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DEPARTMENT OF TRANSPORTATION

# Request for Qualifications

## Professional Services for On-Call Civil Rights Services

October 25, 2023

Statements of Qualifications are due **Wednesday, November 15, 2023, 1:00 P.M.**

### GENERAL

In accordance with Nebraska Consultants' Competitive Negotiation Act ([Neb. Rev. Stat. §81-1702](#)), the Brooks Act ([40 USC 1101](#)), and [23 CFR 172.5](#), the State of Nebraska, Department of Transportation (NDOT), is issuing a Request for Qualifications (RFQ) for On-Call Civil Rights Services. Qualified consultants are invited to submit a statement of qualifications as outlined below. NDOT's website referred to in this document is located at: <http://www.dot.nebraska.gov/business-center/consultant/>

All consultants interested in providing professional services for NDOT are strongly encouraged to review NDOT's template [IDIQ Master On-Call PE Agreement](#), [IDIQ Task Order Agreement, Fees & Payments Exhibit](#), and [Insurance Requirements for Professional Service Providers](#) prior to responding to this RFQ. By submitting a statement of qualifications in response to this RFQ, Consultant, and all subconsultants, agree to meet the substantive requirements of these documents. These documents can be found on NDOT's website. An agreement will not be executed unless consultant provides a current overhead (indirect cost rate) schedule and proof of meeting the insurance requirements in the form of an [Insurance ACORD](#). Further information regarding insurance, including a [checklist](#) to assist in submitting an acceptable certificate, can be found at <https://dot.nebraska.gov/business-center/consultant/insurance/>.

NDOT is seeking a statement of qualifications from consultants who wish to be considered to provide these services.

This RFQ does not commit NDOT to award a contract, to pay any costs incurred in the preparation of a response to this request, or to procure or contract for services. NDOT reserves the right to award contracts to more than one qualified consultant, to accept or reject any or all responses received as a result of this request, to negotiate with any qualified consultant or to modify or cancel in part or in its entirety the RFQ, if it is in the best interest of NDOT to do so.

In accordance with Nebraska Revised Statute [84-712](#) et.seq., Nebraska Public Records Act, documents provided to NDOT are public records subject to disclosure unless consultant requests in writing that documents must be kept confidential and can demonstrate that such records are confidential under federal or state law.

### Required Title/VI Non-discrimination General Assurance

The Nebraska Department of Transportation, in accordance with the provisions of Title VI of

the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders/offerors that it will affirmatively insure {ensure} that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

### **STANDARD WORK CATEGORIES**

Standard Work Categories anticipated on this project are listed below. Consultant/team must be certified in the following Standard Work Categories. Information regarding the [Standard Work Categories](#) can be found on NDOT's website.

- 102 Transportation Planning
- 115 Other Environmental Studies
- 211 Public Involvement

### **SCOPE OF SERVICES**

#### **A. OVERVIEW OF THE WORK:**

The Consultant will assist the Nebraska Department of Transportation (NDOT) with civil rights-related services to be completed in accordance with federal regulations, NDOT's current civil rights policies/procedures, and supplemental guidance documents found at:

<https://dot.nebraska.gov/business-center/civil-rights/>

The consultant shall demonstrate experience and expertise in the following civil rights-related disciplines:

1. Preparation or Re-evaluation of Environmental Justice and Limited English Proficiency analyses for State and Federal-Aid Projects, to be completed in accordance with Federal orders and guidance on Environmental Justice and the NDOT Limited English Proficiency Plan, or as directed by NDOT.
2. Management of federal grant activities, including such grants as the On-the-Job Training Supportive Services; Disadvantaged Business Enterprise Supportive Services; and National Summer Transportation Institute grants. Management of grants includes such activities as coordination with entities responsible for carrying out program objectives (i.e., Nebraska Community Colleges and/or other training/development organizations) and outreach/public involvement to current and potential program participants. Management of these grants would be completed in accordance with the federally approved statements of work for each grant, as well as state and federal laws, regulations, and guidance pertaining to grant activities and expenditures.
3. Assisting with duties of the Disadvantaged Business Enterprise (DBE) Program, including processing applications for DBE certification, and oversight of DBE participation on federally assisted projects. DBE Program responsibilities must be completed in accordance with the NDOT DBE Program Plan, as well as applicable federal regulations and guidance.

4. Performing Equal Employment Opportunity compliance evaluations of NDOT's contractors to ensure their compliance with the FHWA 1273 contract provisions found in each federally assisted construction contract. Contractor EEO compliance evaluations include a thorough examination of contractor EEO and employment-related policies and documentation, as well as an analysis which compares contractor workforce data with census or other public data on workforce availability.
5. Assisting in the development or revision of plans, policies, and manuals for NDOT Civil Rights Programs. Programs include, but are not limited to, Title VI of the Civil Rights Act of 1964, Limited English Proficiency, Environmental Justice, Disadvantaged Business Enterprise, Contractor On-the-Job Training, Contractor Equal Employment Opportunity, the Americans with Disabilities Act, and federally assisted grants programs as identified in section A.2.
6. Performing Title VI Program and ADA compliance reviews of subrecipients, including local public agencies (LPAs) that receive federal aid through NDOT, to ensure their compliance with Title VI regulations and policies found at 23 CFR 200 and in the NDOT Title VI Implementation Plan. LPA compliance reviews include a thorough analysis of the LPA's Title VI Implementation Plan, Limited English Proficiency Plan, ADA Assurances, and ADA Transition Plan, as well as an analysis of the LPA's transportation-related programs, services, and beneficiaries. Any deficiencies are reported to the LPA, and technical assistance is provided to help LPAs bring their plans, policies, and programs into compliance.
7. Assist in the active monitoring of prompt payment, including monitoring/analyzing contractor data on payments to subcontractors, as well as following up with nonresponsive contractors/subcontractors. Assist in the investigation of prompt payment related requests to withhold payment.

**B. QUALIFICATIONS, KNOWLEDGE AND EXPERIENCE:**

1. Environmental Justice/Limited English Proficiency
  - a. The Consultant shall demonstrate experience and efficiency in preparation and coordination of Environmental Justice/Limited English Proficiency documentation for the Nebraska Transportation program. The consultant's Principal Author shall demonstrate continued training and education specifically associated with demographic data collection methods and NDOT and federal EJ/LEP guidance materials.
  - b. The Consultant team must demonstrate knowledge with NDOT NEPA processes and guidance such as the following: Historic Properties Assessment and Section 106 Coordination, Hazardous Materials Evaluation, Public Involvement Plan Development and Coordination, and Social/economic evaluation.

2. Pedestrian Access

The Consultant shall demonstrate experience and knowledge of the ADA Accessibility Guidelines (ADAAG), Public Right-of-Way Accessibility Guidelines (PROWAG), and the Manual on Uniform Traffic Control Devices (MUTCD) as it pertains to Pedestrian and Accessibility considerations.

**3. Grants Management**

- a. The consultant shall demonstrate experience in the administration and coordination of federally funded grant programs.
- b. The consultant shall demonstrate experience conducting public outreach and involvement activities.

**4. Disadvantaged Business Enterprise Program**

The consultant shall demonstrate knowledge of the regulations and procedures concerning the Disadvantaged Business Enterprise Program, found at 49 CFR 26 and in the NDOT DBE Program Plan. The consultant's position or team responsible for performing DBE duties shall demonstrate continued training and education specifically associated with the federal DBE Program.

**5. Contractor Equal Employment Opportunity Compliance**

The consultant shall demonstrate knowledge of the regulations and procedures concerning Contractor Equal Employment Opportunity Compliance, found at 23 CFR 230 and in the NDOT Contractor EEO Compliance Program Plan. The consultant's position or team responsible for performing Contractor EEO Compliance reviews shall demonstrate continued training and education specifically associated with Equal Employment Opportunity analysis and relevant data collection.

**6. Development/Revision of Plans, Policies, Manuals for Civil Rights Programs**

The consultant shall demonstrate experience in the successful development and/or revision of program plans, policies, procedure manuals, and/or guidance documents for a governmental organization.

**7. Title VI and ADA Reviews of Subrecipients, including Local Public Agencies**

The consultant shall demonstrate knowledge of the regulations and procedures concerning Title VI and ADA Subrecipient LPA reviews, found at 23 CFR 200 and in the NDOT Title VI Implementation Plan. The consultant's position or team responsible for performing Title VI LPA and ADA Subrecipient compliance reviews shall demonstrate continued training and education specifically associated with the FHWA Title VI Program, ADA Accessibility Guidelines (ADAAG), and the Public Right-of-Way Accessibility Guidelines (PROWAG).

**8. Prompt Payment**

The consultant shall demonstrate knowledge of the regulations and procedures concerning prompt payment, found at 49 CFR 26; in the NDOT DBE Program Plan; in the NDOT Standard Specifications (2017); and in the USDOT "Q and A" guidance on the DBE Program. The consultant's position or team responsible for performing prompt payment duties shall demonstrate continued training and education specifically associated with prompt payment.

**C. SOFTWARE AND EQUIPMENT REQUIREMENTS:**

Consultant may utilize several NDOT document and data management systems to access or upload information depending on the services. These may include, but not limited to, document management system (OnBase), construction project data

management software (AASHTOWare Project), and project management software (Clarity PPM).

**D. EXPECTATIONS FOR THE DELIVERABLES:**

1. All analysis and/or final reports for any task in any program area shall be presented to NDOT for review, comment, and approval. NDOT reserves the right to make all decisions concerning the conclusions, findings and recommendations of the documents created by Consultant. Draft documents should be in Microsoft Word and/or Microsoft Excel file formats, while final documents should be in Adobe .pdf format.
2. DBE Program: All DBE application materials must be provided to the NDOT for review. All program-related communications, including emails, call reports, and other correspondence must be provided to the NDOT for review. All DBE Program correspondence specified in the DBE Program Plan to be sent by certified mail via the USPS must be sent via certified mail and receipts provided to the NDOT. As directed by NDOT, certain documentation must be uploaded to NDOT's document storage system (currently OnBase).
3. Title VI Program, ADA, and Contractor EEO Compliance: All materials received from Local Public Agencies (LPAs) or contractors must be provided to NDOT for review. All program-related communications, including emails, call reports, and other correspondence must be provided to the NDOT for review. As directed by NDOT, certain documentation must be uploaded to NDOT's document storage system (currently OnBase).
4. Environmental Justice, Limited English Proficiency: EJ/LEP indications will be marked on the NDOT-53 forms and will be provided to NDOT for review and approval. Final EJ/LEP analysis memorandums must be provided to NDOT for review and approval prior to upload into NDOT's document storage system.

**DETAILS**

It is anticipated that two (2) consultants will be awarded contracts under the Indefinite Delivery Indefinite Quantity (IDIQ) or "on-call" procurement process. The proposed two-year contract term will have a maximum value of \$325,000. The contract term may be extended up to 6 months at the discretion of NDOT. Typical Task Orders that will be awarded under this IDIQ contract will range from \$5,000 to \$150,000. The payment method for the individual Task Order Agreements may be Cost Plus Fixed Fee, Lump Sum, or Specific Rates of Compensation.

It is anticipated that four (4) consultants will be short-listed for further discussions. The evaluation criteria to be used for selections are outlined below.

***NDOT reserves the right to abandon or terminate any contract at any time and either re-advertise services or utilize its own forces. NDOT also reserves the right to accomplish services for future phases on all projects with the selected consultant, select another consultant, or utilize its own forces.***

NDOT will not hold a briefing. All information is contained within this RFQ and on NDOT's website. If additional information is deemed necessary, it will be posted on the same web page as this RFQ and will be labeled as an update. Consultants interested in this RFQ are responsible for checking for updated information.

Interested consultants must be certified by NDOT or have a completed certification form on file with NDOT prior to the deadline identified in the Schedule of Activities. Instructions for completing the NDOT Annual Consultant Certification form is available at: <https://dot.nebraska.gov/media/g1qb344b/cert-instruc-annual-certification.pdf>

Please submit your Drug-Free Workplace Policy (DF Policy) separate from the response to this RFQ ([DF Policy Example](#)). The DF Policy is a one-time submittal to NDOT. Please do not re-submit unless your DF Policy has changed or you never have previously submitted a DF Policy. While the DF Policy is not a submittal requirement, all consultants must have an acceptable DF Policy on file prior to the deadline identified in the Schedule of Activities. If necessary, the consultant's DF Policy may be submitted via email to: [NDOT.PDAnnualCertification@nebraska.gov](mailto:NDOT.PDAnnualCertification@nebraska.gov)

**Please do not call or write NDOT staff for information regarding the services in this RFQ.** Email all inquiries/questions to NDOT Procurement Engineer, at: [ndot.pdRFQinfo@nebraska.gov](mailto:ndot.pdRFQinfo@nebraska.gov) or call (402) 479-4778.

## **EVALUATION CRITERIA**

### **A. QUALIFICATIONS (50 pts)**

1. Qualifications of the project manager and key team members to perform the work.
2. Firm's demonstrated capacity to manage project teams with multiple consultants.
3. Qualifications and capability of any key subconsultants.
4. Applicability and relevance of comparable projects provided by the Consultant.
5. Knowledge of regulations, policies, guidance, and resources applicable to the Civil Rights Programs of NDOT, including:
  - a. Title VI of the Civil Rights Act of 1964: 23 CFR 200; 49 CFR 21; NDOT Title VI Implementation Plan; other FHWA and USDOJ guidance
  - b. Environmental Justice: Executive Order 12898; FHWA Order 6640.23A; FHWA 2011 Memorandum Guidance on EJ; FHWA 2015 Environmental Justice Reference Guide; other FHWA and NDOT guidance
  - c. Disadvantaged Business Enterprise: 49 CFR 26; the NDOT DBE Program Plan; USDOT "Q and A" DBE Program Guidance; other FHWA and NDOT guidance
  - d. Prompt Payment: 49 CFR 26; the NDOT DBE Program Plan; the NDOT Standard Specifications (2017); USDOT "Q and A" DBE Program Guidance
  - e. FHWA Grant Programs: 23 CFR 230; the NDOT DBE Business Development Program Plan

- f. Contractor EEO Compliance: 23 CFR 230; the NDOT Contractor EEO Compliance Program Plan
  - g. Contractor On-the-Job Training Program: 23 CFR 230; the NDOT 'Training Special Provisions'
  - h. Limited English Proficiency: Executive Order 13166; the NDOT Limited English Proficiency Plan; federal LEP guidance for the USDOT found at 70 FR 74087
  - i. Americans with Disabilities Act: 28 CFR 35; 49 CFR 27; the 2010 ADA Standards for Accessible Design
  - j. Public Right-of-Way Accessibility Guidelines (PROWAG)
  - k. Manual on Uniform Traffic Control Devices (MUTCD)
  - l. Data collection: Competent use of data.census.gov and other sources to collect data necessary to carry out program activities, including demographic data necessary for Environmental Justice / Limited English Proficiency analyses and Title VI Subrecipient program reviews, and employment data necessary for Contractor EEO Compliance reviews.
6. Knowledge of the NEPA process and adhering to the purpose and need of the project.

**B. UNDERSTANDING OF THE SERVICES (25 pts)**

- 1. Consultant demonstrated they understand nature and scope of the projects to be assigned under this on-call agreement.
- 2. The consultant has recognized and identified special circumstances to be considered for the projects.
- 3. Consultant provided a logical approach to complete tasks and resolve issues of the project.

**C. PERFORMANCE DATA (25 pts)**

- 1. Performance evaluations by NDOT regarding the work of the Consultant.
- 2. Adherence to applicable standards and completeness of previous submittals to NDOT.
- 3. Project schedule adherence on previous projects with NDOT.
- 4. Cooperation with NDOT staff on previous projects.
- 5. If firm has no experience with NDOT, performance review information obtained from Consultant's references with other states, local governments, or appropriate clients. The team should list a minimum of two (2) references in their proposal.

**Final Selection**

The Department may conduct interviews/discussions with the short-listed/top ranked firms to further understand the evaluation criteria responses and to hear how each firm can best meet

the needs of NDOT related to these services. A final tally of evaluation criteria scoring will occur at the conclusion of interview discussions. NDOT will coordinate interview discussions with each short-listed firm to occur within the schedule shown below.

<b>SCHEDULE OF ACTIVITIES</b>	<b>Date (2023)</b>	<b>Time (CST)</b>
RFQ posted	Oct 25, Nov 1, 8	
Last day questions will be accepted	Nov 3	4:00 PM
Last day Q&A or updates to RFQ may be posted	Nov 8	4:00 PM
NDOT Form 497 & Drug-Free Workplace Policy on file at NDOT	Nov 8	4:00 PM
<b>Statement of Qualifications Due</b>	<b>Nov 15</b>	<b>1:00 PM</b>
Post Short-List Consultants	Nov 28	4:00 PM
Interview Discussions	Dec 1	1:00 PM-3:00 PM
Post Final Selections	Dec 4	4:00 PM

**NOTE – Shortlisted Firms may be asked to provide verification that they and all subconsultants have submitted their indirect cost rates and certifications for their latest fiscal year. Latest fiscal year means the last fiscal year with an end date no more than 6 months in the past.**

## **IDIQ ORDERING PROCEDURES**

When ordering specific on-call design services NDOT will consider each selected consultant's statement of qualifications along with any performance data on file with NDOT. The selection of a consultant will be based upon the following criteria:

1. Professional qualifications of the firm
2. Specialized experience and technical competence in the type of work required
3. Past performance of similar type of work
4. Capacity of firm to perform the work in a timely manner

Upon selection, NDOT will prepare a Task Order Agreement that will incorporate the provisions of the Master Agreement by reference and includes some or all of the following performance details:

1. Detailed scope of work
2. Detailed description of deliverables
3. Description of performance/quality measures
4. Timeline for delivery of services

## **SUBMITTAL OF QUALIFICATIONS**

**All information must be received by the deadline identified in the Schedule of Activities. No exceptions to this deadline will be given.**

One (1) electronic copy (PDF format) of your firm's statement of qualification (SOQ) must be submitted using the Online "[SOQ Submittal Form](#)" link found on the Consultant Services Business Opportunities page. Please "reduce file size" of PDF before submitting.

Submittals are to include the following in the order given below:

1. Front cover to include the consultant, subconsultants (if applicable), and number and title of the RFQ.
2. A letter of interest not to exceed one (1) page.



3. Organizational Chart not to exceed one (1) page.
4. A narrative responding to the established evaluation factors not to exceed five (5) pages.
5. A maximum of five (5) pages of additional supportive material such as charts, tables, resumes, or photos.
6. [NDOT Form 498, "Architect, Engineer, & Related Services Supplement to Statement of Qualifications" \(MS Word version\)](#) not to exceed six (6) pages for the consultant and six (6) pages for each subconsultant. A separate NDOT Form 498 must be submitted for each subconsultant to be used.

Additional submittal requirements are:

1. All material in the submittal must be formatted for 8½ x 11 paper, single or double spaced.
2. Submittal covers and dividers between the sections are allowed and not included in the page limit.

## **INTERVIEWS**

NDOT will contact each short-listed firm to schedule a Webex or telephone call to discuss the evaluation criteria and responses. Interview discussions will typically last no more than 15 minutes. These discussions will occur at a mutually agreed time during the dates listed in the Schedule of Activities.

Upon completion of scoring and approval of the Deputy Director, NDOT will post the final selections on NDOT's website prior to the deadline identified in the Schedule of Activities, or as soon as possible.

Vicki Kramer, Director  
Nebraska Department of Transportation

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