



**REQUEST FOR LETTERS OF INTEREST  
TO PERFORM PROFESSIONAL  
ENGINEERING SERVICES**

**Bridge Deck Rehabilitation**

**Project Nos. 71-19-01 and 71-19-02**

Deck Replacement and Widening of Mainline Bridges (East and West Bound) at Milepost 40.3 over State Route 109 and Milepost 40.5 over Detroit Toledo and Irontown (DTI) Railroad Right of Way in Fulton County (Project No. 71-19-01)

-and-

Deck Replacement of Mainline Bridges (East and West Bound) at Milepost 98.9 over Norfolk & Southern Railroad (NSRR) Right of Way and Milepost 99.1 over State Route 510 in Sandusky County (Project No. 71-19-02)

The Ohio Turnpike and Infrastructure Commission (“Commission”) issues this Request for Letters of Interest (“LOIs”) to perform professional engineering services that include site inspection and engineering investigation to compile an engineering report recommending improvements for the specified bridges, preparing plans and specifications for bidding the accepted recommendations and, at the Commission’s option, performing the necessary construction administration and inspection services. The Draft Scope of Services attached as Exhibit A provides a more detailed description of the required services.

Those interested in responding to the RFP must have a completed “Request For Qualifications” (“RFQ”) package for calendar years 2019-2020 on file with the Commission to be considered as a potential respondent to the RFP. If a firm has not already responded to the RFQ, the RFQ package may be obtained through the inquiry process and its response submitted simultaneously with the LOI.

LOIs shall serve to provide information for the Commission to evaluate the respondents’ qualifications to perform the services required for the Project. (See page 2 for LOI’s content requirements). The significant dates related to the Commission’s selection of the Consultant to perform the required services are currently established as follows:

**January 18, 2019 at 5:00 PM (Eastern) – Letters of Interest due**

**February 8, 2019 – Invitation for shortlisted consultants to respond to the RFP**

**February 22, 2019 at 5:00 PM (Eastern) – Inquiry Deadline**

**March 1, 2019 at 5:00 PM (Eastern) – Proposals due**

Any questions **must** be addressed in writing and emailed to the Commission at: [purchasing@ohioturnpike.org](mailto:purchasing@ohioturnpike.org) prior to the Inquiry Deadline. Do not contact the Commission by phone regarding this matter, and do not address questions through any means other than the email address provided. Answers to all questions will be compiled and copy of each question and the Commission’s response will be posted on the Commission’s Website, [www.ohioturnpike.org](http://www.ohioturnpike.org).

LOIs must be submitted by 5:00 p.m. (Eastern Time) **on January 18, 2019** in softcopy format to [purchasing@ohioturnpike.org](mailto:purchasing@ohioturnpike.org) and one (1) original and three (3) hardcopies to:

**Ohio Turnpike and Infrastructure Commission  
Attn.: Procurement Manager  
682 Prospect Street  
Berea, Ohio 44017**

## LETTER OF INTEREST FOR PROJECT NO. 71-19-01 & -02

(Not to exceed twelve (12) pages - excluding the cover page/letter and SBE materials)

1. Plainly identify the Consultant's legal name, contact person(s) and their email, phone number and physical address, and clearly state whether the Consultant is pursuing a specific project or both.
2. List the types/categories of services for which the Consultant has a current Qualifications Statement on file with the Commission in response to the 2019-2020 RFQ.
3. List significant subconsultants, their categories of service and the percentage of work to be performed by each proposed subconsultant.
4. List the Project Manager and other key staff members including key subconsultant staff. Address the experience of the key staff members on similar projects. Provide only the résumé of the proposed Project Manager. The proposed Project Manager must be a professional engineer registered in the State of Ohio.
5. Provide references from three (3) organizations other than the Ohio Turnpike and Infrastructure Commission for similar projects and services completed in the past five (5) years. For each reference, provide a contact name and phone number.
6. Describe the capacity of your firm's staff and its ability to perform the work in a timely manner relative to present workload and the availability of assigned staff.
7. Provide a description of your Project approach, not to exceed two (2) pages per project. Confirm the firm's proposed technical approach, cost containment practices, innovative ideas for this type of project and any other relevant information concerning your firm's qualifications to perform the services contemplated under the relevant project.
8. Small Business Enterprise ("SBE") Utilization Certification (OEI-1) and Plan (OEI-2) demonstrating the commitment and means for achieving SBE participation on the respondent's team. If the Certification and Plan fails to meet or exceed the **25% Goal**, the respondent is required to demonstrate that it used Good Faith Efforts (OEI-4 & OEI-5) to attain SBE participation that meets or exceeds the Goal. As described in the enclosed Exhibits, the Commission recognizes SBEs that are certified with the Commission or ODOT as SBE and considers DBEs certified with ODOT and firms certified as EDGE through DAS as eligible for SBE certification. Contact the Commission's Office of Equity and Inclusion with any questions concerning the SBE Program.

Items 1 through 8 must be included in the LOI on single sided 8 1/2" x 11" sheets of paper. Items 1 through 6 shall not exceed eight (8) pages and Item 7 shall not exceed two (2) pages per project. The cover page/letter and SBE materials are excluded from the page limits. To respond, **send one (1) original, three (3) hardcopies and one (1) softcopy in .pdf format** to the addresses provided above **before 5:00 p.m. (Eastern), on January 18, 2019.**

Issued January 4, 2019

Ohio Turnpike and  
Infrastructure Commission

**EXHIBIT A**  
**DRAFT SCOPE OF SERVICES**  
**PROJECT NO. 71-19-01 & -02**

**A. PROJECT OVERVIEW**

**1. PROJECT 71-19-01**

Project 71-19-01 includes, but is not limited to:

- a. Design of a deck replacement and widening for the **MP 40.3 – Ohio Turnpike Bridges (Eastbound and Westbound) over State Route 109** and also includes all necessary substructure and superstructure repairs, as well as approach work to provide proper transition to the bridge.
- b. Design of a deck replacement and widening for the **MP 40.5 – Ohio Turnpike Bridges (Eastbound and Westbound) over DT&I Railroad** and also includes all necessary substructure and superstructure repairs, as well as approach work to provide proper transition to the bridge.

**2. PROJECT 71-19-02**

Project 71-19-02 includes, but is not limited to:

- a. Design of a deck replacement for the **MP 98.9 – Ohio Turnpike Bridge (Eastbound and Westbound) over Norfolk & Southern Railroad (NSRR)** and also includes all necessary substructure and superstructure repairs, as well as approach work to provide proper transition to the bridge.
- b. Design of a deck replacement for the **MP 99.1 – Ohio Turnpike Bridge (Eastbound and Westbound) over State Route 510** and also includes all necessary substructure and superstructure repairs, as well as approach work to provide proper transition to the bridge.

**3. PROJECT OVERVIEW, PROJECTS 71-19-01 and 71-19-02**

Projects 71-19-01 and 71-19-02 include, but are not limited to:

- a. Performance of a site inspection and engineering investigation of the structural components of the bridges listed above for the purpose of determining required construction work.
- b. Preparation of an engineering report summarizing the site inspection and engineering investigation.

- c. Preparation of maintenance of traffic plans to construct the proposed work while maintaining traffic on the Ohio Turnpike for the bridges in each respective Project.
- d. Communication and coordination with all stakeholders, including obtaining the necessary approvals and access required concerning the property interests of others.
- e. Consultation with the Commission staff on the recommendations.
- f. Preparation of final Construction Plans and Specifications for bidding.
- g. Provision of services for administering and inspecting construction operations.

**B. SITE INSPECTION/ENGINEERING REPORT/DESIGN/PLAN PREPARATION– PHASE I**

The complete scope of this Phase will be further refined at a “Scope of Work” meeting with the Consultant. A partial scope of this phase is as follows:

1. Site inspections and engineering investigation shall be performed to determine all deficiencies, estimated quantities, repair recommendations, removal limits, removal procedures and project staging. The Consultant is to determine the project limits, subject to the approval of the Chief Engineer.
2. Preparation of an engineering report summarizing the site inspection and engineering investigation, including all deficiencies and repair recommendations, as well as removal limits, removal procedures, and project staging recommendations for the bridges. The Consultant shall also provide a recommended design and construction schedule.
3. Preparation of Construction Drawings and Contract Documents for bidding. The Construction Drawings and Contract Documents items shall address, but not be limited to, those items listed in the Project Overview.
4. Additional Specifications and Special Provisions shall be prepared if not covered by ODOT Specifications and the Ohio Turnpike & Infrastructure Commission’s Special Provisions. Specifications and Special Provisions submitted by the Consultant shall include reference to any and all required permits to complete the Project.
5. Preparation of all required Temporary Traffic Control Plans on the Turnpike. The Consultant shall coordinate with the Ohio Department of Transportation, DTI Railroad, Fulton County, Sandusky County, and NSRR as appropriate for the Project.

6. Communication and coordination with all stakeholders during the design and construction activities to prevent conflicts with other planned projects and to address concerns of the stakeholders and to facilitate timely design completion.
7. Preparation of a construction cost estimate for the project.
8. Review and evaluation of construction bids received for the Project and submission of a recommendation concerning award to the Chief Engineer.
9. Plans shall be prepared for anticipated 2021 construction, with final Plans, Specifications, and Estimate due to the Commission on September 1, 2020.

**C. CONSTRUCTION ADMINISTRATION AND INSPECTION – PHASE II**

The Consultant is to provide services for administering and inspecting construction operations and for executing duties and responsibilities, if so designated by the Commission. Construction services are to include, but not be limited to, the following:

1. Providing a professionally qualified field organization satisfactory to the Commission to observe, inspect and assist in the coordination of the various phases of the construction.
2. Consulting with the Commission on all questions of engineering with regard to construction of the Project.
3. Serving as a liaison and coordinating agency between the Commission, the construction contractor(s) working on the Project, the Testing Laboratory, interested public and private entities and utility owners.
4. Attending and participating in pre-construction and other conferences as requested by the Commission.
5. Observing, coordinating and inspecting Project construction at all times when the construction contractor is on site.
6. Preparing daily inspection reports on forms furnished by the Commission and maintaining detailed Resident Inspector's diaries for each person assigned to the construction project. The originals of the daily inspection reports shall be transmitted to the Commission weekly. The Resident Inspector's diaries shall be furnished to the Commission at the conclusion of the construction project.

7. Maintaining a file of correspondence, telephone conversations and other written documentation concerning construction project activities and authorized design revisions.
8. Reviewing construction contractor payment requests and comparing quantities shown with the summation of quantities noted in the daily inspection reports and with unit prices as included in the contract. Reviewing and commenting on construction progress schedule updates included in the payment requests, and recommending Commission action on each payment request.
9. Preparing change orders and other similar items in accordance with Commission regulations to properly document changed conditions or modified construction activities.
10. Providing negotiation assistance on any construction contractor's claims and recommending action on the resolution of claims.
11. Reviewing the Contractor's fabrication Plans, material and products submittals and brochures and shop drawing submittals. Advising the Commission on the acceptability of such submittals.
12. Conducting progress meetings as required in coordinating all parties involved in the construction project and maintaining scheduled progress.
13. Reviewing the Contractor's Primavera P6 Schedule for conformance with the Commission's requirements. Providing comments or questions to Contractor for the purpose of clarifying and revising the Schedule. Consultant or their subconsultant must have software and working knowledge to properly perform this item.
14. Certifying the accuracy of the final payment quantities and estimate.
15. Preparing Record Plans of the completed construction from information provided by the construction contractor and field records of construction activity. Revisions are to be noted on the original Project AutoCAD drawings.
16. Performing the duties described for the Architect/Engineer in the Commission's Standard Conditions for Public Improvement Contracts to the extent not otherwise described in these Phase II Services.
17. Updating the Bridge Load Rating for the rehabilitated condition (if required), utilizing AASHTO's AASHTOWARE software.

**D. GENERAL**

The Commission expects four stages of design review to occur. In addition to the Commission's Engineering staff performing reviews at each stage, the Commission anticipates causing a third-party engineering consultant to review each deliverable. The four design review stages are anticipated upon the following milestones: (1) completion of the investigation and evaluation phase; (2) completion of preliminary design (30%); (3) completion of 60% plans; (4) completion of 100% Plans. Consultants shall incorporate review time of at least two weeks for each stage into its design schedule.

The Commission's Sample Specifications, Standard Drawings, Standard Conditions for Public Improvement Contracts, and original Construction Plans are available for download through .ftp site system upon request from any interested firm with a 2019-2020 Biennial Statement of Qualifications on file with the Commission.

**SMALL BUSINESS ENTERPRISE UTILIZATION CERTIFICATION**

To be eligible for selection to award this contract, each respondent must complete and submit this Small Business Enterprise (SBE) Utilization Certification with its Letter of Interest (“LOI”). The Commission may consider as non-responsive and reject any Letter of Interest that does not contain a Certification and Utilization Plan that properly demonstrates that the respondent’s commitments with SBEs for participation on the project if awarded the contract. The successful respondent’s SBE Utilization Certification and Utilization Plan shall be incorporated as part of the resulting Contract. If the Certification and Plan fail to demonstrate a commitment to meeting or exceeding the Goal stated in the request for LOIs, the respondent is required to complete and submit a Good Faith Efforts Demonstration (OEI-4 and OEI-5). **To count towards the goal, the participants must be certified as SBEs with the Commission or as SBEs or DBEs with ODOT or EDGE certified with the Ohio Department of Administrative Services at the time of bid.**

The undersigned authorized agent of the respondent represents to the Ohio Turnpike and Infrastructure Commission, as part of its Letter of Interest, that it will perform the duties of the Selected Consultant having: (check one)

- attained commitments to meet or exceed the contract’s SBE goal, and has documented SBE participation in the attached Utilization Plan for the project summarized as follows:

SBE Participation Commitment: \_\_\_\_\_%    Approximate Percent of Project Cost

Attached is the Utilization Plan evidencing commitments with each SBE that will participate in the project in a manner that meets or exceeds the goal, and affirming the availability and planned participation of each business identified.

- failed to meet the contract’s SBE goal despite its Good Faith Efforts to attain commitments to meet or exceed the goal, and has documented its efforts to achieve the goal in the attached Demonstration of Good Faith Efforts (OEI-4 and OEI-5) and documented commitments in the attached Utilization Plan to SBE participation on the project summarized as follows:

SBE Participation Commitment: \_\_\_\_\_%    Approximate Percent of Project Cost

1. Attached is the Utilization Plan evidencing commitments with each SBE that will participate in the project and affirming the availability and planned participation of each business identified; and
2. Attached is the Good Faith Efforts Demonstration evidencing those Efforts that were unsuccessful in attaining SBE participation commitments that meet or exceed the goal.

\_\_\_\_\_  
Respondent

By: \_\_\_\_\_  
Signature

Submit the Utilization Plan (OEI-2) and (if necessary) the Good Faith Efforts Demonstration (OEI-4 and OEI-5) with the Letter of Interest using the templates and instructions that follow.

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





## Instructions for Small Business Enterprise Utilization Plan

Box 1: Name of Respondent submitting LOI.

Column 1: Name of the Small Business Enterprise (“SBE”) participating on the project. To receive credit towards contract goal, SBEs must be certified with the Commission at time of bid, or eligible for fast track certification (i.e., certified as DBE or SBE with ODOT or EDGE certified with Ohio DAS). If a SBE is performing multiple scopes, repeat the name of the SBE for each scope that will be performed and the respective amount.

Column 2: The Project Role that the SBE will be performing as follows:

- Prime Consultant
- Subconsultant

Column 3: A description of the Work to be performed by the SBE must be consistent with the industry used for its certification. The Respondent may rely upon the descriptors listed in the Commission’s Certification List available here: <http://www.ohioturnpike.org/business/mbe-fbe>, or those eligible for Fast Track certification as DBE here: <http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/DBE-Directory.aspx> as SBE here: <http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/SBE.aspx> and EDGE here: <http://eodreporting.oit.ohio.gov/searchEDGE.aspx>.

A respondent subletting a portion of a bid item shall state “**Partial**” and describe the Work that is included (e.g., “Surveying (Partial) – Site Plan”).

Column 4: List the total amount to be subcontracted to each SBE for the services they are performing.

Column 5: This is the percentage of the project each line listed in the certification that the prime intends to apply towards meeting the Contract goal. It may be that only a portion of the amount subcontracted to a SBE in Column 4 is eligible to be credited toward meeting the goal **See Note**. The Commission will utilize the sum of this column (Box 3) to determine whether or not the respondent has met the goal. In the event of an arithmetic error in summing column 5 or an error in making appropriate reductions in the amounts in Column 4, then the sum will be corrected and the total (Box 3) will be revised accordingly.

**Note:** For Work self-performed by a SBE proposing to serve as the lead consultant, the respondent may claim **only 20% of the amount self-performed** (Column 4) towards meeting the goal (Column 5).

**Note 2:** For Work performed by SBE subconsultants, the respondent may claim **100% of the Commercially Useful Functions performed by subconsultants** within the industry code qualifying for SBE certification.

Box 2: Box 2 is the Contract goal for SBE participation goal appearing on the Request for Letters of Interest.

Box 3: Box 3 is the sum of the values in Column 5. This value must equal or exceed the Contract goal amount written in Box 2, or Good Faith Effort Demonstration is required if insufficient SBE Participation has been achieved. See the following pages (OEI-4 and OEI-5) for the materials necessary for demonstrating the Respondent’s Good Faith Efforts.

**DEMONSTRATION OF GOOD FAITH EFFORTS**

(Complete and Submit if Utilization Certification and Plan Fail to Meet Contract Goal)

Project Name \_\_\_\_\_ Project Number \_\_\_\_\_  
Respondent Name \_\_\_\_\_ Federal Tax I.D. \_\_\_\_\_

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**1. Opportunities:** Indicate how the Respondent subdivided portions of the work or services to increase the likelihood of participation by firms certified as SBE with the Commission (or SBE or DBE with ODOT and/or EDGE with DAS) in the Project. (Attach additional pages if needed, and all supporting documentation.)

**2. Availability:** Indicate the services or organizations that provided assistance to you in identifying and recruiting firms certified as SBE (or DBE and EDGE) in preparing the LOI response. (Attach additional pages if needed, and notes of each contact listed.)

A. Organization: \_\_\_\_\_ Date(s) of Contact: \_\_\_\_\_ Contact Means: \_\_\_\_\_

Subject of Inquiry: \_\_\_\_\_

B. Organization: \_\_\_\_\_ Date(s) of Contact: \_\_\_\_\_ Contact Means: \_\_\_\_\_

Subject of Inquiry: \_\_\_\_\_

C. Organization: \_\_\_\_\_ Date(s) of Contact: \_\_\_\_\_ Contact Means: \_\_\_\_\_

Subject of Inquiry: \_\_\_\_\_

**3. Efforts:** List all SBEs (including all DBEs and/or EDGE firms) that you supplied adequate and timely information about the scopes of work and requirements of the project. (Attach additional pages if needed, and copies of all transmittals, any shipping receipts or documentation of providing info. etc.)

A. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

B. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

C. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

D. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

E. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

F. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

G. Business \_\_\_\_\_ Contact Name \_\_\_\_\_ Date \_\_\_\_\_

**5. Efforts: List all interested SBEs (including all DBE and EDGE entities), which you rejected to perform the Work of the Contract. Please provide the specific reason(s) for the decision to reject. (Attach additional pages if needed.)**

**A. Business:** \_\_\_\_\_

**Reason(s) for rejection:** \_\_\_\_\_  
\_\_\_\_\_

**B. Business:** \_\_\_\_\_

**Reason(s) for rejection:** \_\_\_\_\_  
\_\_\_\_\_

**C. Business:** \_\_\_\_\_

**Reason(s) for rejection:** \_\_\_\_\_  
\_\_\_\_\_

**6. Efforts: List the names, dates and telephone numbers of all SBEs (including DBEs and EDGE firms) with which you entered into negotiations for its participation on the project and the general scope of work negotiated, and the reason why negotiations were not successful. (Attach additional pages if needed.)**

A. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

B. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

C. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

A. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

B. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

C. Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of contact: \_\_\_\_\_

Scope of Work: \_\_\_\_\_

Reasons for ending negotiations: \_\_\_\_\_  
\_\_\_\_\_

## **GUIDANCE FOR DEMONSTRATING GOOD FAITH EFFORTS TO ACHIEVE OR EXCEED THE CONTRACT GOAL**

If the SBE Utilization Certification and Plan fail to document commitment to achieving the SBE Goal set forth in the request for Letters of Interest, complete the Good Faith Effort Demonstration Form to document necessary and reasonable actions that, by their scope, intensity, and appropriateness, would reasonably be expected to attain SBE participation that meets or exceeds the goal.

The Commission's determination of Good Faith Efforts is based on consideration of the quality, quantity, and intensity of the different kinds of actions taken. The activities or efforts undertaken to when making a Good Faith Effort must be those that one could reasonably expect to deploy when seriously, actively and aggressively attempting to obtain SBE participation in relative proportion to those that are Available to capably perform Commercially Useful Functions under the Opportunities presented in given contract.

The analysis for determining whether the respondent fulfilled its obligation to use Good Faith Efforts, the Commission will consider the demonstration of the following, which the form is intended to illicit from the respondents:

- 1. "Opportunities"** means the subcomponents of the project that are identifiable as economically viable scopes of work that may interest subcontractors in responding to the respondent's solicitations to participate in the Project. The unique opportunities each project presents is determined based on the nature of the project using in-house expertise and the aggregation of those that the respondents may identify.
- 2. "Availability"** means the degree of ready, willing and able SBEs available to capitalize on the opportunities presented under each project. The availability consideration examines the amount of SBEs in the relevant marketplace using (1) the Commission's list of certified SBEs (available at <http://www.ohioturnpike.org/business/doing-business-with-us/mbe-fbe>); (2) the Unified Certification Program's DBE Directory (<http://www.dot.state.oh.us/DBE/pages/DBE-Directory.aspx>); (3) the Department of Administrative Service's directory of EDGE certified businesses: <http://eodreporting.oit.ohio.gov/searchEDGE.aspx>; the Ohio Department of Transportation's registry of SBEs: [http://odotextprt.dot.state.oh.us/ViewReport.aspx?reportPath=%2fprd%2fpreconstruction%2fpublic%2fsbe\\_vendor\\_list](http://odotextprt.dot.state.oh.us/ViewReport.aspx?reportPath=%2fprd%2fpreconstruction%2fpublic%2fsbe_vendor_list); and (5) any other Ohio-centric database that the Commission recognizes as using standards that are substantially similar to the requirements for certification with the Commission.
- 3. "Efforts"** means the documented attempt to meaningfully and earnestly solicit the interest of available SBEs to fulfill the opportunities presented to perform on the Project, including making a sufficient number of contacts to follow up with any available but non-responsive SBEs and negotiating in good faith with available SBEs to reach reasonably agreeable terms for their participation.
- 4. "Commitments"** means the respondent representations in the Utilization Certification and Plan to have successfully achieved commitment(s) to utilize verified SBEs to perform on the project.

The determination that a given respondent satisfactorily used and demonstrated its Good Faith Efforts is based on the holistic review of the Opportunities, Availability, Effort and Commitment documented in the bid or proposal documents.

### **A. Opportunities and Availability**

This assessment of opportunities and availability compiles those SBEs that the respondents may identify in their Utilization Plan and Good Faith Efforts Demonstration forms, but also may go outside the form to identify additional possible opportunities under the project and recognized certification registries for possible untapped available firms.

A respondent can demonstrate fulfilling the **Opportunity** component is documenting that the respondent

performed actions that include the following:

- a. Selected and packaged portions of the work in order to increase the likelihood that the SBEs will respond to solicitations expressing interest in participating on the project. This includes, where appropriate, breaking out contract work into economically feasible units to facilitate participation through subcontracting.
- b. Soliciting the interest of all SBE entities available to perform on the project through reasonable, meaningful and available means and providing a reasonable and meaningful time to respond.

The means for a respondent to fulfill the **Availability** component of demonstrating good faith efforts includes the following:

- a. Searching recognized registries identifying certified SBEs that potentially could fulfill the opportunities under the project.
- b. Identifying other possible ready, willing and able SBEs through the effective use of the services of available from plan rooms, community organizations, contractors' groups, local, state, and Federal minority/women business assistance offices, and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and utilization of SBE entities.

## **B. Efforts and Commitment**

Respondents must document level of exertion used to engage the Availability pool on the Opportunities presented under the project. The **Efforts** component considers the active attempts to successfully reach terms with interested SBE firms, which may include the following:

- a. Negotiating in good faith with interested SBE entities so as to facilitate their participation on the Project.
- b. Not rejecting SBE entities without sound reasons based on a thorough investigation of their capabilities.
- c. Assisting SBE entities in obtaining bonding, lines of credit, or insurance as required.

The **Commitment** component provides a cross-check on the identified and documented Opportunities, Availability and Efforts. Unless the analyses under the Opportunities, Availability and Efforts prongs demonstrate otherwise, the utilization of Good Faith Efforts is expected to result in the respondent successfully representing its achievement of SBE participation goal for the contract. The respondent must provide justification for any lack of Commitment by showing that the failure occurred despite its Good Faith Efforts through the demonstration under the Opportunity, Availability and Efforts prongs of the test.