



**Montana Department of Transportation**

2701 Prospect  
PO Box 201001  
Helena MT 59620-1001

Greg Gianforte, Governor  
Malcolm "Mack" Long, Director

September 16, 2021 *Revised October 7, 2021 (Scope of Work Section 1.D.)*

Subject: Request for Proposals  
NBIS Bridge Inspections – Term Contract (2022-2024)

To Whom It May Concern:

The Montana Department of Transportation is accepting proposals from consulting firms interested in a term contract for performing standard NBIS, element-level, and timber inspections of bridges throughout the state.

MDT intends to establish term contract(s) to utilize consultants on an "as-needed" basis for the work described herein. At this time, the intention is to award three (3) agreements that will be approximately \$800,000 each, for a three-year period from January 2022 through December 2024. MDT reserves the right to revise the number of term contracts, the contract values, or contract timeframes, depending on the responses received. Extension(s) of contracts, by mutual agreement of both parties, may be made at one (1) year intervals, or any interval that is advantageous to MDT. Contracts, including any renewals, may not exceed a total of five (5) years.

Teams may be established as necessary; however, it is expected that the prime consultant will be capable of completing the vast majority of the work. As a rule, the prime consultant must complete at least 50% of the work for a specific project or assignment unless written exception is given.

Montana professional engineering licensure is required for this work and must be in-hand at the time your proposal is submitted. If this requirement is not met and clearly identified in the proposal, your proposal will be considered non-responsive.

If your firm is interested, please submit a proposal as described herein.

## SCOPE OF WORK

### 1. General

- A. Provide the necessary personnel, equipment, and expertise to complete a thorough inspection of all visible deck, superstructure and substructure elements.
- B. Provide and operate any specialized equipment needed to fully inspect all requested parts of bridges.
- C. For each bridge that does not have measurements dated within the last 5 years available in SMS, perform measurements on all superstructure and all substructure units. Use the appropriate MDT Measurement Form(s) from the MDT Bridge Inspection website:  
<https://www.mdt.mt.gov/business/contracting/bridge/inspection/default.shtml>. Attach additional drawings to the measurement forms as necessary.
- D. ~~Underwater inspection requiring specialized dive training and equipment is not included in this work. Underwater Acoustic Imaging will be required on an as-needed basis. Non-destructive will be required on an as-needed basis. Cross-sectioning of the waterway will be required on an as-needed basis.~~  
RD  
Underwater inspection requiring specialized dive training and equipment is not included in this work. Non-destructive testing will be required on an as-needed basis. Cross sectioning of the waterway will be required on an as-needed basis.
- E. Provide all necessary traffic control and ensure that it complies with the requirements in the MUTCD.
- F. Provide all necessary coordination with railroads for inspections involving railroad right-of-way.

### 2. Personnel

- A. Provide a Montana licensed professional engineer for oversight and assurance of inspection quality.
- B. Bridge Inspection Team Leader. Designate one member of the inspection team as the Bridge Inspection Team Leader. The Bridge Inspection Team Leader must meet one of the following qualifications:
  - Be a licensed professional engineer in the state of Montana and have successfully completed an FHWA approved comprehensive bridge inspection training course, and have experience in both NBI and Element Level inspection.
  - Have a minimum of 5 years' experience in in-service bridge inspection including both NBI and Element Level inspection and have successfully completed an FHWA approved comprehensive bridge inspection training course.
  - Have a bachelor's degree in engineering from a college or university accredited by or determined as substantially equivalent by the Accreditation Board for Engineering and Technology; have successfully passed the National Council of Examiners for Engineering and Surveying Fundamentals of Engineering examination; have at least two years of in-service bridge inspection experience; and have successfully completed an FHWA approved comprehensive bridge inspection training course.

- Have an associate's degree in engineering or engineering technology from a college or university accredited by or determined as substantially equivalent by the Accreditation Board for Engineering and Technology; have four years of in-service bridge inspection experience; and have successfully completed an FHWA approved comprehensive bridge inspection training course.
- C. The Bridge Inspection Team Leader will be on site at all times during the inspection. This person will be responsible for the evaluation and documentation of each structure and will be considered the inspector of record who signs each inspection.
- D. Submit all inspector certification documentation for an inspection team to MDT for approval before a Notice to Proceed is issued.
3. Coordination and Scheduling
- A. Inspections must be completed within the month that they are listed in the Term Assignment RFP.
- B. Schedule bridges containing elements that are inaccessible due to deep water for only a portion of the year for inspection during periods of low water and when the elements are accessible.
- a. Schedule structures that cross canals, irrigation ditches, or irrigation reservoirs when the water has been turned off and/or is at its lowest levels of the year. For canals and ditches, this varies by year and specific canal, but will typically be mostly dry between October 15<sup>th</sup> and April 15<sup>th</sup>. Irrigation reservoirs are typically at their lowest in late summer or Fall. If the inspection due date is during a time when the water in canals is not at its lowest point, inspect the bridge during the month it is due to meet the maximum inspection interval requirements, then remobilize for a second inspection when water levels have dropped to their lowest point.
  - b. If the groundline of timber piles over canals or other temporary bodies of water are not accessible during the 24-month maximum FHWA inspection interval requirement, perform the bridge inspection on all accessible elements to meet the 24-month maximum interval requirement, then remobilize to these bridges for another full inspection when the groundline of the piles are accessible to inspect the full length of the exposed piles.
- C. Before the inspections begin, provide a tentative schedule of the inspections to the Area Bridge Inspection Manager and the Bridge Inspection Engineer at least 1 week prior to when the inspection team(s) will be in the field. Notify MDT of any significant schedule changes made after the tentative schedule has been provided.
4. General Bridge Inspection
- A. Conduct all inspection operations in accordance with the applicable OSHA safety standards.
- B. Follow all guidance in the Interim Guidance memos on the MDT Bridge Inspection website:  
<https://www.mdt.mt.gov/business/contracting/bridge/inspection/guidance.shtml>

- C. Provide all the normal equipment and gear (ladders, waders, etc...) necessary to access and complete the inspections. This does not include the use of climbing access techniques or providing UBIV units.
- D. Inspect all elements visually. Perform NBI Element Level and Fracture Critical inspections in accordance with MDT and FHWA standards.
- E. Fracture Critical Inspections require submission and approval of a bridge specific fracture critical inspection procedure prior to the inspection.
- F. Inspect all primary steel elements and details from a distance not greater than arm's length.
- G. Notify the Bridge Inspection Engineer and the Area Bridge Inspection Manager immediately of any serious or critical findings that affect the serviceability of the bridge.
- H. When placing elements in the appropriate element condition state, follow the condition state language in the AASHTO Manual for Bridge Element Inspection. Record all defects and their quantities regardless of overlap. When recording total quantities in each condition state, remove overlapping quantities.

5. General Photography

- A. Use photography to document the findings of the inspection. Photograph areas of distress especially, but also locations showing the typical condition of the components. MDT requires photo documentation of all condition state 3 and condition state 4 defects, even if the distress in the CS3 or CS4 defects are not visibly apparent.
- B. In addition to the photography used to present a structure's condition, the following additional photos are required at each bridge:
  - a. A portal view at one end
  - b. An elevation view from one side
  - c. A view of the underside of the superstructure
  - d. In the case where a bridge is load posted, a photo of each posting sign, showing the bridge in the background
  - e. A photo of each abutment and bent showing all piles and caps
  - f. Provide at least 1 photo showing the full bent where it has been determined to have a timber pile or timber cap in element conditions state 3 or 4. The photo(s) should convey an understanding of the conditions surrounding and under the defective elements (mud, rocks, water, vegetation, general height above ground, cross bracing, etc...) to help facilitate any necessary repair or rehabilitation planning and permitting.
- C. Include time stamps on photos showing month, day, and year.

6. Timber Specific Inspection

- A. In addition to standard visual and sounding methods of inspecting timber, use of a timber boring resistivity drill with the ability to digitally record graphs to obtain full cross section evaluations is required at the locations listed below.
  - a. On each timber pile with a previously reported condition state 3 and condition state 4 decay defect.

- b. Additional random piles above and beyond the CS3 or CS4 piles equal to a minimum of 10% of the total pile quantity. This random sampling should be of piles that are not in CS3 or CS4 and piles that were not bored on the previous inspections.
  - c. On all timber caps with a previously reported condition state 3 or condition state 4 decay defect. Conduct as many borings as necessary to determine the limits (length of cap) of decay in the cap.
  - d. At any additional location of timber pile, cap, or girder that visual or sounding inspection methods indicated possible decay.
  - e. Perform additional borings to locate the limits of decay on any element where condition state 4 decay has been confirmed.
  - f. On all timber piles that have been repaired with steel or FRP jackets, at least 1 boring above and below the FRP jackets. Do not bore through jackets. It is not required to expose timber piles for boring below jackets sections that extend into the ground unless a failure or other deteriorated condition is suspected. It is not required to bore into the top of jacked piles that have less than 6” of exposed pile below a cap.
- B. Physically mark the location of each boring done with a brightly colored grease pen with an “X” for no rot found and an “R” for borings that indicate rot.
- C. Process or review all boring information at the bridge site prior to leaving the site to verify boring results and do additional borings as needed. Re-bore any location or element that has anomalous boring results.
- D. Timber piles will require additional assessment at a minimum of 8”-12” below the groundline under the following conditions.
- a. On all timber piles where standard visual and sounding methods or borings done at the groundline of the pile indicate severe decay.
  - b. On all timber piles with condition state 3 or 4 splits or checks at or near the groundline.
  - c. On all timber piles under areas of suspected settlement.
  - d. Additional random piles above and beyond the piles described above on bridges with a history of below groundline issues equal to a minimum of 10% of the total pile quantity.
- E. When placing elements in the appropriate element condition state, follow the condition state language in the *Manual for Bridge Element Inspection, 2<sup>nd</sup> Edition* supplemented by guidance in the *MDT Timber Bridge Inspection Guide* and the *MDT Timber Element Condition State Guide, May 1, 2019*. Record all defects and their quantities regardless of overlap. When recording total quantities in each condition state, remove overlapping quantities.
- F. Supplemental Report Data
- a. Provide a single .pdf document for the entire substructure on each timber bridge with the following data:
    - i. Sketches of each bent, looking in the direction of increasing bridge inventory with the bent number and pile #1 labeled.
    - ii. Location of borings on the timber piles and caps. Mark each location on the sketch with an “R” for borings indicating rot and an “X” for borings indicating no rot.

- iii. Each boring should have a unique bore number consisting of the MDT Structure ID#, the year of inspection, and a 3-digit boring number that starts at 001 for each bridge (example: 052692021003).
- iv. At each boring marked with an “R”, label with X’s and R’s to indicate the depths of rotten and sound timber found, and the year of the boring (example: X2R4X4 indicates 2 inches of solid material followed by 4 inches of rot, then another 4 inches of solid material).
- v. Show the location of each pile boring in relation to the distance from the bottom of the cap.
- vi. Show the location of each cap boring in relation to the distance from the left end of the cap.
- vii. Provide an electronic copy of the resistivity boring output graph for each boring where rot was indicated. Label each output graph to correspond with its boring on the sketch. Do not include resistivity boring output graphs for borings with no rot indicated.
- b. Provide a separate .pdf layout sketch for timber girders showing the location of any boring. Follow the same labeling methodology described above for the substructure.
- c. Provide an editable electronic file of the sketches described above to be used by MDT in future inspections. Sketch files must be done in software MDT currently uses. Check with the Bridge Inspection Engineer on whether a certain type of software may be used or not.
- d. Order of documents in .pdf:
  - i. Sketches of each bent, starting with Abutment 1 and proceeding up station.
  - ii. Layout sketches of girders, if applicable.
  - iii. Any other supplemental sketches.
  - iv. All resistivity drill graphs that indicated rot, in order of boring.

7. Underwater inspection

- A. Perform Type 1 underwater inspections at the same time as the regular inspections on all bridges requiring a Type 1 underwater inspection as described in MDT’s Bridge Inspection and Load Rating Manual.
  - a. Create a new Type 1 underwater inspection master if the bridge has never received a Type 1 underwater inspection.
  - b. If the bridge has already received a Type 1 underwater inspection and is not due for another on or near the date of the regular inspection, do not perform a Type 1 underwater inspection.
  - c. If water levels are too high to perform a Type 1 underwater inspection at the time of the regular inspection, notify MDT’s Bridge Inspection Engineer to schedule a Type 1 underwater inspection at a later date. If a low water inspection is not possible at any time of the year, notify MDT’s Bridge Inspection Engineer of the need for a Type 2 underwater inspection

on that structure. Do not change underwater inspection types or requirements in SMS.

- B. Do not perform Type 2 underwater inspections on any elements requiring a Type 2 underwater inspection as part of this Term Contract.

8. Notification Requirements

A. Critical Findings.

Immediately notify MDT personnel of any current or imminent structural deficiencies that affect the structural stability of the bridge or endanger the safety of the traveling public. A call-down list will be provided after Notice to Proceed.

B. Debris

- a. Remove any small debris that can be removed from around the piles or other elements by hand (using only hand saws, shovels, or other hand tools). Debris must only be removed/moved to allow for proper inspection. Do not remove debris from the bridge site. Limit this effort to a maximum of 1 man-hour per bridge.
- b. Notify MDT's Bridge Inspection Engineer at the end of each inspection trip via email of any debris buildup or other issues that impedes a full inspection of the bridge or that may cause issues during future periods of high runoff. Provide photos of the debris as part of the notification.

9. Quality Control Plan

- A. Submit a quality control plan to MDT 30 day prior to the first inspection trip for approval. Include all methods and procedures that will be used before, during, and after the inspection and reporting process to ensure project deliverables are completed correctly and meet the contract specific requirements.

10. Data Entry

- A. Enter the new inspection in the MDT Structure Management System (SMS). Inspection entry includes review and updates to inspection data attributes, uploading photos and all other relevant documents, entering repair items, and entering all required elements and defects. Training on use of SMS will be provided through online services or written tutorials as needed. MDT's SMS is powered by AASHTOWare BrM.

11. Report

- A. All inspections and reporting will be completed in accordance with the MDT Bridge Inspection and Load Rating Manual.
- B. For each bridge inspected, generate a final inspection report using SMS.
- C. Within 30 days of completion of final field inspections, submit to MDT a summary spreadsheet of condition states for all bridges inspected. Include the following data for each bridge ID:
  - a. Total inspection quantities for piles, caps, and girders.
  - b. Quantities for CS2, CS3, and CS4 for
    - i. Pile checking

- ii. Pile decay
  - iii. Cap checking
  - iv. Cap decay
  - v. Girder Cracking
  - vi. NBI rating for Deck, Superstructure, and Substructure
  - vii. Comments for any CS3 or CS4 of the Pile, Cap, or Girder elements
- D. The final report will be generated in SMS within 75 days of completion of the fieldwork. All inspection data including but not limited to element level defects, notes, photos, and attribute data changes will be recorded in SMS, and the final inspection report will be completed within 85 days of inspection.

## **LOCATION**

Various – Statewide

## **PROJECT/TASK SCHEDULE AND DELIVERABLES**

The project schedule will be developed and negotiated separately for each individual term/task assignment. At this time, it is anticipated that deliverables will generally follow those described in MDT's Consultant Activity Descriptions (as applicable):

[http://www.mdt.mt.gov/other/webdata/external/cdb/ACTIVITY\\_DESCRIPTIONS/CONSULTANT\\_DESIGN\\_2500\\_MU.PDF](http://www.mdt.mt.gov/other/webdata/external/cdb/ACTIVITY_DESCRIPTIONS/CONSULTANT_DESIGN_2500_MU.PDF)

## **STANDARDS, SPECIFICATIONS, AND POLICIES**

Work is expected to follow MDT's various Manuals, Guides, and Policies. These items may be found on MDT's Design Consulting web page at: <http://www.mdt.mt.gov/business/consulting/>.

## **PROPOSAL SUBMITTAL**

**Submit one (1) electronic version (Adobe® PDF format) of the proposal. Hard copy proposals will not be accepted.**

Submit the electronic version by uploading to the State of Montana File Transfer Service (ePass) site, which can be accessed at this link: <https://transfer.mt.gov>. To upload to ePass, an account must be created unless the person who is uploading already has an account. Uploading instructions can be accessed at <https://transfer.mt.gov/Home/Instructions>. When your proposal has been uploaded, the ePass system will prompt you for an email. Please send this email of your uploaded proposal to the following individuals:

Sheryl Tangen: [stangen@mt.gov](mailto:stangen@mt.gov)

Ryan Dahlke: [rdahlke@mt.gov](mailto:rdahlke@mt.gov)

Shannon Gilskey: [sgilskey@mt.gov](mailto:sgilskey@mt.gov)

**The Department must receive the proposals for this RFP no later than 3:00 PM MST, October 18, 2021.**



Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's responsibility to assure delivery at the specified office by the specified time. Offeror may request the State return late proposals at vendor's expense or the State will dispose of late proposals if requested by the offeror. (See Administrative Rules of Montana (ARM) 2.5.509.). If no request is made, late proposals become the property of the Department. All proposals submitted on time become the property of the Department.

The costs for developing and delivering responses to this solicitation are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of this submittal.

### **TENTATIVE RFP/SELECTION SCHEDULE**

The anticipated schedule for consultant solicitation and selection for this contract is as follows (subject to change):

September 16, 2021: RFP released  
October 18, 2021: Proposals due to be submitted to MDT Consultant Design  
November 1, 2021: Proposals reviewed, rated, and ranked by the evaluation committee  
November 3, 2021: Consultant Selection Board meeting to select consultant(s)

There are three (3) members on the evaluation committee for this RFP:

1. MDT Bridge Maintenance Engineering Specialist
2. MDT Bridge Maintenance Engineering Specialist
3. MDT Bridge Inspection Manager

### **PROPOSAL CONTENTS**

The proposal must contain the information listed in this section. The proposal is **limited to fourteen (14) pages**, not including the required Appendices. A single cover jacket/title page is allowed if desired and will not count in the page limit. Each page is defined as one side of a letter size sheet (no larger than 8 ½" x 11"), minimum font size of 10. Evaluation of information will begin with the first page immediately following the cover jacket/title page, and every page will be counted, in order, from that point forward, including any table of contents or divider pages the firm wishes to include. Once the page limit is reached, any information included thereafter will be removed and not considered or scored. Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal:

#### **Questions**

##### **1) Team Qualifications**

Provide a discussion on how the team you propose to use for this contract (including subconsultants, if used) is best qualified to respond to the requirements of this contract. Discussion should focus on the requirements for this specific contract, particularly your team's expertise and experience, as it relates to the work described in the "Scope of Work" section above. Provide examples of previous related experience as it relates to

these services. Identify professional licensure of staff that satisfy the requirements for this contract. Include an organization chart that indicates the staff identified for this contract, their area of expertise, registration, and office location(s). Also briefly discuss your compatibility of systems, software, and equipment (i.e. CADD software, word processing software, etc.), and experience with these systems, software, and equipment. The Department's standard design software is Autodesk® technology included in the Architecture, Engineering & Construction (AEC) Collection. Describe any special equipment or software you intend to use. Resumes may be considered as supplemental information for scoring this question.

## 2) Approach to Task Assignments

Transportation work has many challenging aspects, and the development and delivery of a successful work product that addresses and mitigates specific challenges is of utmost interest to MDT. Discuss the challenges you foresee as they relate to this type of work, your strategy for addressing these challenges, and your specific experience in implementing the strategies identified. Describe your quality assurance/quality control process. Include a discussion on the current and projected workload of key personnel and the effects that workload would have on your ability to successfully complete work under this contract. Provide a discussion on your overall strategy for delivering work in a timely manner, including fast-tracked or emergency tasks and changing priorities.

### Appendix A: Resumes

Include brief resumes for the key personnel to be assigned to the contract. **Resumes are limited to one (1) page per person.**

### Appendix B: Cover Page Form

Include a completed version of MDT's standard cover page form, available at the following location:

[http://www.mdt.mt.gov/other/webdata/external/cdb/MDT\\_CDB\\_002\\_Proposal\\_SOQ\\_Cover\\_Sheet.pdf](http://www.mdt.mt.gov/other/webdata/external/cdb/MDT_CDB_002_Proposal_SOQ_Cover_Sheet.pdf)

Information presented in the cover page form will not be considered in proposal scoring.

### Appendix C: References

Submit references that includes a minimum of five (5) separate contracts from the past three (3) years. If applicable, you may submit multiple contracts for a single client. Each contract must pertain to work similar to the proposed scope of services. Include client name, a currently employed primary contact person, an alternative contact person, corresponding valid phone numbers and emails for both contacts, a range of contract value, and a brief description of the work performed. If MDT needs to use these references for the Past Performance Score (as described in the "Evaluation of Proposals" section below) and is unable to contact the required number of references after a reasonable effort, the firm will receive a zero for the missing reference(s).

## **EVALUATION OF PROPOSALS**

All proposals will be evaluated in accordance with the following factors:

- 1) Team Qualifications (100 points possible)**
- 2) Approach to Task Assignments (50 points possible)**
- 3) Record of past performance (30 points possible)**

- a) If two (2) or more MDT evaluations specific to the discipline for this contract are available for the consultant, the average score of these evaluations will be used. Evaluations for Project Management & Overall Performance will also be included.
  - b) If fewer than two (2) MDT evaluations specific to the discipline for this contract are available for the consultant, but there are two (2) or more MDT evaluations are available for other work disciplines, the consultant's current overall past performance score from MDT evaluations will be used.
  - c) If there is only one (1) MDT evaluation available for the consultant, the record of past performance score will be an average of the MDT evaluation and one (1) reference check from the references provided in the unbound attachment.
  - d) If no MDT evaluations are available, the average score of two (2) reference checks from the references provided in the unbound attachment will be used for this score.
- Regardless of partnership/teaming relationships, the past performance of the prime consultant will be the past performance scored that will be used for this score.

All Proposals will be evaluated using the following basic scoring methodology:

- Outstanding/Exceptional response: 90-100% of the available points
- Good response: 70-90% of the available points
- Average response: 50-70% of the available points
- Poor response: 30-50% of the available points
- Qualifications not clearly met: 0-30% of the available points

Following the review, evaluation, and rating of all proposals, the final results will be presented to the Consultant Selection Board at the MDT Headquarters Building. At this time, the Consultant Selection Board will select the most qualified firm(s) for TERM CONTRACT(S). The Board may consider any proposal scoring within 2% of another proposal as equally qualified and take into account its knowledge of the firms' workload, past performance, and familiarity with the specific work to be performed in selecting the most-qualified consultant(s).

## **SELECTION OF CONSULTANTS FOR TASK ASSIGNMENTS**

If multiple consultants are selected and multiple term contracts are awarded, task or work orders (term assignments) will be awarded through an additional qualifications-based selection procedure. This selection procedure will be comprised of selecting a firm in accordance with the following weighted factors:

**1) Qualifications for specific Task Assignment (60 points possible)**

- a) Using the proposals submitted in response to this RFP and work performed with MDT since the submittal of this proposal: an evaluation of the consultant's qualifications as related to the specific knowledge, skills, and abilities required for the individual task assignment, including familiarity with the region in which the task assignment is located. Firm office location is not the determining factor for this score. (50 points possible)
- b) As relating to this type of work, the firm's current workload and amount of recent work with MDT. (10 points possible)

**INDIRECT COST RATE REQUIREMENTS**

Proof of the firm's Indirect Cost Rate (overhead rate) is ***not required*** with this proposal submittal. However, an Indirect Cost Rate may be required prior to executing a contract according to MDT's Indirect Cost Rate Requirements:

All submitted indirect cost rates must be calculated in accordance with 23 CFR 172 for the cost principles of 48 CFR part 31 and include the required items identified in the MDT Indirect Cost Rate Policy located in Appendix A of the Consultant Services Manual on the MDT Internet website.

[http://www.mdt.mt.gov/other/webdata/external/cdb/consultant\\_manual/consultant-design-manual\\_combined.pdf](http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf)

***Do not show any actual numerical financial information such as the overhead rate or personnel rates within your proposal. Specific cost information of the firm or team should not be part of the proposal.***

**AGREEMENT REQUIREMENTS**

Contract agreements will generally be administered on a cost plus fixed fee basis. The contracts will have negotiated cost ceilings. If a consulting firm is selected for a specific contract and a contract agreement is successfully negotiated, certain financial information will be required as part of the contract agreement. As described in the Indirect Cost Rate Requirements section above, all Consultants and subconsultants must provide the Department with an Indirect Cost Rate (as applicable) audited (when applicable) in accordance with 23 CFR 172 for the cost principles of 48 CFR Part 31 and based on the firm's latest completed fiscal year's costs. Personnel rates, profit, and direct expenses must be clearly outlined and provided to the Department. The standard MDT agreement can be found at the following address:

<http://www.mdt.mt.gov/other/webdata/external/cdb/forms/pdf/General-Terms-and-Conditions.pdf>

***Do not submit actual numerical financial information within this proposal.***

**STATE OPTION TO AWARD**

While the State has every intention to award a contract resulting from this RFP, issuance of the RFP in no way constitutes a commitment by the State to award and execute a contract. Upon a determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

- Cancel or terminate this RFP (18-4-307, MCA);
- Reject any or all proposals received in response to this RFP (ARM 2.5.602);
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFP that would not have significant impact on any proposal (ARM 2.5.505);
- Not award a contract, if it is in the State's best interest not to proceed with contract execution (ARM 2.5.602); or
- If awarded, terminate any contract if the State determines adequate funds are not available (18-4-313, MCA).

### **SINGLE POINT OF CONTACT**

From the date this solicitation is issued until the consultant selection is finalized by MDT at the Consultant Selection Board meeting, offerors are not allowed to communicate with any state staff or officials regarding this solicitation, except at the direction of the Consultant Design Engineer. If unauthorized contact is made and the Consultant Design Engineer determines the context of the contact gives the firm an unfair advantage, the firm will be disqualified from the solicitation. Contact information for the single point of contact is as follows:

**Ryan Dahlke**  
Consultant Design Engineer  
Montana Department of Transportation  
(406) 444-7292 (Direct Line)  
[rdahlke@mt.gov](mailto:rdahlke@mt.gov)

### **DBE GOALS**

There are no DBE goals for this work, but firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>.

### **NONDISCRIMINATION COMPLIANCE**

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice titled "MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE").

If you have any questions, please contact me at (406) 444-7292, or by email at [rdahlke@mt.gov](mailto:rdahlke@mt.gov). I look forward to receiving your proposal.

Sincerely,



Ryan Dahlke, P.E.  
Consultant Design Engineer

Attachment

e-copies:

Jay Skoog, ACEC Executive Director-Montana Chapter  
Dwane Kailey, MDT Chief Engineer  
Dustin Rouse, MDT Preconstruction Engineer  
Damian Krings, MDT Highways Engineer  
Patricia Schwinden, MDT Civil Rights Bureau Chief

Kelly Williams, MDT Consultant Plans Engineer  
Dave Holien, MDT TA Engineer  
MDT Consultant Design Bureau file  
Amanda Jackson, MDT Bridge Bureau  
Stephanie Brandenberger, MDT Bridge Bureau

**MDT NONDISCRIMINATION  
AND  
DISABILITY ACCOMMODATION NOTICE**

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin,  
sex, sexual orientation, gender identity,  
age, disability, & Limited English Proficiency

State protected classes

Race, color, national origin, parental/marital status, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, religion/ creed, social origin or condition, genetic information, sex, sexual orientation, gender identification or expression, national origin, ancestry, age, disability mental or physical, political or religious affiliations or ideas, military service or veteran status

For the duration of this contract/agreement, the PARTY agrees as follows:

**(1) Compliance with Regulations:** The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**(2) Non-discrimination:**

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
  - i. Statement that PARTY does not discriminate on the grounds of any protected classes.
  - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
  - iii. Contact information for PARTY’s representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.

- iv. Information on how to request information in alternative accessible formats.
- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

**(3) Participation by Disadvantaged Business Enterprises (DBEs):**

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at [mdt.mt.gov/business/contracting/civil/dbe.shtml](http://mdt.mt.gov/business/contracting/civil/dbe.shtml)

- b. By signing this agreement, the PARTY assures that:

*The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.*

- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

**(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

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

**(6) Sanctions for Noncompliance:** In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.



**(7) Pertinent Non-Discrimination Authorities:**

During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

*Federal*

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

*State*

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

**(8) Incorporation of Provisions:** The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.