



REQUEST FOR QUALIFICATIONS

Notice is hereby given that consultant qualifications will be received by the Town of Chincoteague, Virginia for:

RFQ # 13-001
Consulting Engineering Services – Shared-Use Trail

by filing with the Town of Chincoteague, 6150 Community Dr., Chincoteague, VA 23336 until:

Date: **February 28, 2013**

Time: **5:00 P.M. EST**

Expressions of interest and statement of qualifications will be received by the Town of Chincoteague, Virginia, for the design of a 10' wide shared-use trail and bicycle parking facility with preparation of construction drawings and bid documents by filing with the Town at the above location. This is a VDOT 'Safe Routes to School' infrastructure project using federal grant funds. Qualifications submitted after the due date will not be considered. Consultants accept all risks of late delivery of mailed submittals regardless of fault.

A detailed Request for Qualifications (RFQ) information packet including general information, requested services, submittal requirements, and evaluation process is available upon request.

The Town of Chincoteague reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFQ does not obligate the Town to pay any costs incurred by respondents in the preparation and submission of their statement of qualifications. Furthermore, the RFQ does not obligate the Town to accept or contract for any expressed or implied services.

It is the Town of Chincoteague's policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities.

The Town encourages the participation of Disadvantaged Business Enterprises (DBE) in this project and the successful consultant must comply with the Town of Chincoteague's equal opportunity requirements.

Dated this 1st day of February, 2013.

**Town of Chincoteague
Request for Qualifications/
Expression of Interest**

<u>Request for Qualification Information:</u>		<u>Submittals Delivered to:</u>	
RFQ Number	RFQ# 13-001	Physical/ Mailing Address:	Town of Chincoteague 6150 Community Dr. Chincoteague, VA 23336
RFQ Name:	Consulting Engineering Services – Shared-Use Trail		
Date Issued:	February 1, 2013		
Contact Person:	Harvey Spurlock		
Phone #:	(757) 336-3366		
Email	harvey@chincoteague- va.gov		
Submittals Accepted Until	February 28, 2013 @ 5:00pm		

General Information

NOTICE: Notice is hereby given that expressions of interest and statement of qualifications will be received by the Town of Chincoteague, Virginia, for the design of a 10' wide shared-use trail and bicycle parking facility. This is a VDOT 'Safe Routes to School' infrastructure project using federal grant funds.

PURPOSE:

The Town of Chincoteague, Inc. (the "Town") is soliciting requests for qualifications for the purpose of obtaining professional engineering services to prepare designs and construction documents with detailed cost estimates for a proposed Town of Chincoteague shared-use trail and bicycle parking facility. The consultant shall assist the Town with selection of materials and methods for construction that maximize the use of available grant funds.

The anticipated scope of work may include, but shall not be limited to: preliminary engineering, cost estimating, geotechnical investigation, preparation of construction drawings and bid documents, and attendance at public or staff meetings. All work products must meet federal funding requirements, and shall be prepared in accordance with VDOT Road Design Manual specifications, AASHTO design standards, and ADA guidelines.

The design and construction documents must be sealed by a professional engineer licensed in Virginia.

BACKGROUND:

The Town of Chincoteague Safe Routes to School program has been awarded an infrastructure grant to design and construct a 10 foot wide asphalt shared-use trail that will connect the elementary school and the combined school along the south side of Hallie Whealton Smith Drive. The trail would be approximately 3,500 feet in length and may include sections of on-street shoulder improvements, off-street trail, and concrete sidewalk. Depending on the estimated cost, the project may be completed in 2 phases. In addition, a secure bicycle parking facility is planned at the elementary school with extension of concrete sidewalk to the shared use trail.

SCOPE: The project scope will include:

- Field survey of Hallie Whealton Smith Drive (40' right of way) and approximately 50' along the south side of the right of way,
- Preliminary engineering design for approximately 3,500 linear feet of roadway shoulder improvements, off-street trail, and sidewalk,
- Geotechnical investigation along proposed trail alignment,
- Specifications for pre-engineered bicycle parking facility,
- Preparation of final engineering plans and construction documents with revisions based on VDOT comments at 50% and 90% complete,
- Estimated construction costs,
- Assistance with bid documents and contract administration,

QUALIFICATIONS: This work will require the firm to have the following qualifications:

- Five (5) or more years of current related experience, preferably in Virginia
- Experience working in Virginia with federal, state, municipal and regulatory entities including VDOT
- Experience with planning, design and cost estimating of shared use trails
- Current experience with Safe Routes to School projects or VDOT Enhancement projects

SUBMITTAL REQUIREMENTS: Responses to this RFQ must include the following information:

- A cover letter/statement of interest indicating the firm's interest in the project and highlighting its qualifications to perform this project. A summary of firm's experience in requested service areas.
- A description of the firm's experiences working with municipal government and VDOT.
- Statement of qualifications, including related experience with similar types of projects and specific qualifications or resumes of key team members. Include a team organization chart.
- Understanding of scope of work
- Up to three (3) examples of similar projects, with a minimum of three (3) references relating to completed projects for the services being requested with full name, title, address, phone and fax numbers.
- Present workload and proposed assignment of key team members
- Responses must be limited to no more than ten (10) sheets excluding specific project examples, references, resumes and covers. Sheets shall be printed double sided.
- Provide 3 copies of your Submittal.
- Provide a general manpower rate schedule

PROPRIETARY PROPOSAL MATERIAL - Any proprietary information revealed in the proposal should be clearly identified as such.

SIGNATURES: RFQ's shall be signed by one of the legally authorized officers of said corporation. If awarded the contract, the Contract shall also be so executed.

EVALUATION CRITERIA: Evaluations will be based on the criteria listed below as described in Chapter 3.1 of the VDOT Manual for Procurement and Management of Professional Services:

- Administrative requirements;
- Experience of proposed project team and key team members;
- Understanding of Scope;
- Quality of work/past performance;
- Workload and Availability;
- Planned DBE involvement;
- Organizational plan and capabilities
- Ability to meet time schedule

The Town may select a limited number of consultants for in-person, or telephone interviews before the selection committee.

QUESTIONS: Questions regarding this project may be directed to Harvey Spurlock via e-mail at harvey@chincoteague-va.gov. Unauthorized contact regarding this RFQ with other Town employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the Town.

REJECTION OF SUBMITTALS: The Town of Chincoteague reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm or to modify or cancel in part or in its entirety the Request for Proposal if it is in the best interest of the Town of Chincoteague to do so. This RFQ does not obligate the Town to pay any costs incurred by respondents in the preparation and submission of their qualifications. Furthermore, the RFQ does not obligate the Town to accept or contract for any expressed or implied services.

CONTRACT AWARD: The Town reserves the right to make an award to the most qualified firm without further discussion of the submittals. The firm selected as the apparently successful firm will be expected to enter into a contract with the Town. Following consultant selection, the successful consultant shall prepare a fee proposal and scope of work for review by the Town. Once the Town and Consultant have reached an agreement on the scope of services, a final contract will be prepared by the Town. The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during the negotiations of the final Contract. If the selected firm fails to sign the Contract within ten (10) business days of delivery of the final Contract, the Town may elect to negotiate a Contract with the next-highest ranked firm. The Town shall not be bound, or in any way obligated, until both parties have executed a Contract. No party may incur any chargeable costs prior to the execution of the final Contract.

CONTRACT NEGOTIATION: The Town reserves the right to negotiate all elements of the submittals, proposals, terms and conditions, and/or scope of work as part of the contract negotiation process prior to any formal authorization of the Contract by the Town. A contract that results in approved Engineering Construction Documents and Bid Package that does not exceed available grant funds is anticipated.

All firms submitting EOI (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 the Town of Chincoteague 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 the Town of Chincoteague and the next most qualified team invited to submit a proposal.

TIMEFRAME: The Town expects work to begin within 30 days from award of contract. Two formal reviews by VDOT have been identified: preliminary plans (50% complete) with submission by June 30, 2013 and final plans/bid package (90% complete) with submission by August 30, 2013.

NON-ENDORSEMENT: As a result of the selection of a consultant to supply products and/or services to the Town, consultant agrees to make no reference to the Town in any literature, promotional material, brochures, sales presentation or the like without the express written consent of the Town.

CONFLICT OF INTEREST: At this time, the Town of Chincoteague is not considering this project to be delivered through a design-build option. If the Town of Chincoteague decides to deliver the

project through design-build option, the successful consultant and any of its team members may not be allowed to participate in ANY subsequent design-build contracts. Furthermore, the Town of Chincoteague will notify the successful consultant regarding the change in its intent of delivery method in advance. The Conflict of Interest determination will be made on a case by case basis at such time.

COMPLIANCE WITH LAWS AND REGULATIONS: In addition to nondiscrimination and affirmative action compliance requirements previously listed, the consultant or consultants ultimately awarded a contract shall comply with federal, state and local laws, statutes and ordinances relative to the execution of the work. This requirement includes, but is not limited to, protection of public and employee safety and health; environmental protection; waste reduction and recycling; the protection of natural resources; permits; fees; taxes; and similar subjects.

EQUAL OPPORTUNITY EMPLOYMENT: The successful consultant or consultants must comply with the Town of Chincoteague equal opportunity requirements. The Town of Chincoteague 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.

TITLE VI: The Town of Chincoteague assures compliance with Title VI of the Civil Rights Act of 1964, as amended for any of its federally funded programs and activities. The consultant and all sub consultants 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.

ILLEGAL ALIENS: The Town of Chincoteague 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 sub consultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

INSURANCE REQUIREMENTS: The consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, errors and omissions or professional liability that may arise from or in connection with the performance of work hereunder by the consultant, his agents, representatives, employees or subcontractors. The cost of such insurance shall be paid by the consultant.

BUSINESS REGISTRATION AND TAXATION: The consultant or consultants awarded the contract will be subject to Town of Chincoteague Business Registration regulations as presented in the Chincoteague Town Code. Questions about the Town's Business Registration process should be directed to the Town office at 757-336-6519.

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 who 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 EOI to the Town of Chincoteague. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.

The Town of Chincoteague 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.

DISADVANTAGED BUSINESS ENTERPRISE (DBE): Consultants are encouraged to take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and perform services on the contract.

It is the policy of the Virginia Department of Transportation and the Town of Chincoteague that Disadvantaged Business Enterprises (DBEs) 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.dmbes.state.va.us/>) under the DBE Directory link. Consultants are encouraged to take all necessary and reasonable steps to ensure that DBEs 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 DBEs as potential subcontractors. The consultant is encouraged to contact DBEs to solicit their interest, capability and qualifications. Any agreement between a consultant and a DBE whereby the DBE promises not to provide services to other consultants is prohibited.

If portions of the services are to be subcontracted to a DBE, the following needs to be submitted with your EOI and both must reference the project number(s) for the services:

- Written documentation of the prime's commitment to the DBE 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 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 required Firm Data Sheet.

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

Any DBE firm must become certified (with the Virginia Department of Minority Business Enterprise) prior to your response being submitted. If DBE 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 sub consultants. DBE prime consultants are encouraged to make the same outreach efforts as other consultants. DBE credit will be awarded only for work actually being performed by them. When a DBE prime consultant subcontracts work to another firm, the work counts toward DBE goals only if the other firm is itself a DBE. A DBE prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force. **VDOT believes this RFP can support 10% DBE participation.**

DBE certification entitles consultants to participate in VDOT's DBE 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.

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

Project: _____

- The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- Have not within a three-year period preceding this proposal been convicted of or had a civil judgement 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;
- 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
- 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.
- 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

GOOD FAITH EFFORT (Federally funded project with DBE Goal; **VDOT believes this RFP can support 10% DBE participation.**)

The Department will accept what consultants submit in their EOI 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 EOI:

- 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.
(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.

USDOT 1050.2 APPENDIX A

During the performance of this contract, the consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Virginia Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Virginia Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Virginia Department of Transportation shall impose such contract sanctions as it may determine to be appropriate, including, but not limited to:

- (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b.) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract, or procurement as the Virginia Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Virginia Department of Transportation to enter into such litigation to protect the interests of the Virginia Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Hallie Whealton Smith Drive Proposed Multi-Use Trail Town of Chincoteague



Legend

Improvements

- Proposed Multi-Use Trail
- Proposed Sidewalk
- Road_Centerlines_Route layer
- Edge_of_Pavement layer
- TaxParcels layer

