FAIRFAX COUNTY

DEPARTMENT OF TRANSPORTATION

(FCDOT)

REQUEST FOR QUALIFICATIONS

FOR DESIGN OF VARIOUS TYPES OF

TRANSPORTATION IMPROVEMENT

PROJECTS

Date: October 20, 2014

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call W. Todd Minnix at 703-877-5749 TTY 711.

REQUEST FOR QUALIFICATIONS (RFQ)

The County of Fairfax, Virginia is soliciting Statements of Qualifications (SOQs) from consultant firms/teams for the design of various types of transportation improvement projects at various locations throughout the county. All interested firms are requested to submit eight (8) copies of a GSA Form SF 330 Parts I & II, to the Chief, Transportation Design Division (TDD), Fairfax County Department of Transportation (FCDOT), 4050 Legato Road, Suite 400, Fairfax, Virginia 22033-2895, by no later than 4:00 PM local time November 21, 2014.

SOQ's will be rated and scored by a FCDOT evaluation team based upon the evaluation criteria established in this RFQ. SOQs must meet all requirements established by the RFQ. Requirements of this RFQ generally will use the words "shall", "will", or "must" (or equivalent terms) to identify a required item that must be submitted as part of the SOQ. Failure to meet an RFQ requirement may render an SOQ non-responsive while the extent to which it meets or exceeds evaluation criteria will be rated by the FCDOT evaluation team and be reflective of the team's scoring (in their sole discretion) of the SOQ.

1. BACKGROUND INFORMATION

1.1. Project Overview

Fairfax County will award <u>up to ten</u> (10) task order contracts for these services. The contracts will be for a one-year period and may be renewable for four (4) additional one-year terms at the county's option. The contracts will be established with a ceiling amount of $5,000,000 per year. Task orders will be assigned and negotiated for individual projects as the need arises. The maximum task order fee for a single project shall not exceed $1,000,000. As such, to allow for possible increases in scope of work as a project progresses, it will be a policy of FCDOT to limit the initial task order fee to no more than approximately $750,000. Selection of consultant firms/teams for projects with an estimated initial fee in excess of $750,000 will be done via a separate standalone advertisement.

The County intends to distribute work and assignments to the selected consultant firm/teams considering the following factors:

- Specialized services required such as traffic signal design, structural design, survey services, traffic engineering services, geotechnical services, etc. which may be required for a particular project and the qualifications of the firm/team to perform these specialized services;
- Previous experience with similar projects;
- The number of previous task orders authorized/assigned;
- The dollar amount of previous task orders authorized/assigned;
- And, location of firm in relation to project.

1.2. Scope of Work

No projects have been identified, nor is there a guarantee that any will be. However, previous experience indicates projects may require a variety of services.

Primary services may include, but are not limited to the following:

- All types of Roadway Improvements;
- On-road and off-road Bicycle Improvements;
- Intersection Improvements including turn lane additions and modifications;
- Traffic Signal design (new signals and modifications to existing signals);
- Intersection Pedestrian Access Improvements;
- Trail and Sidewalk design;
- Bus Stop Safety and Accessibility Improvements including bus shelters;
- Storm Drainage Design including Stormwater Management, Erosion and Sediment control, and Water Quality;
- Hydraulic and Hydrologic Analysis;
- Floodplain and Scour analysis;
- Structural design (particularly retaining wall design);
- Pavement Marking and Signage;
- Traffic Management Plans, Maintenance of Traffic, and Sequence of Construction;
- Quality Assurance/Quality Control (QA/QC);
- Quantity Takeoff and associated project Cost Estimates at various stages of project development;
- And, Public Involvement/Outreach.

Secondary services which may be required include, but are not limited to the following:

- Conceptual Plan development/feasibility analyses/constructability reviews and Cost Estimates;
- Preliminary Engineering in support of NEPA document preparation;
- Environmental Documentation (EIR/LERP) preparation, analysis, and review;
- Environmental Permitting including wetland and Waters of the US (WOUS) delineation;
- Traffic Engineering Services in support of design (weave analysis, intersection analysis, VISSIM, CORSIM, and Synchro modeling, data collection, etc.);
- VMS/ITS Design;
- Interchange Justification Report (IJR) or Interchange Modification Report (IMR) preparation;
- Utility Design including Sanitary Sewer and Water Mains;
- Roadway and/or Pedestrian Lighting Design;
- Landscape Design;
- Value Engineering (VE) Study support and/or facilitation;
- Geotechnical investigations and analysis;
- Design Survey and plat preparation;
- Right-of-Way assistance including title search, appraisals, and negotiations;
- Street Acceptance support;
- Prepare or assist in preparation of RFQ’s and RFP’s for Design-Build projects;
- Construction management services and support;
- And, Technical Specifications and Special Provisions preparation and review.

The County has, among others, separate on-call contracts for sub-surface utility designation and locating, geotechnical engineering, survey services, and environmental investigation and permitting. Task orders involving these types of services will typically be assigned to those contracts. However, if workload dictates and if a selected firm/team possesses one or more of these capabilities, it is possible that these services may be included in the scope of work for a particular task order. The decision to include these services under a particular task order is at the sole discretion of FCDOT.

1.3. Selection Committee

A selection committee will be appointed by FCDOT to rate and score the SOQ's. FCDOT may use any appropriate technical resource to provide assistance in evaluating submittals.

FCDOT's sole Point of Contact (POC) for matters related to this RFQ **shall be** W. Todd Minnix, Chief, Transportation Design Division (TDD). All Inquiries and communications regarding this RFQ shall be in writing and directed as follows:

W. Todd Minnix, PE
Chief, Transportation Design Division
Fairfax County Dept. of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
(703) 877-5749 (Phone) TTY 711
(703) 877-5723 (Fax)
Wesley.Minnix@fairfaxcounty.gov (Email)

FCDOT disclaims the accuracy of information derived from any source other than the POC, and the use of any such information is at the sole risk of the consultant.

1.4. RFQ Information Meeting

A RFQ Information Meeting will be held at the FCDOT office located at 4050 Legato Road, Suite 400, Fairfax, Virginia, 22033 at 10 AM local time on November 6, 2014. Attendance at the information meeting is not mandatory, but consultants are urged to attend.

2. CONTENTS OF STATEMENTS OF QUALIFICATIONS

2.1. General

The RFQ phase of this procurement process is intended to enable interested firms to demonstrate their qualifications to perform the transportation improvement projects, and to enable FCDOT to evaluate those qualifications in arriving at a short-list. Interested firms are advised that the SOQ should include specific information that will demonstrate the qualifications and experience required by this RFQ.

SOQ's shall be prepared on 8.5" x 11" white paper, typed on one side only, and separated by numbered/labeled tabs. The tabs shall not count against any page limits noted herein, provided no project specific information is included on them. All printing,

except for the front cover of the SOQ should be typed with a 12-point font.

All SOQs shall be securely bound and contained in a single volume. **Three ring binders are not permissible.** One of the eight (8) copies submitted shall have an identity on its front cover, in the upper right-hand corner, as **"Original."**

The length of all SOQ's shall be as noted further in this RFQ. **FCDOT will remove and discard all pages in excess of the stipulated page limit(s) noted herein**.

2.2. Letter of Submittal

2.2.1. SOQs shall include a letter of submittal on the primary firm's letter head and identify the full legal name and address of the firm. The firm is defined as the legal entity who will execute the contract with FCDOT. The letter of submittal shall be signed by an authorized representative of the primary firm's organization. All signatures on the Letter of Submittal shall be original and signed in ink. The letter of submittal shall identify the name, address and telephone number of the individual who will serve as the principal officer and/or point of contact.

2.2.2. The letter of submittal shall be no longer than two (2) pages in length, single spaced, 12 point font.

2.3. GSA Form 330 Parts I & II

2.3.1. Part I.A - GSA Form SF 330 Parts I & II are required from the prime consultant.

2.3.2. Part I.B - GSA Form SF 330 Part II is required from all subconsultants

2.3.3. Part I.C - Include all firms that are part of the proposed team and indicate roles and responsibilities of each team member. Clearly indicate which firm is the prime.

2.3.4. Part I.D - Include an organizational chart of the proposed team. Only include key personnel for each type or specialty service to be provided under the contract.

2.3.5. Part I.E - Only include resumes for key personnel identified in the organizational chart in Part I.D. Include resumes of any sub-consultants that are designated as key personnel and indicate what services the subconsultants will be providing. Resumes for individuals who are not identified as key personnel should not be included in the SOQ.

2.3.6. Part I.F – Provide a maximum of ten (10) example projects which best illustrate the key personnel's qualifications for this contract. Example projects shall be no more than two pages in length, single sided, single spaced, 12 point font. Clearly indicate all firms or team members from Part I.C that were involved with each example project. Include client/owner contact information for past performance

checks.

2.3.7. Part I.G – Indicate key personnel participation in the example projects. Do not indicate any individuals who are not identified as key personnel.

2.3.8. Part I.H – Provide additional information the team deems relevant to assist FCDOT in evaluating the proposed team's qualifications and experience. This section shall be limited to no more than ten (10) pages, single sided, single spaced, 12 point font.

2.3.9. Part II - Indicate in item 5b if the firm is a VDOT certified Disadvantaged Business Enterprise (DBE) firm and/or Small, Women and Minority (SWaM) firm and include VDOT DBE and/or SWaM certification number. Provide one copy of Part II for all firms included in the proposed team.

2.4. Additional Data to be Included

2.4.1. Firm Data Sheet

The prime consultant shall prepare and submit a Firm Data Sheet (Attachment 1) with each copy of the SOQ.

2.4.2. Debarment Form

The proposed team shall execute and return the attached Certification Regarding Debarment Form(s) Primary Covered Transactions (Attachment 2A) and Certification Regarding Debarment Form(s) Lower Tier Covered Transactions (Attachment 2B) for the prime and any sub-consultant, or any other person or entity on the teams' organizational chart included in the SOQ. Debarment forms shall be included in each copy of the SOQ. The Debarment form(s) included in the SOQ labeled "Original", as noted in section 2.1, shall contain original signatures.

If a prime or any sub-consultant, or any other person or entity is unable to execute the certification, then prospective participant shall attach an explanation to its Certification Regarding Debarment Form. Failure to execute the certification will not necessarily result in denial of award, but will be considered in determining the teams' responsibility. Providing false information may result in federal criminal prosecution or administrative sanctions.

2.4.3. Current and Projected Workload

The prime shall prepare and submit a spreadsheet tabulating current and projected workload for Fairfax County and VDOT contracts on separate spreadsheets (one for Fairfax County and one for VDOT). The spreadsheet shall include all active and pending contract awards, including a grand total for all contracts. Utilize the formats shown on Attachment 3 for both the VDOT and Fairfax County workload spreadsheets.

The spreadsheet shall include the project number, project name, total original or current approved maximum contract amount/value for which the prime consultant is directly responsible, percent complete, and remaining value for each active contract.

Estimated pending contract values shall be clearly noted. Only include those pending contracts where the prime has been officially selected and project scoping and fee negotiations are underway or pending. Only include the amounts for which the prime consultant is directly responsible. Do not include Construction Management-At Risk (CM) or Construction Engineering and Inspection (CEI) contracts. However, Design-Build (D-B) contracts shall be included, but only that portion of the D-B contract related to design efforts which are the direct responsibility of the prime consultant shall be noted. Costs of managing sub-consultant work shall also be included in contract values provided.

For Basic Ordering Agreement (BOA)/On-Call/ID/IQ contracts, include active and pending task orders as noted above. Clearly indicate which projects are related to a BOA contract.

Current and projected workload spreadsheets are not required for sub-consultants.

3. Selection Criteria

3.1. Evaluation factors to be utilized by the selection committee in determining the firm(s)/team(s) deemed to be the most qualified to perform the required services include:

1. Technical ability and experience of key professional personnel assigned in each service/specialty area for:
    - (a) primary services, and
    - (b) secondary services
2. Technical ability and experience of the Project Manager for the prime consultant
3. Technical ability and experience of the firm/team
4. Technical ability and experience of the QA/QC Personnel
5. Past performance on similar BOA Contracts, and/or other project specific contracts
6. Current and projected workload with Fairfax County and VDOT
7. Office location of prime firm

3.2. The selection committee will rate and score each SOQ based upon the above criteria. The selection committee will select a short-list of <u>up to fifteen</u> (15) firms/teams whose SOQs were deemed most qualified to perform the services required for the project. The short-listed firms/teams will be notified in writing and will be scheduled for an interview at a later date.

4. Administrative Requirements

In addition to the specific submittal requirements set forth above, all firms/teams shall comply with the following:

4.1. All business entities, except for sole proprietorships, are required to register with the Virginia State Corporation Commission (A Business Registration Guide is available on the Internet at http://www.state.va.us/scc/division/clk/brg.htm). Foreign Professional corporations and Foreign Professional Limited Liability Companies must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorships that do not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Department of Professional and Occupational Regulation, Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (http://www.state.va.us/dpor). Board regulations require that all professional corporations and business entities that have branch offices located in Virginia which offer or render any professional services relating to the professions regulated by the Board be registered with the Board. Registration involves completing the required application and submitting the required registration fee for each and every branch office location in the commonwealth. All branch offices which offer or render any professional service must have at least one full-time resident professional in responsible charge that is licensed in the profession offered or rendered at each branch. All firms involved that are to provide professional services must meet this criterion prior to submitting an SOQ to Fairfax County. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.

4.2. Fairfax County will not consider for award any cost proposals submitted by any consultants and will not consent to subcontracting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

4.3. All firms submitting a SOQ (prime consultants, joint ventures and subconsultants) must have internal control systems in place that meet federal requirements for accounting. These systems must comply with requirements of 48CFR31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures," and 23CFR172, "Administration of Negotiated Contracts." All firms selected for a project (prime consultants, joint ventures and subconsultants) must submit their FAR audit data to Fairfax County within ten work days of being notified of their selection. Should any firm on the consultant team fail to submit the required audit data within the ten work days, negotiations will be terminated by Fairfax County and the next most qualified team invited to submit a proposal.

4.4. Fairfax County is committed to paying a living wage to all qualified county employees and encourages consultants and sub-consultants involved in all county programs, services and activities to pay a living wage to their employees.

4.5. Non-Discrimination Provisions for Federally Funded Projects - Construction contractors and consultants agree to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e). Title VI of the Civil Rights Act of 1964 declares it to be the policy of the United States that discrimination on the grounds of

race, color, or national origin shall not occur in connection with programs and actitivities receiving Federal financial assistance and authorizes and directs the appropriate Federal departments, agencies, and subrecipients to take action to carry out this policy. Title VII of the Civil Rights Act prohibits discrimination against any employee or applicant for employment on the basis of race, religion, color, sex or national origin for employers with 15 or more employees. The contractor/consultant further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibits discrimination on the basis of age and FHWA 1273 required contract provisions for federal-aid construction projects. 49 CFR Parts 21, 23, 26, and 27, and 23 CFR Parts 200, 230, and 633 are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The contractor/consultant shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5 40 through 51.5 46 of the Code of Virginia, as amended, the terms of which are incorporated herein by reference.

4.6. Fairfax County assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within ten work days of notification of selection when requested by VDOT. This requirement applies to all consulting firms when the contract amount equals or exceeds $10,000.

4.7. Fairfax County does not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

4.8. During the performance of this Agreement, the selected Consultant firms/teams agree to:

- Provide a drug-free workplace for the Contractor's employees;
- Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- State in all solicitations or advertisements for employees placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace; and
- Include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents ($10,000.00), so that the provisions will be binding upon each subcontractor or Contractor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a Contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement.

5. DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

5.1. While Fairfax County has established no numerical DBE participation goals, the consultant shall make good-faith efforts to use DBEs for all sub-consultant opportunities. When projects are identified that utilize federal funding, consultants shall make good-faith efforts to ensure that DBEs have the maximum practicable opportunity to compete for sub-consultant work pursuant to this policy.

5.2. The DBE contract goal for this procurement is 0 %; however, the Department feels that these services support 10% DBE participation on federal and/or state funded projects.

5.3. It is the policy of the Virginia Department of Transportation and Fairfax County that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of federally funded consultant contracts. A list of Virginia Department of Minority Business Enterprise certified DBE firms is maintained on their web site (http://www.dmbe.state.va.us/) under the DBE Directory of Certified Vendors. Consultants are encouraged to take all necessary and reasonable steps to ensure that DBE firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider DBE firms as potential subconsultants. The consultant is encouraged to contact DBE firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a DBE firm whereby the DBE firm promises not to provide services to other consultants is prohibited.

In accordance with the Governor's Executive Order No. 33, the Virginia Department of Transportation also requires a utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded consultant contracts. A list of Virginia Department of Minority Business Enterprise (DMBE) certified SWaM firms is maintained on the DMBE Web site (http://www.dmbe.state.va.us/) under the SWaM Vendor Directory link. Consultants are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider SWaM firms as potential subconsultants. The consultant is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a SWaM firm whereby the SWaM firm promises not to provide services to other consultants is prohibited.

If projects are identified as state and/or federally funded and a DBE and/or SWaM participation goal is set for that particular task order, the contract negotiation shall provide for this requirement.

If portions of the services are to be subcontracted to a DBE or SWaM, the following needs to be submitted with your SOQ and both must reference this RFQ for the services:

- Written documentation of the prime's commitment to the DBE or SWaM firm to subcontract a portion of the services, a description of the services to be performed and the percent of participation.
- Written confirmation from the DBE or SWaM firm that it is participating, including a description of the services to be performed and the percent of participation.

49 CFR Part 26 requires VDOT to collect certain data about firms attempting to participate in VDOT contracts. This data must be provided on the enclosed Firm Data Sheet.

VDOT is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete C- 63 form for both state and federally funded projects on a quarterly basis.

Any DBE or SWaM firm must become certified (with the Virginia Department of Minority Business Enterprise) prior to your response being submitted. If DBE or SWaM firm is the prime consultant, the firm will receive full credit for planned involvement of their own forces, as well as the work that they commit to be performed by DBE or SWaM subconsultants. DBE or SWaM prime consultants are encouraged to make the same outreach efforts as other consultants. DBE or SWaM credit will be awarded only for work actually being performed by them. When a DBE or SWaM prime consultant subcontracts work to another firm, the work counts toward DBE or SWaM goals only if the other firm is itself a DBE or SWaM. A DBE or SWaM prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force.

DBE or SWaM certification entitles consultants to participate in VDOT's DBE and SWaM programs. However, this certification does not guarantee that the firm will obtain VDOT work nor does it attest to the firm's abilities to perform any particular work**.**

5.4. Attachment 4A & 4B contains additional guidance to DBE participation and good faith effort.

6. MISCELLANEOUS

6.1. Requirement to Keep Team Intact

The proposed team included in the SOQ, including but not limited to the organizational structure, sub-consultants and other individuals identified as key personnel, shall remain on the team for the duration of the procurement process and, if the team is awarded the contract, the duration of the contract. If extraordinary circumstances require a change, it must be submitted in writing to FCDOT's POC, who, in his/her sole discretion, will determine whether to authorize a change. Unauthorized changes to the team at any time

during the procurement process may result in the elimination of the team from further consideration.

6.2. Conflict of Interest

Each firm/team shall require its proposed members to identify potential conflicts of interest of a real or perceived competitive advantage relative to this procurement. Firms/teams are notified that prior or existing contractual obligations between a company and a federal or state agency relative to the project may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the firm/team shall submit in writing the pertinent information to FCDOT's POC.

FCDOT, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated, shall not be allowed to participate as a team member for the project. Failure to abide by FCDOT's determination in this matter may result in a SOQ being declared non-responsive.

6.3. Engineering Proposal Document (EPD)

The BOA contracts and all task orders awarded to any of the selected firms/teams shall be negotiated under the Terms & Conditions included in the FCDOT Engineering Proposal Document (EPD). Changes to the Terms & Conditions, including insurance requirements, will NOT be allowed without written consent of Fairfax County. All firms are required to review the EPD in detail, in conjunction with preparing their SOQs. The latest EPD can be downloaded at:

http://www.fairfaxcounty.gov/fcdot/designadvert.htm

7. ATTACHMENTS

The following attachments are specifically made a part of, and incorporated by reference into this RFQ:

Attachment 1	Firm Data Sheet
Attachment 2A	Certification Regarding Debarment Form Primary Covered Transactions
Attachment 2B	Certification Regarding Debarment Form Lower Tier Covered Transactions
Attachment 3A	Present Workload with VDOT
Attachment 3B	Present Workload with Fairfax County

Attachment 4A	Good Faith Effort
Attachment 4B	Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) (VDOT Special Provision SF030AF-0708), Reissued July 2008

ATTACHMENT 1

FIRM DATA SHEET

Funding: ___ (S=State F=Federal)

Project No.: _____
Division: _____
SOQ Due Date: _____

The prime consultant is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Failure to submit all of the required data may result in the Expression of Interest not being considered.

Firm's Name, Address and DBE and/or SWAM Certification Number	Firm's DBE or SWaM Status *	Firm's Age	Firm's Annual Gross Receipts

* YD = DBE Firm Certified by DMBE N = DBE or SWaM Firm Not Certified by DMBE
NA = Firm Not Claiming DBE or SWaM Status
YS = SWaM Firm Certified by DMBE. Indicate whether small, woman-owned, or small business.
DMBE is the Virginia Department of Minority Business Enterprise

ATTACHMENT 2A

CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS
(To be completed by a Prime Consultant)

Project: _____

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

   a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

   b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

   c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and

   d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

_____	_____	_____
Signature	Date	Title

_____
Name of Firm

ATTACHMENT 2B

CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS
(To be completed by a Sub-consultant)

Project: _____

1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

_____	_____	_____
Signature	Date	Title

_____
Name of Firm

ATTACHMENT 3A

PRESENT WORKLOAD WITH DEPARTMENT
(List Amount of Each with VDOT by Division)

REVISED – May 2013

PROJECT NUMBER* AND CARDINAL CONTRACT ID NUMBER	CAT.	LEAD DIVISION	DATE OF ORIGINAL AGREEMENT	AMOUNT OF CONTRACT /TASK ORDERS ** ($)	LESS DBE/SWAM CREDIT	LESS SUB'S AMOUNT ($)	SUBTOTAL ($)	LESS FIRM'S APPROVED PAYMENT ($)	PLUS PENDING SUPPLEMENT or CONTRACT *** ($)	TOTAL REMAINING WORKLOAD ($)	SCHEDULED COMPLETION DATE
PRIME CONSULTANT											
TOTAL AMOUNT OF PRIME'S CONTRACTS											
SUBCONSULTANTS†											
TOTAL AMOUNT OF SUB'S CONTRACTS											
TOTAL REMAINING WORKLOAD											

* Projects include contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation.

Please list all VDOT projects followed by their Category letter. Only those projects in Category **B** are to be totaled and counted on this selection.

Category A: Term Surveying and Utility Designation/Location Contracts.

Category B: Preliminary Engineering Contracts - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.

Category C: Construction Engineering Contracts - includes construction inspection, preparation of final estimates, and bridge and traffic structure safety inspection.

Category D: Operation and maintenance Contracts - includes operation and maintenance of traffic management systems.

** Amount of contract includes contingency and non-salary direct cost and all executed supplemental agreements.

*** Excluding Subconsultants

Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall not be included. Professional services work being performed as a prime, joint venture, or subconsultant on a Design-Build project shall be included.

† The outstanding workload in Category **B** of any certified DBE or SWaM prime and subconsultant may be reduced up to $4M and the remainder (>$0) added to the team's total workload.. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to $4M for the next three years. Any work obtained after graduating from the program will be counted.

ATTACHMENT 3B

PRESENT WORKLOAD WITH FAIRFAX COUNTY
(List Amount of Each with Fairfax County by Division)

REVISED – May 2013

PROJECT NUMBER* AND CARDINAL CONTRACT ID NUMBER	CAT.	LEAD DIVISION	DATE OF ORIGINAL AGREEMENT	AMOUNT OF CONTRACT /TASK ORDERS ** ($)	LESS DBE/SWAM CREDIT	LESS SUB'S AMOUNT ($)	SUBTOTAL ($)	LESS FIRM'S APPROVED PAYMENT ($)	PLUS PENDING SUPPLEMENT or CONTRACT *** ($)	TOTAL REMAINING WORKLOAD ($)	SCHEDULED COMPLETION DATE
PRIME CONSULTANT											
TOTAL AMOUNT OF PRIME'S CONTRACTS											
SUBCONSULTANTS†											
TOTAL AMOUNT OF SUB'S CONTRACTS											
TOTAL REMAINING WORKLOAD											

* Projects include contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation.

Please list all Fairfax County projects followed by their Category letter. Only those projects in Category **B** are to be totaled and counted on this selection.

Category A: Term Surveying and Utility Designation/Location Contracts.

Category B: Preliminary Engineering Contracts - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.

Category C: Construction Engineering Contracts - includes construction inspection, preparation of final estimates, and bridge and traffic structure safety inspection.

Category D: Operation and maintenance Contracts - includes operation and maintenance of traffic management systems.

** Amount of contract includes contingency and non-salary direct cost and all executed supplemental agreements.

*** Excluding Subconsultants

† The outstanding workload in Category **B** of any certified DBE or SWaM prime and subconsultant may be reduced up to $4M and the remainder (>$0) added to the team's total workload.. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to $4M for the next three years. Any work obtained after graduating from the program will be counted.

ATTACHMENT 4A

GOOD FAITH EFFORT

(Federally funded project with DBE Goal; **until further notice, DBE goals will not be assigned to consultant service contracts**)

The Department will accept what consultants submit in their SOQ regarding good faith efforts. If a firm that has submitted good faith effort documentation makes the short list, the procuring Division Administrator (cannot be delegated unless he/she will be out of the office for more than five work days) along with a representative of the EO Division will determine if the good faith effort is acceptable.

When there is a contract goal, a consultant must make good faith efforts to meet it. The consultant can do so either through obtaining enough DBE participation to meet the goal or documenting the good faith efforts it made to do so. These means of meeting contract goal requirements are fully equivalent. 49 CFR Part 26 (the Rule) explicitly provides that the Department must not disregard showings of good faith efforts, and it gives consultants the right to have the Department reconsider a decision that their good faith efforts were insufficient. The Department is prohibited from denying a contract to a consultant simply because it did not obtain enough DBE participation to meet the goal. The Department must seriously consider consultants' documentation of good faith efforts. To make certain that consultants' showings are taken seriously, the Rule requires the Department to offer administrative reconsideration to consultants whose good faith efforts showings are initially rejected.

The Rule also ensures flexibility for consultants by requiring that any contract goal be waived entirely for a prime consultant that demonstrates that it made good faith efforts but was still unable to meet the goal.

When the Department sets a contract goal, the basic obligation of consultants is to make good faith efforts to meet it. They can demonstrate these efforts in either of two ways, which are equally valid. First, they can meet the goal, by documenting that they have obtained commitments for enough DBE participation to meet the goal. Second, even though they have not met the goal, they can document that they have made good faith efforts to do so. A refusal by the Department to accept valid showings of good faith is not acceptable under the Rule.

The Rule makes clear that the Department is not to use a "conclusive presumption" approach, in which the apparent successful consultant is summarily found to have failed to make good faith efforts simply because another consultant was able to meet the goal. However, the performance of other consultants in meeting the contract can be a relevant factor in a good faith effort determination, in more than one way. For example, when the apparent successful consultant fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful consultant could have met the goal. It does not, by itself, prove that the apparent successful consultant did not make a good faith effort to get DBE participation, however. On the other hand, if the apparent successful consultant fails to meet the goal, but meets or exceeds the average DBE participation obtained by

other consultants, the Department may view this, in conjunction with other factors, as evidence of the apparent successful consultant having made good faith efforts.

The fact that some additional costs may be involved in finding and using DBEs is not in itself sufficient reason for a consultant's failure to meet a DBE contract goal, as long as such costs are reasonable.

If the Department determines that the apparent successful consultant has failed to meet the requirements of a good faith effort, the Department must, before awarding the contract, provide the consultant an opportunity for administrative reconsideration. The Department intends that the process be informal and timely. The Department will ensure that the process is completed within a brief period (e.g., 5-10 days) to minimize any potential delay in procurements. The consultant will have an opportunity to meet with the reconsideration official, but a formal hearing is not required. As part of this reconsideration, the consultant must have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Department's decision on reconsideration will be made by an official who did not take part in the original determination that the consultant failed to meet the goal or make adequate good faith efforts to do so. The consultant must have the opportunity to meet in person with the reconsideration official to discuss the issues of whether it met the goal or made adequate good faith efforts to do so. The Department will send the consultant a written decision on reconsideration, explaining the basis for finding that the consultant did or did not meet the goal or make adequate good faith efforts to do so. The Department's reconsideration personnel consists of the Commissioner's DBE Review Panel.

It is up to the Department to make a fair and reasonable judgment whether a consultant that did not meet the goal made adequate good faith efforts. It is important for the Department to consider the quality, quantity, and intensity of the different kinds of efforts that the consultant has made. The efforts employed by the consultant should be those that one could reasonably expect a consultant to take if the consultant were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. The Department's determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

If DBE is prime, they will be allowed to count toward goals the work they commit to performing with their own forces, as well as the work that they commit to be performed by DBE subcontractors. DBE consultants on prime contracts will be expected to make the same outreach efforts as other consultants.

When a DBE participates in a contract, the Department will count only the value of the work actually performed by the DBE toward DBE goals. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its

contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function. If a DBE firm loses certification, its work no longer counts toward the DBE goal.

All consultants will be required to submit the following information to the Department with the SOQ:

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The percentage amount of the participation of each DBE firm participating;
- Written documentation of the prime consultant's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If the contract goal is not met, evidence of good faith efforts.

The Department has prepared a list based on Federal Regulations of some of the kinds of efforts that consultants may make in obtaining DBE participation. It is not intended to be a mandatory checklist. The Department does not require that a consultant do any one, or particular combination, of the things on the list, nor is the list intended to be exclusive or exhaustive; it merely offers examples. Other factors or types of efforts may be relevant in appropriate cases. In determining whether a consultant has made good faith efforts, it will usually be important for the Department to look not only at the different kinds of efforts that the Consultant has made, but also of the timeliness, quantity, and intensity of these efforts.

The Department offers the following examples of efforts that may be considered:

A. Soliciting through all reasonable and available means (e.g., attendance at project showings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The consultant must solicit this interest within sufficient time to allow the DBEs to participate effectively. The consultant must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime consultant might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract.

D. (1) Negotiating in good faith with interested DBEs. It is the consultant's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the

information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

D. (2) A consultant using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's costs, qualifications and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a consultant's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime consultant to perform the work of a contract with its own organization does not relieve the consultant of the responsibility to make good faith efforts. Prime consultants are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations {for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority community organizations; minority contractors' groups; local, state, and Federal minority business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

ATTACHMENT 4B

SF030AF-0708 Reissued July 2008

VIRGINIA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION FOR
NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals for female and minority participation, expressed in percentage terms of the Contractor's aggregate work force in each trade on all construction works in the covered area, are as follows:

   Females- 6.9%
   Minorities - See Attachment "A"

   The goals are applicable to all the Contractor's construction work performed in the covered area, whether or not it is Federal or federally assisted. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and non-federally involved construction.

   The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications, set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established herein. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executives Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs <u>within 10 workings days</u> the award of any construction subcontract in excess of $10,000 at any tier for construction works under this contract. The notification shall list the name, address and telephone number of the subcontractor, employer identification number, estimated dollar amount of the subcontract, estimated starting and completion dates of the subcontract and the geographical area in which the contract is to be performed.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As, used in this provision:

   a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

   b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

   c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U. S. Treasury Department Form 941;

   d. "Minority" includes:

      (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

      (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

      (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

      (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation.

3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U. S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors and Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through p of these specifications. The goals set forth m the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the coverer area. Covered construction Contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U. S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

    a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. <u>The Contractor, where possible, shall assign two or more women to each construction project.</u> The Contractor shall specifically ensure that all foreman, superintendents and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites in such facilities.

    b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

    c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off the street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such

individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union, or if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or women sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources complied under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper or annual report; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents and General Foremen prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including in any news media advertisement that the Contractor is "An Equal Opportunity Employer" for minority and female, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Directs its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures and tests to be used m the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of Contractor's workforce.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for such opportunities through appropriate training or other means.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated, except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. Goals for women have been established. However, the Contractor IS required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner, that is even thought the Contractor has achieved its goals for women, the Contractor

may be in violation of the Executive Order if a specific minority group of women is underutilized.

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex or nation origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246. as amended.

13. The Contractor, in fulfilling its obligations under these specifications shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from Its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director will proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate and make known to the Department a responsible official as the EEO Officer to monitor all employment related activity, to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Contractors will not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

ATTACHMENT A

Economic Area	Goal (Percent)
Virginia:	
021 Roanoke-Lynchburg, VA	
SMSA Counties:	
4640 Lynchburg, VA	19.3
.....	
VA Amherst; VA Appomattox; VA Campbell; VA Lynchburg	
6800 Roanoke, VA	10.2
.....	
VA Botetourt; VA Craig; VA Roanoke; VA Roanoke City; VA Salem	
Non-SMSA Counties	12.0
.....	
VA Alleghany; VA Augusta; VA Bath; VA Bedford; VA Bland; VA Carroll; VA Floyd; VA Franklin; VA Giles; VA Grayson; VA Henry; VA Highland; VA Montgomery; VA Nelson; VA Patrick; VA Pittsylvania; VA Pulaski; VA Rockbridge; VA Rockingham; VA Wythe; VA Bedford City; VA Buena Vista: VA Clifton Forge; VA Covington; VA Danville; VA Galax; VA Harrisonburg; VA Lexington; VA Martinsville; VA Radford; VA Staunton; VA Waynesboro; WV Pendleton.	
022 Richmond, VA	
SMSA Counties:	
6140 Petersburg - Colonial Heights - Hopewell, VA	30.6
.....	
VA Dinwiddie; VA Prince George; VA Colonial Heights; VA Hopewell; VA Petersburg.	
6760 Richmond, VA	24.9
.....	
VA Charles City; VA Chesterfield; VA Goochland, VA Hanover; VA Henrico; VA New Kent; VA Powhatan; VA Richmond.	
Non-SMSA Counties	27.9
.....	
VA Albemarle; VA Amelia; VA Brunswick; VA Buckingham, VA Caroline; VA Charlotte; VA Cumberland; VA Essex; VA Fluvanna; VA Greene; VA Greensville; VA Halifax; VA King and Queen; VA King William; VA	

Lancaster; VA Louisa; VA Lunenburg; VA Madison; VA Mecklenburg; VA
Northumberland; VA Nottoway; VA Orange; VA Prince Edward; VA Richmond
VA Sussex; VA Charlottesville; VA Emporia; VA South Boston

023 Norfolk - Virginia Beach - Newport News VA:

SMSA Counties:

5680 Newport News- Hampton, VA 27.1

.....

VA Gloucester; VA James City; VA York; VA Hampton; VA Newport News; VA Williamsburg.

5720 Norfolk - Virginia Beach - Portsmouth, VA - NC 26.6

.....

NC Currituck; VA Chesapeake; VA Norfolk; VA Portsmouth; VA Suffolk; VA Virginia Beach.

Non-SMSA Counties 29.7

.....

NC Bertie; NC Camden; NC Chowan; NC Gates; NC Hertford; NC Pasquotank; NC Perquimans; VA lsle of Wight; VA Matthews; VA Middlesex; VA Southampton; VA Surry; VA Franklin.

Washington, DC:

020 Washington, DC.

SMSA Counties:

8840 Washington, DC - MD - VA 28.0

.....

DC District of Columbia; MD Charles; MD Montgomery MD Prince Georges; VA Arlington; VA Fairfax; VA Loudoun; VA Prince William VA Alexandria; VA Fairfax City; VA Falls Church.

Non- SMSA Counties 25.2

.....

MD Calvert; MD Frederick; MD St. Marys: MD Washington; VA Clarke;
VA Culpeper; VA Fauquier; VA Frederick; VA King George; VA Page; VA
Rappahannock; VA Shenandoah; VA Spotsylvania; VA Stafford; VA Warren: VA Westmoreland; VA Fredericksburg; VA Winchester WV Berkeley;
WV Grant; WV Hampshire; WV Hardy; WV Jefferson; WV Morgan.

Tennessee:

052 Johnson City - Kingsport - Bristol, TN - VA

SMSA Counties:

3630 Johnson City - Kingsport -Bristol, TN-VA 2.6

.....

TN Carter; TN Hawkins; TN Sullivan; TN Washington; VA Scott: VA Washington; VA Bristol.

Non-SMSA Counties 3.2

.....

TN Greene; TN Johnson; VA Buchanan; VA Dickenson; VA Lee; VA Russell; VA Smyth; VA Tazewell; VA Wise; VA Norton; WV McDowell;
WV Mercer.

Maryland:

019 Baltimore MD

Non-SMSA Counties 23.6

.....

MD Caroline; MD Dorchester; MD Kent; MD Queen Annes; MD Somerset;
MD Talbot; MD Wicomico; MD Worchester; VA Accomack; VA Northampton.