



INDIANA DEPARTMENT OF TRANSPORTATION
Professional Services Bulletin
ON LINE

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JOSEPH E. KERNAN, Governor
J. BRYAN NICOL Commissioner

Professional Services Bulletin - 2003- No. 27

October 10, 2003

This "Professional Services Bulletin" is the official notice of professional services requested by the Indiana Department of Transportation (INDOT). You may submit statements of interest if you have qualifications data currently on file with INDOT's Consulting Services Unit or submit qualifications data with the statement of interest. A statement of interest must include a technical proposal, describing the capabilities and proposed method of completing the requested services.

Statements of interest must comply with the following requirements:

1. Submit statement of interest in a single sealed envelope.
2. Write the following information in the bottom left hand corner of the envelope containing the statements of interest:
 - a. "PSB - 2003 - No. 27"
 - b. Name of firm submitting statement of interest
 - c. Item number(s) for which the firm has enclosed the statement(s) of interest.
3. INDOT will not accept statements of interest sent collect or be responsible for the consultant's mailing and/or shipping costs.
4. For joint ventures, indicate the work and estimated percentage of the total project to be performed by each participant. If selected, all joint venture participants will be required to sign the INDOT consultant contract as wholly responsible parties.
5. Only statements of interest received by the Consulting Services Unit prior to:
4:00 P.M., Indianapolis time, October 31, 2003,
will be given consideration. Statements of interest received after the deadline will be returned to the consultant unopened.
6. Send statements of interest to:
Jodi Williams, Program Coordinator
Consulting Services Unit
Indiana Department of Transportation
100 North Senate Avenue, Room N730
Indianapolis, Indiana 46204-2249

The Indiana Department of Transportation will ensure that all certified Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any consultant on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

All consultants selected to provide services shall be required to comply with the following:

A. INDOT Disadvantaged Business Enterprise Program:

1. General

- a. Notice is hereby given to the consultant or subcontractor that failure to carry out the requirements set forth in 49 CFR, Part 26 shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the state deems appropriate.
- b. The referenced section requires the following policy and disadvantaged business enterprise (DBE) obligation to be included in all subsequent agreements between the consultant and any subcontractor:
 - (1) It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this contract. Consequently, the DBE requirements of 49 CFR Part 26 will apply to any contract entered into as a result of this "Professional Services Bulletin".
 - (2) The consultant agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under contracts with INDOT. In this regard, the consultant shall take all necessary and reasonable steps, in accordance with 49 CFR Part 26, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The consultant shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally-assisted contracts.
 - (3) In accordance with the STURAA of 1987, women business enterprises (WBE) have been considered to be socially and economically disadvantaged; therefore the DBE program has been combined.
- c. As part of the consultant's equal opportunity affirmative action program, it is required that the consultant shall take positive affirmative actions and put forth good faith efforts to solicit statements of interest from and to utilize disadvantaged business enterprise subcontractors, vendors or suppliers.

2. Definitions

The following definitions apply to this section:

- a. "Disadvantaged Business Enterprise" or DBE means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- b. "Small Business Concern" means a small business concern as defined pursuant to section 3 of the Small Business Act and SBA regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Sec. 26.65(b).

- c. “Socially and Economically Disadvantaged Individuals” means (i) any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis; or (ii) any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
- (1) Black Americans which includes persons having origins in any of the Black racial groups of Africa;
 - (2) Hispanic Americans which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (3) Native Americans which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (4) Asian-Pacific Americans which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (5) Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - (6) Women;
 - (7) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

3. Subcontracts

- a. If the consultant intends to subcontract a portion of the work, the consultant is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
- b. The contracts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to INDOT and the Federal Highway Administration when requested.
- c. In those cases where the consultant originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contracts covered under paragraphs 3.a. and 3.b. of this section shall be performed.
- d. No subletting will be approved until the consultant demonstrates compliance with paragraphs 3.a. and 3.b. of this section by submitting Form DBE-2 when subcontracts with non-DBE firms are proposed.

4. Affirmative Actions

The consultant agrees to establish and conduct a program which will enable disadvantaged business enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the consultant shall:

- a. Designate a liaison officer who will administer the consultant's disadvantaged business enterprise program.
- b. Ensure that known disadvantaged business enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of disadvantaged business enterprises.
- c. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of disadvantaged business enterprises, (2) awards to disadvantaged business enterprises on

- the source list and, (3) specific efforts to identify and award contracts to disadvantaged business enterprises.
- d. Cooperate with the state in any studies and surveys of the consultant's disadvantaged business enterprise procedures and practices that the state may from time to time conduct.
 - e. Submit periodic reports of subcontracting to known disadvantaged business enterprises with respect to the records referred to in subparagraph (3) above, in such form and manner and at such times as the state may prescribe.
5. Leases and Rentals
The consultant shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transaction, and the type of purchase made or type of equipment rented.
6. Your firm will not be considered a disadvantaged business enterprise (DBE) unless it is currently certified by the Indiana Department of Transportation. If you feel your firm qualifies, please contact Charlotte A. Leavell, Division Chief of the Civil Rights Division, Room N855 of the Indiana Government Center North, Indianapolis, Indiana 46204, to obtain the proper forms.

B. Drug-Free Workplace Certification

A certification is required by Executive Order No. 90-5, April 12, 1990, issued by the Governor of Indiana as a requirement on all contracts and grants with the state of Indiana in excess of \$25,000.00. No award of a contract or grant shall be made, and no contract, purchase order or agreement shall be valid unless and until a certification has been fully executed by the consultant and attached to the contract or agreement as part of the contract documents. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract payments, termination of the contract or agreement and/or debarment of contracting opportunities with the state for up to three (3) years.

By signing the certification, which will be attached to the consultant contract, the consultant certifies and agrees that it will provide a drug-free workplace by:

- (a) Publishing and providing all employees engaged in the performance of the contract a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the consultant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establishing a drug-free awareness program to inform such employees about (1) the dangers of drug abuse in the workplace; (2) the consultant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;
- (c) Notifying such employees in the statement required by subparagraph (a) above that as a condition of continued employment on the contract resulting from this solicitation, the employee will (1) abide by the terms of the statement; and (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (d) Notifying in writing the Indiana Department of Administration within ten (10) days after receiving notice under subdivision (c)(2) above, from an employee or otherwise receiving actual notice of such conviction;
- (e) Within thirty (30) days after receiving notice under subdivision (c)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of

- drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
- (f) Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (a) through (e) above.

Before any contract will be made, the consultant must agree to the above terms. A certification agreeing to such will be attached to each consultant contract which must be signed by the consultant.

C. Facilities Capital Cost of Money (September 1987)

1. Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in subparagraph 31.205-10(a)(2) of the Federal Acquisition Regulation are met. One of the allowability criteria requires the prospective contractor to propose facilities capital cost of money in its offer.
2. If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

Selection of consultants by the Indiana Department of Transportation is not based on competitive bidding. Selections are based upon the following list of evaluation factors in order of their importance:

1. ability to complete the work in the time required and in accordance with State standards
2. staff personnel available for this project and the firm's existing work load
3. performance evaluations on similar work, if applicable
4. special or unique expertise
5. familiarity with the particular project
6. extent of work which will be subcontracted by the firm, proposed method of accomplishing the project objectives and commitment to subcontract to disadvantaged business enterprises.

All firms submitting a statement of interest in response to this Professional Services Bulletin will be notified after the consultant selection has been approved.

Item #1

One or more consultants will be selected to develop and implement a program to provide managerial, technical and financial management assistance to minority and women owned businesses that have become certified as Disadvantaged Business Enterprise (DBE) firms with the Indiana Department of Transportation (INDOT), through the Indiana Department of Administration, Minority and Women Business Development. Assistance will be in a classroom format and service up to twenty-(20) to thirty (30) DBE firms. The contract may be for a period of one (1) year with a possible one (1) or two- (2) year renewal. The basic services of this Professional Services Bulletin (PSB) shall be delivered and completed prior to April of the agreement year. The method of payment will be negotiated labor rates, fixed fee or a combination of both.

The Indiana Department of Transportation is soliciting qualified businesses to submit proposals based on the guidelines and requirements of this Professional Service Bulletin. These services are desired by INDOT in an attempt to promote and effectuate self-sufficiency for DBEs from a protective environment and improve their survival potential in the highway construction and related industries.

Selection of consultants by the Indiana Department of Transportation is not based on competitive bidding. Selections are based on the following list of evaluation factors in order of their importance.

1. A work plan for the development and implementation of a program that considers and addresses the needs of the participating DBEs, in accordance with this PSB;
2. Qualification, Capability and Track Record of the firm and staff, as it relates to highway construction and related disciplines;
3. Experience with Proposed Project Type;
4. Diversity in the use of certified DBE firms to perform services;
5. Implementation schedule;
6. Performance Measurement System;
7. Diversity of firm's staff;
8. Philosophy of firm, as it relates to businesses that are owned and operated by minority and/or female individuals and how to educate and improve their industry position;
9. Overall compliance with Professional Services Bulletin;
10. Cost Effectiveness.

SCOPE OF SERVICES

The Supportive Services Section of the Indiana Department of Transportation is designed to assist DBE firms in preparing themselves for successfully obtaining and completing highway and related construction projects. As such, INDOT is requesting proposals to provide training and assistance in, but not limited to, the following topical program areas:

1. Programs which include, but are not limited to, estimating, bidding, reading and understanding plans and specifications, construction management, quality control, construction/OSHA safety requirements, project management, project cost comparison, and other technical assistance designed to develop and improve the capabilities of the DBE firms and assist them in achieving proficiency in the managerial, as well as, technical skills involved in the highway and related construction projects;
2. Programs designed to develop and improve the immediate and long term business management, record keeping, cash flow management, business planning, marketing, business and estate taxation, prequalification, computerization, financial accounting capabilities and other appropriate business disciplines;
3. Other programs which contribute to long term development, increase opportunities and eventual self-sufficiency of small businesses.

These programs will be provided for up to twenty (20) to thirty (30) DBE firms that are certified, in accordance with 49 CFR, Part 26, and have indicated interest in participating in the INDOT highway construction and related industry. Total participation may be limited to thirty-five individuals from the participating DBE firms. The program for this agreement consists of Basic Services and Supplemental Services. Basic Services are those that are provided during the scheduled training period at the training sight. Supplemental Services are those that are provided to enhance a portion of the Basic Services, for which there may have been insufficient comprehension by the DBE participants, to encourage the future participation in the program and to effectively evaluate the DBE's progress. At least one (1), but not more than two (2) Outreach Program(s) shall be conducted in an effort to recruit and provide positive incentives for program participation. Supplemental Services must be reviewed and approved, in writing, by INDOT prior to implementation.

PRE-PROPOSAL ASSISTANCE

Prospective respondents who have any questions regarding technical questions may write or call:

Indiana Department of Transportation
Indiana Government Center North
Room N855
100 North Senate Avenue
Indianapolis, Indiana 46204-2249
Attention: George Roney, Supportive Services Manager
(317) 233-3563, fax # (317) 233-0891
E-mail: groney@indot.state.in.us

It is the consultant's responsibility to inquire about and clarify any requirements of this notice. Inquiries shall not be delayed until the last moment.

PROPOSAL REQUIREMENTS

In order for their proposals to be considered, consultant **applicants must submit five (5) copies of the proposal**, which must be received by INDOT, by the stated closing date and time which is on page one (1) of this Professional Service Bulletin.

All proposals shall include the following information in a clear, comprehensive and concise manner to illustrate the consultant's methodology and managerial, technical, financial management and comprehension of presentation capabilities.

- A. Demonstrate the firm's capabilities to address the specific curriculum requirements of this Professional Service Bulletin.
 1. Indicate through explanation, the methodology to be used to comply with the requirements of this PSB.
 2. Indicate how the following specific deliverables will be accomplished:
 - a. Design and development of a curriculum tailored to meet the needs of the participating DBEs;
 - b. Design and development of visual aids, text books and/or training manuals that may be used during training and for future reference by the DBE participants;
 - c. Provide adequate presentation of the designed curriculum to INDOT DBEs;
 - d. Provide Follow-up and Evaluation of the programs effectiveness.

3. Indicate how the developed curriculum will adequately address each of the following program areas:
 - a. Technical Assistance;
 - b. Managerial Assistance;
 - c. Financial Management Assistance;
 - d. Human Resource Assistance;
 - e. Computer Automation Assistance; and
 - f. INDOT Regulation and Specification Assistance.

10. Indicate how the Basic Services will be completed prior to April of the following year.

11. Indicate how the required and any approved Supplemental Services will be performed.

12. Indicate how measurable objectives will be evaluated.

B. Demonstrate the firm's capabilities to address the specific requirements of this PSB.

1. Indicate the staff's experience with providing managerial, technical and other required assistance training to highway construction firms and other businesses directly related to the highway construction industry;
2. Indicate a proven track record or ability to provide assistance to small businesses, minority and women owned and operated businesses;
3. Indicate the diversification of your overall workforce and specifically the staff members who will directly provide the services enumerated in this "PSB";
4. Indicate through a detailed statement or series of statements that demonstrate your professional expertise and knowledge of and experience with the various disciplines within the highway construction industry and related businesses;
5. Provide a detailed staffing plan and an implementation schedule;
6. Provide a list of projects the firm has completed that have the same or similar orientation as this project. Provide references including owner of the contract to which the service was provided, address, and telephone number.
7. Provide a copy of any company brochures and developed curriculum of the projects that more closely meets the requirements of this "PSB";
8. Any other information you deem necessary to support your proposal.

C. Provide the following information:

1. List of personnel; describe roles, educational levels and previous experience with similar programs;
2. Resumes of all staff members;
3. The firm's name, business address, primary and alternate telephone numbers.

D. Provide a statement for the following items:

1. Names and telephone numbers of your firm's personnel authorized to negotiate the proposed contract with INDOT. If controlled by a Board, provide a statement from the Board President;
2. Right of Access - As a condition for acceptance of proposal for contract purposes, allow right of appropriate State/Federal personnel access to records relating to this proposal;
3. Personal Identification - Personal identification of employees is essential. Include your method of providing identification of your primary and support personnel;
4. Prohibition of Gifts - No employees shall accept loans, gifts of money, goods, services, or other preferred arrangements of personal benefit under any circumstances, directly or indirectly, involving influence upon the manner in which he or she performs his or her work, makes his or her contract as a result of this proposal. Any violation of this section will result in immediate discharge of employee(s) and/or cancellation of the contract with thirty-(30) days notice. Provide a statement of prohibition in your proposal.

SELECTION PROCESS

All proposals will be reviewed and based on the evaluation criteria, a candidate list of at least three (3) consultants will be compiled and submitted for final selection. The proposal will be evaluated on Five (5) categories, comprising a maximum of 100 points:

- | | | |
|----|--|-------|
| 1. | A work plan for the development and implementation of a program that considers and addresses the needs of the participating DBEs | (35%) |
| 2. | Capability and Track record of the firm and staff | (25%) |
| 3. | Implementation schedule | (15%) |
| 4. | Performance Measurement System | (10%) |
| 5. | Diversity of Firm's staff (Including subcontractors) | (15%) |

Rejection of Respondent Proposals

INDOT reserves the right to reject any and all proposals received as a result of this Professional Services Bulletin or to negotiate separately with any source, in any manner necessary to serve the best interest of INDOT.

Oral Presentation

Respondents submitting a proposal in response to this PSB may or may not be requested to make an oral presentation of their proposals to INDOT's selection committee. INDOT reserves the right to interview any of the principal staff from the candidate list for further clarification of a proposal.

Cost Incurred From the Proposal

INDOT is not liable for any cost incurred by the respondents in replying to this Professional Services Bulletin.