



Amendment of Solicitation

Date of Issuance: 9/25/2019
Requisition No. 20-CR-0004

Solicitation No. 3450004881
Amendment No. 1

Hour and date specified for receipt of offers is changed: No Yes, to: _____ CST

Pursuant to OAC 260:115-7-30(d), this document shall serve as official notice of amendment to the solicitation identified above. Such notice is being provided to all suppliers to which the original solicitation was sent. Suppliers submitting bids or quotations shall acknowledge receipt of this solicitation amendment prior to the hour and date specified in the solicitation as follows:

- (1) Sign and return a copy of this amendment with the solicitation response being submitted; or,
- (2) If the supplier has already submitted a response, this acknowledgement must be signed and returned prior to the solicitation deadline. All amendment acknowledgements submitted separately shall have the solicitation number and bid opening date printed clearly on the front of the envelope.

ISSUED BY and RETURN TO:

U.S. Postal Delivery:
OKLAHOMA DEPT OF TRANSPORTATION
200 N.E. 21ST STREET
Room 3C6
OKC, OK 73105 -
or
Personal or Common Carrier Delivery:

CRYSTAL WILLIAMS
Contracting Officer
405 - 522 - 2718
Phone Number
CJWILLIAMS@ODOT.ORG
E-Mail Address

,OK -

Description of Amendment:

a. This is to incorporate the following:

This amendment is to post Questions and Answers.
See Attachment

b. All other terms and conditions remain unchanged.

Supplier Company Name (**PRINT**)

Date

Authorized Representative Name (**PRINT**) Title

Authorized Representative Signature

1. The RFP states that the contract for this project will be for 6 months. Typically, a study of this type and size takes approximately 12 months to complete. Will ODOT accept a proposal that includes a timeline based on a year instead of 6 months? **YES**
2. Will airport concessions be included in this study? **NO**
3. The RFP mentions grantees, page 11. Will analysis of subrecipient data be included in this study? **Grantees refers to recipient of federal-aid funds, which includes prime contractors, prime consultants, and first tier subcontractors and subconsultants.**
4. If analysis of sub-recipient data is included, please list all of the ODOT sub-recipient agencies. See response to #3.
5. Please list all of the industry categories to be included in this study. The RFP lists construction contracts and professional services contracts. Will other services and goods purchases be included in this study? **ODOT is the UCP for the State of Oklahoma so other entities rely on our list. However, for this study the following industry categories related to highway construction such as:**

Section 237, Highway and Civil Engineering Construction;
Section 48-49, Transportation and Warehousing; Section 21, Mining, Quarrying, and Oil and Gas Extraction;
Section 325, Chemical Manufacturing;
Section 332, Fabricated Metal Product Manufacturing;
Section 333, Machinery Manufacturing
Section 42, Wholesale Trade
Section 444, Building Material and Garden Equipment and Supplies Dealers
Section 54, Professional, Scientific, and Technical Services
Section 324, Petroleum and Coal Products Manufacturing
Section 327, Nonmetallic Mineral Product Manufacturing
Section 326, Transportation Equipment Manufacturing

6. For the prime contract data that ODOT maintains on its direct contracts, please note whether this data includes the following information for all, some, or none of the contracts.
 - Firm name. **ALL**
 - Firm address, city, state, zip code. **ALL**
 - Firm phone number. **ALL**
 - Firm email address. **SOME**
 - Firm contact person. **ALL**
 - Firm owner race and gender. **NONE**
 - Firm owner disability status. **NONE**
 - Unique contract number. **ALL**
 - Start date of contract. **ALL**
 - End date of contract. **ALL**
 - Award amount. **ALL**
 - Amount paid (total or to date). **ALL**
 - Contract title. **ALL**
 - Contract description. **ALL**
 - Industry category description. **NONE**
 - NAICS code. **NONE**
 - Whether there was DBE goal. **ALL**
7. For the subcontract data that ODOT maintains on its direct contracts, please note whether this data includes the following information for all, some, or none of the contracts. Please indicate whether the data is available electronically or only in hard copy. Please answer separately for DBE and non-DBE subs.

DBE FIRMS:

- Firm name. **ALL**
- Firm address, city, state, zip code. **ALL**
- Firm phone number. **ALL**
- Firm email address. **ALL**
- Firm contact person. **ALL**

- Firm owner race and gender. ALL
- Firm owner disability status. NONE
- Prime contract number. ALL
- Prime contract title. ALL
- Start date of contract. ALL
- End date of contract. ALL
- Award amount. ALL
- Amount paid (total or to date). ALL
- Type of work performed. ALL
- NAICS code. ALL

NON DBE SUBS

- Firm name. ALL
- Firm address, city, state, zip code. ALL
- Firm phone number. ALL
- Firm email address. NONE
- Firm contact person. ALL
- Firm owner race and gender. NONE
- Firm owner disability status. NONE
- Prime contract number. ALL
- Prime contract title. ALL
- Start date of contract. ALL
- End date of contract. NONE
- Award amount. ALL
- Amount paid (total or to date). ALL
- Type of work performed. ALL
- NAICS code. NONE

8. IF sub-recipient analysis will be included on this project, for the prime contract data maintained by ODOT sub-recipients, please note whether this data includes the following information for all, some, or none of the contracts. Please answer separately for each sub-recipient. **Not Applicable**

- Firm name.
- Firm address, city, state, zip code.
- Firm phone number.
- Firm email address.
- Firm contact person.
- Firm owner race and gender.
- Firm owner disability status.
- Unique contract number.
- Start date of contract.
- End date of contract.
- Award amount.
- Amount paid (total or to date).
- Contract title.
- Contract description.
- Industry category description.
- NAICS code.
- Whether there was DBE goal.

9. IF sub-recipient analysis will be included on this project, for the subcontract data maintained by ODOT sub-recipients, please note whether this data includes the following information for all, some, or none of the contracts. Please indicate whether the data is available electronically or only in hard copy. Please answer separately for DBE and non-DBE subs, and also separately for each sub-recipient. **Not Applicable**
- Firm name.
 - Firm address, city, state, zip code.
 - Firm phone number.
 - Firm email address.
 - Firm contact person.
 - Firm owner race and gender.
 - Firm owner disability status.
 - Prime contract number.
 - Prime contract title.
 - Start date of contract.
 - End date of contract.
 - Award amount.
 - Amount paid (total or to date).
 - Type of work performed.
 - NAICS code.
10. Section E.1.5. requires proposers to respond to the RFP requirements by listing the number and text of the requirement in sequence and writing the response immediately after the requirement statement. Please confirm the RFP requirements to respond to are Sections C.8., C.9., and C.10. If these are correct, does the ODOT also request qualifications and experience of the firm? **YES**
11. For the Cost Proposal, does the ODOT want a total cost to complete the study and total number of hours? **YES**
12. Please confirm the 20 page maximum does not include: cover, cover letter, table of contents, and required forms. **No it does not include cover, cover letter, table of contents, and required forms**
13. What is the budget for this study? **The approved budget is \$500,000.**
14. For clarity, is the selected consultant being requested to measure the disparities in the marketplace or how much disparity identified “results from discrimination”? (Scope of work section C.7.1.) **Both**
15. The RFP references “Grantees” in the scope of work as a type of work category to be included in the analysis. Can you define grantee and clarify what procurement category would be encompassed by the definition of a grantee? **See response to #3**
16. Should the selected consultant presume that grantees are a reference to vendors procured through grants issued by ODOT divisions? **See response to #3**
17. Under availability Analysis (C.8.4.) the consultant is requested to calculate availability estimates to be used by ODOT and Metropolitan Planning Organizations (MPOs) for statewide goal setting. Can you elaborate on the role MPO plays and how it relates to the disparity study scope of work? **(The MPOs were mentioned since ODOT works with them on transportation planning and projects. The MPOs and their process does not impact the disparity study.)**
18. Does ODOT maintain a certified DBE vendor list? **Yes, available at: <https://okdot.gob2g.com/Default.asp>.**
19. Section C.8.1. “Availability Analysis” states the vendor “will use ODOT’s existing electronic database system” in determining availability, is it ODOT’s expectation that this will be the only source measured in determining what firms are ready, willing and able? **The certified DBE vendor list along with other methods such as interviews should be conducted to determine firms that are ready, willing and able.**
20. How many copies of the proposal and cost proposal should be submitted? **1 Hardcopy / 1 Electronic Copy**
21. On page 12, section E.1.3 states that pages should be placed in a binder with tabs separating the sections of the proposal; however, the RFP does not specify how the sections are to be labeled. Also, the RFP does not specify the minimum experience requirements or what information should be submitted to illustrate proposers’ qualifications. **As listed in Section E.1.4, the total response package is not to exceed twenty (20) pages. Vendors may use as many of these pages to describe their qualifications.**

22. Should the cost proposal be included in the binder with the technical proposal, or should it be sealed separately? **Cost Proposal should be included with the technical proposal sealed.**
23. C.4.1. Does the study include state funded projects or only those that have at least some federal funding? **This study will only include federal projects.**
24. C.6.1. Registered vendors are defined as Primes and DBE firms. Are subcontractors not registered? **Subcontractors are not registered.**
25. C.8.4. Is there any spend by the Oklahoma MPOs that will be included in the Study, such that the successful proposer will need to obtain data from them? **NO**
26. H.1.1. You ask for number of hours and not to exceed amount in the Cost Proposal. Confirming that you just want two figures on the page. Total hours of the entire team and total not to exceed cost inclusive of expenses, travel, etc. **YES**
27. Is your procurement centralized? **YES**
28. Do you maintain award, vendor, bidder, and subcontractor data (for DBEs and non-DBEs)? Yes, Is the data in electronic spreadsheets, PDF, or hard copies? The information is available from internal ODOT software and can be pulled into reports. Does all the data contain NAICS Codes? **No, it does not.**
29. It is not clear what items go into the technical proposal. Could you please list what you expect to see? E.g. qualifications & experience, methodology, Schedule of Tasks. **See response to #21.**
30. Please list and document what corrective actions were implemented from the last disparity study conducted. **The last study was conducted in 2010, which was prior to me. We are not aware of any corrective actions.**
31. Please list and document the data sources of DBE registrations, DBE Bids and DBE solicitations sent for the period of study. **The list of DBE firms can be pulled from the directory and some of the information can be pulled from the bidder's list out of Site manager on construction bids. I'm not sure about solicitations.**
32. Please document what the audit process, frequency of audit and results of database audits of the DBE database – **DBE firms are required to submit their annual No Change Affidavit, which has to be notarized. The Civil Rights Division also conducts compliance reviews on projects to determine Commercial Useful Function on DBE firms on construction projects.**
33. Ref C.2.1 – Please provide a list of all DBE contracts solicited and % for the study period. (Are they referring to subcontracts awarded to DBE firms? Does this include Prime DBE contracts?) **ODOT Procurement does not solicit DBE specific contracts. We solicit engineering and architectural firms and place DBE goals on those projects/contracts. Solicitations are accessible to any interested parties at https://biappsrv.odot.ok.gov/apex/f?p=750:LOGIN_DESKTOP:**
34. Ref C2.2 – Please document race conscious goals percentage over the performance period and explain discrepancy between year over year goals that do not align with the 3 year federal review period. **(Not sure if I understand the question.) The Agency DBE goal for FFY 2017, 2018 and 2019 is 9.20% (Race Conscious 3.48%; Race Neutral 5.72%).**
35. Ref C.2.3 – Please provide history of prior documented DBE attempts. How many made, what method and what response rate. **DBE goals are met on all engineering/architectural contracts that have a goal or justification is provided with a Civil Rights form 5 – Good Faith Effort.**
36. Ref C.61 – Provide a breakdown between Prime and DBE firms by type. **Unsure what this questions is asking.**
37. What is the approximate number of contracts for the Department and its grantees, including metropolitan planning organizations, for the proposed study period? **ODOT Procurement solicited for 42 engineering/architectural contracts with DBE possibilities.**
38. What is the approximate total dollar value for the contracts for the Department and its grantees, including metropolitan planning organizations, for the proposed study period? **Approximately \$1,640,951,826.00 federal-aid funded contracts (includes both preconstruction and construction) for the period October 1, 2017 –**

March 31, 2019. The semi-annual report for April 1, 2019 – September 30, 2019, will be collected and submitted to the FHWA prior to October 31, 2019.

39. Has the DOT tracked the following prime data? Please respond separately for each field of information. Please indicate if the data vary by the type of contract: Construction services, Professional Services, non-professional services and commodities (based on the answer to question 4c).

Construction Contracts

- Prime contract identification number – can be pulled into a report
- Prime contract name – can be pulled into a report
- Dollar amount of payment(s) to prime contractor for the study period (inclusive of all change orders) – can be pulled into a report
- Original dollar amount of prime contract award– can be pulled into a report
- Funding source (FHWA and sources based on question 4 a,b) – can be pulled into a report
- Contract start date– can be pulled into a report
- Contract end date– can be pulled into a report
- Contract status (open/closed) – can be pulled into a report
- Business name of prime contractor– can be pulled into a report
- General description of services performed, or goods supplied under prime contract– can be pulled into a report
- DBE or non- DBE status of prime contractor (including race, ethnicity, and sex) – Race, ethnicity and sex is only captured for DBE firms
- Prime contractor address, telephone number and email address– can be pulled into a report
- Prime contractor contact person and title– can be pulled into a report
- Six-digit NAICS code(s) and/ or detailed description of work performed on the contract - No
- Is there a DBE goal on the contract? – can be pulled into a report
- Indicator for whether or not prime contract has subcontracts (first tier minimum; if other tiers, clearly designate) – ODOT only recognizes first tier

Professional Services Contracts (Confirm with Procurement)

- Prime contract identification number – can be pulled into a report
- Prime contract name – can be pulled into a report
- Dollar amount of payment(s) to prime contractor for the study period (inclusive of all change orders) – can be pulled into a report
- Original dollar amount of prime contract award– can be pulled into a report
- Funding source (FHWA and sources based on question 4 a,b) – can be pulled into a report
- Contract start date– can be pulled into a report
- Contract end date– can be pulled into a report
- Contract status (open/closed) – can be pulled into a report
- Business name of prime contractor– can be pulled into a report
- General description of services performed, or goods supplied under prime contract– can be pulled into a report
- DBE or non- DBE status of prime contractor (including race, ethnicity, and sex) – Race, ethnicity and sex is only captured for DBE firms
- Prime contractor address, telephone number and email address– can be pulled into a report
- Prime contractor contact person and title– can be pulled into a report
- Six-digit NAICS code(s) and/ or detailed description of work performed on the contract - No
- Is there a DBE goal on the contract? – can be pulled into a report

- Indicator for whether or not prime contract has subcontracts (first tier minimum; if other tiers, clearly designate) – ODOT only recognizes first tier

40. Has the DOT tracked DBE subcontractor data? Please respond separately for each field of information.

ODOT only recognizes first tier.

- Subcontract identification number
- Subcontract name
- Business name of subcontractor
- Description of services performed, or goods supplied by subcontractor
- DBE or non- DBE indicator for subcontractor (including race, ethnicity, and sex)
- Six-digit NAICS code(s) for subcontractor's work on specified contract
- Total dollar amount received by subcontractor (inclusive of all change orders)

41. Has the DOT tracked non- DBE subcontractor data? Please respond separately for each field of information. - **NO**

- Subcontract identification number
- Subcontract name
- Business name of subcontractor
- Description of services performed, or goods supplied by subcontractor
- DBE or non- DBE indicator for subcontractor (including race, ethnicity, and sex)
- Six-digit NAICS code(s) for subcontractor's work on specified contract
- Total dollar amount received by subcontractor (inclusive of all change orders)

42. Page 10 of the RFP, section C.1.1, states, "The study must encompass highway construction and planning (including metropolitan planning organizations)".

- Is the expectation to analyze only FHWA funded contracts, or additional federal funding sources? FHWA funded contract only.
- If additional sources, which ones?
- In addition to construction and planning services, will the study analyze other non-professional services and commodity contracts for the study period? No

43. How many metropolitan planning organizations will be included in the study? **See response to #17**

44. How many Divisions will be included in the study? **Eight**

45. Page 11 of the RFP, section C.8.1, states, "To the extent allowable, the vendor will use ODOT's existing electronic databases".

- What electronic data bases does ODOT currently track its data? The Civil Rights Division has the Civil Rights Certification and Compliance System, a B2GNOW software, for the DBE Directory. ODOT also tracks data in internal software such as Sitemanager and TOPS (Transportation Online Professional Services)
- Are any of the data for the study period tracked non-electronically? No

46. Page 11 of the RFP, section C.8.3, states "Determine if, or how many DBE and non- DBE firms are misclassified in race, ethnicity, or gender of firms' ownership." An audit of whether a DBE in fact is owned by the presumptively disadvantaged individual(s) upon whom certification eligibility is relied has not been part of an availability or disparity study. Is the DOT asking the study consultant to conduct such an audit? Yes. If so, will the DOT appoint the consultant its agent to collect this information from firms under the authority granted to the DOT under the DBE program regulations? **YES**

47. Page 11 of the RFP, section C.9, requests a disparity analysis for USDOT-assisted contracts. A disparity analysis is required for recipients outside the Ninth Circuit Court of Appeals, and the Tenth Circuit has not adopted the *Western States Paving* requirement that a recipient establish whether each group suffers discrimination in the recipient's marketplace. Will the DOT accept a proposal that does not include a disparity analysis? No. If not, will the DOT seek a waiver from the Secretary of Transportation to exclude a group from credit towards DBE contract goals if the group is found by the study to have achieved a level playing field for DOT work? **Unsure at this time.**
48. Page 12 of the RFP, section E.1.2, states, "The proposal should be presented in two distinct sections: A Technical proposal and a Cost proposal". Page 12 of the RFP, section E.1.3, states, "The pages should be placed in a binder with tabs separating the sections of the proposal". Please clarify if there should be only two tabs: Technical proposal and Cost Proposal, or if the Technical proposal should be separated into additional tabbed sections. **Section E.1.4 states that the response should not exceed and that section dividers do not count in this total. Vendors can separate as needed.**
49. Page 12 of the RFP, section E.1.3, states, "Manuals and other reference materials may be bound separately". If we wish to include samples of other final study reports as an example of previous experience, would it be acceptable to include an online link to the report, instead of a hard-bound copy? **An electronic version of a sample study may be submitted.**
50. Page 12 of the RFP, section E.1.5., states "Proposals should respond to the RFP requirements by listing the number and text of the requirement in sequence and writing the response immediately after the requirement statement." For ease of exposition and to avoid repetition, may the proposal group together the number and text of related requirements, to address the elements of a defensible study? **No, the responses should be submitted as listed in Section E.1.5.**
51. Page 13 of the RFP, section H.1.1, states, "This is the proposal as submitted by the vendor of the number of hours and the not to exceed amount". Is a total number of hours and a price acceptable, or is a further breakdown by task or staff member required? **As listed in Section H.1.1, the hours and not to exceed amount are to be provided. ODOT reserves the right to ask for additional documentation during the evaluation of responses received.**
52. Please explain who "grantees" (as referenced in section C.8.1. of the RFP) are. **Grantee can be interchangeable with Sub-Recipient.**
53. A comprehensive disparity study of this size typically takes 10-12 months to complete, but section B.1.1. of the RFP indicates that the initial contract term is anticipated to be six months. Does ODOT expect the study and final report to be completed within six months, or is the agency open to a modified study schedule based on industry best practices? **Agency is open to a modified schedule.**
54. What is the budget for this study? Has funding for the study been secured? **The approved budget is \$500,000. The awarded response may be more or less than that amount, depending on the response proposal submitted.**
55. What data does ODOT collect on projects awarded and/or managed by MPOs? Specifically: **See response on #7.**
- What information does ODOT maintain about prime contracts awarded/managed by MPOs?
 - What information does ODOT maintain about first-tier subcontracts awarded/managed by MPOs?
 - Are MPO data centrally collected and managed by ODOT, or will the consultant be expected to work with each MPO to collect the required data?
56. Does ODOT maintain the following data for all federally-funded prime contracts awarded during the study period:
- **Contractor name and contact information (e.g., address and phone number)? YES**
 - **Contract date? YES**

- Work description? YES
- Whether a DBE goal was applied? YES
- Original contract award or budgeted amounts? YES
- Change order or amendment amounts? YES
- Paid-to-date amounts? YES

Are those data maintained electronically, in hard copy, or some combination? Electronically

57. Does ODOT maintain the following data for all relevant first-tier subcontracts awarded during the study period (i.e., awarded to DBE *and* non-DBE subcontractors): Information is available on both DBE and non-DBE subcontractors. The paid-to-date amounts will need to be verified from each Prime since the Prime is responsible for paying subcontractors within 15 days.

- a. Subcontractor name and contact information (e.g., address and phone number)?
- b. Work description?
- c. Original subcontract award or budgeted amounts?
- d. Change order or amendment amounts?
- e. Paid-to-date amounts?

Are those data maintained electronically, in hard copy, or some combination? YES