, Part 21 to request from all contractors an Affirmative Action Plan for the contracting entity. Such a plan will be reviewed by NCTCOG to determine compliance with federal Equal Employment Opportunity requirements. You are requested, then, to submit a plan which should include, at a minimum, a policy statement and utilization analysis of your workforce. An indication of the number and percent of your employees who would be classified as minorities, including both women and ethnic minorities, should be provided. An indication of the number and percent in professional versus nonprofessional positions, or administration versus clerical positions, should also be provided.
  - **Entities that Boycott Israel (House Bill 89)**
    - If proposers are required to make a certification pursuant to Section 2271.002 of the Texas Government Code, proposers should include a certification statement that they do not and will not boycott Israel during the term of the contract resulting from this solicitation. If the proposer does not make that certification, proposer must indicate that in its response and state why the certification is not required.
  - **Prohibition on Firearm and Ammunition Industry Discrimination (S.B. 19)**
    - Pursuant to Chapter 2274, Government Code, as enacted by S.B. 19, 87<sup>th</sup> Legislature, NCTCOG is prohibited from using public funds to contract with entities who discriminate against firearm and ammunition industries. By signing this contract, the Consultant agrees that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the Contract.
  - **Prohibition on Boycotting Energy Companies (S.B. 13)**
    - Pursuant to Chapter 2274, Government Code, as enacted by S.B. 13, 87<sup>th</sup> Legislature, NCTCOG is prohibited from using public funds to contract with entities who boycott energy companies. By signing this contract, the Consultant verifies that it does not discriminate against energy companies and will not discriminate during the term of the Contract.
3. The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000(d) to 2000(d)(1) and Title 49, Code of Federal Regulations Part 26, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all proposers that it will affirmatively assure that, in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

4. The NCTCOG Transportation Department has a Disadvantaged Business Enterprise (DBE) Program which encourages participation on the part of socially and economically disadvantaged individuals in DOT-assisted projects. The specific DBE goal requirement for this procurement is identified in the RFP and Appendix D to the Sample Contract and is determined by the type of services being procured. **Failure on the part of a majority contractor to meet this goal or to show meaningful good faith efforts may be grounds for finding the proposal nonresponsive.** To facilitate this goal, a list of DBEs is attached for consideration. In the event the proposer is a majority firm and the above stated goal for DBE participation is not met, the prime contractor shall be required to provide justification and documentation for not reaching the goal with disadvantaged subcontractors.
  - a. Joint ventures between majority and disadvantaged contractors are encouraged. Whenever a joint venture involves a disadvantaged firm(s), the proposer shall submit with the proposal the names, scope of work, and the anticipated percentage of work of each proposed DBE subcontractor and joint venture. The Affidavit of Intended Entrepreneurship, included as Attachment D.2 of the Sample Contract, is intended for this purpose. **Please submit the original notarized affidavit with the Proposal.** NCTCOG shall reserve the right to approve all substitutions of subcontracts.
  - b. For the purposes of this policy, a Disadvantaged Business Enterprise is defined as: A business enterprise that is owned and controlled by one or more socially and/or economically disadvantaged persons. "Owned and controlled" is specified as a business which is (1) a sole proprietorship legitimately owned by an individual who is a disadvantaged person or (2) a partnership or joint venture controlled by disadvantaged persons and in which at least 51 percent of the voting interest and 51 percent of the beneficial ownership interests legitimately are held by disadvantaged persons. Such persons include individuals who are Women, Black, Hispanic, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. **DBE Certificates issued through the Texas Unified Certification Program are required.**
  - c. The contractor shall maintain for three years such records as are necessary to determine compliance with their DBE obligations and shall submit regular reports to enable the North Central Texas Council of Governments to monitor this compliance.
5. The NCTCOG Executive Board encourages the use of local firms. However, all proposals, regardless of firm locale, will be evaluated using the consultant selection criteria contained in the Request for Proposals.
6. A consultant selection committee will review the proposals and select a firm it considers qualified to undertake the project. The selection of the proposal will be based on the technical proposal and/or interviews but will be subject to negotiation of conditions of cost satisfactory to NCTCOG. NCTCOG reserves the right to reject any or all proposals and to contract for any or all portions of the project with the selected consultant.
7. After a consultant has been selected and negotiations have been completed, the selected firm will be asked to itemize the budget for the project on a budget template provided by NCTCOG, which will be included as Appendix B of the Sample Contract. The overall project budget should delineate the cost of personnel, fringe benefits,

overhead supplies, printing, and travel. If a joint venture or subcontract is involved, the selected consultant will be asked to provide a budget for each firm. Overhead rates will be subject to approval and must be based on audited financial records; copies of support data for the overhead rate will be requested. Travel costs will be reimbursed as identified in the Sample Contract.

8. The Texas Legislature has adopted House Bill 1295. In short, the law states a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to our agency at the time of a signed contract. As part of contract development, the consultant will be asked to complete the disclosure of interested parties electronically and submit through the Texas Ethics Commission website. NCTCOG will provide a specific contract number associated with the award for inclusion in the submittal. Once submitted, the consultant will be requested to return an e-mail confirmation of submittal to NCTCOG.

For more information about the process, please visit the following website for a Frequently Asked Questions:

[https://www.ethics.state.tx.us/resources/FAQs/FAQ\\_Form1295.php](https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php)

9. Procurement information shall be a public record to the extent provided by the Texas Open Records Act and the Freedom of Information Act and shall be available to the public as provided therein. If a proposal contains information that the proposer considers proprietary and does not want disclosed to the public or used for any purpose other than the evaluation of the offer, all such information must be indicated with the following suggested language:
  - i. *The information contained on pages \_\_\_\_\_ shall not be duplicated or used in whole or in part, for any purpose other than to evaluate the proposal; provided that if a contract is awarded to this office as a result of or in connection with the submission of such information, NCTCOG has the right to duplicate, use or disclose this information to the extent provided in the contract.*