

**9/6/2017**

**Response to Questions Submitted by Noon on 9/1/2017  
Regarding DOH RFQ for Program Management Services for CDBG-DR / National Disaster Resilience**

**General**

Has the DOH awarded program management services contracts in the past? If so, will the DOH release the consultants previously awarded?

DOH has not awarded a services contract of comparable type or scope in the past.

The request for services is titled as a Request for Qualifications (RFQ). Based on 2 CFR 200, grant administration services for a CDBG program must be requested by a Request for Proposals (RFP) and cost must be a factor. As cost is a factor (15% of the scoring points) in the solicitation, should it be retitled as an RFP? The reason to do so would be to ensure that when HUD monitors the program later, there is no possibility that this would be called an improper procurement.

For the purposes of this solicitation, this procurement is considered a "Procurement by Competitive Proposal."

2 CFR 200.320 (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (2) Proposals must be solicited from an adequate number of qualified sources;
- (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Based on past interpretation by HUD and the Office of the Inspector General, DOH feels it is important for respondents to understand the weight of qualification over price under this solicitation. As such, referencing this procurement as an RFQ provides that necessary weight. Regardless of how it is labelled, it is a procurement by competitive proposal, and not a solicitation of the lowest responsible bidder.

Although the language in this solicitation is advertised as a RFQ, the evaluation criteria includes 15% consideration based on proposed cost. If the intent is qualifications based versus lowest bidder, how will the cost proposal be compared to other firms and evaluated?

Cost will be one factor in the assessment of respondents, but other qualifications have greater weight in respondent ranking.

The solicitation has been structured as a Request for Qualifications (RFQ). Based on a reading of the applicable federal regulations, an RFQ is typically used to procure architectural and engineering services where price is not used as a selection factor or in instances where a grantee seeks to pre-qualify a list of vendors for a specific set of services. Is it DOH's intent to select multiple firms based on their respective qualifications and then have those firms compete in a "mini bid" for specific services outlined in the RFQ? Or will DOH select a single firm to provide the scope of services outlined in the document?

It is not DOH's intent to select multiple firms. A single firm will be selected to provide the scope of services outline in the RFQ. Please refer to 2 CFR 200.320 (d) Procurement by competitive proposals.

### **Page 3**

Has the location(s) or an existing building(s) for a community resilience center been chosen? If so please provide the site(s) address.

The location has not been chosen. The EIS being conducted by the State's Contractor is looking at several options within the City of Bridgeport study area including the continuation of the existing Design Center at 7 Middle Street, rehabilitation of an existing building, or new construction.

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Given that only a digital submission is required, should it be sent on USB or CD via mail or electronically via email? If the latter, to what address?

Responses may be submitted by email to David Kooris at [david.kooris@ct.gov](mailto:david.kooris@ct.gov). An email confirmation of receipt will be sent by Mr. Kooris that afternoon. If you choose to also send in a digital copy on a USB or CD in order to ensure receipt, it should be sent to David Kooris at the Department of Housing, 505 Hudson Street, 2<sup>nd</sup> Floor, Hartford, CT 06106 and scheduled to arrive by noon on September 25<sup>th</sup> (see change of response date below).

## **Page 7**

Section VIII (1): Can the proposal due date be extended by one week?

The proposal date has been extended by 10 days, and is now due on or before noon on September 25<sup>th</sup>. A formal notice to this effect will be issued and posted on the Department's website.

## **Page 8**

Section XIV, Conditions requests that the Respondent "positively certify to adhere" to the conditions thereunder in its proposal. May the respondent "positively certify to adhere" to the conditions in that section in its transmittal letter?

No, respondents must provide separate certification.

It is stated that all materials are considered public information, with the exception of personal and financial information, and proposals will be made available for review upon request. Can a firm mark any all material we consider personal as proprietary or confidential, to be made unavailable for public review?

Respondents may identify additional materials as proprietary or confidential but it will ultimately be up to the discretion of the Department' to determine what materials may be withheld from public release in accordance with the Freedom of Information Act.

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Section XIV (14): As a non-government entity, we submit EEO-1 reports annually, as opposed to EEO-4 reports. Please confirm that an EEO-1 report is sufficient to meet this proposal requirement.

Yes, the inclusion of EEO-1 would meet the requirement.

Section XIV (14): Where should the EEO-4 report be included in the response? May the Respondent include this report with Equal Employment Opportunity Policy Statement requested under Section 3.5 under Qualification on pg. 11 of the RFQ?

Yes, the report may be included in Section 3.5.

## **Page 10**

Section 3.2 under Qualifications requests organization legal structure documents. Please confirm that the respondent only has to submit **1** of the following items to satisfy this requirement: Articles of Incorporation, By-laws, or Secretary of State Certificate of Legal Existence/Certificate of Good standing.

No, respondents must provide all applicable documentation dependent upon that organization. For example, not all respondents may have By-laws, but all respondents will have a State Certificate of Legal Existence.

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Is there a Section 1.1?

The “Respondent Information” should be considered Section 1 of the response.

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Is there a Section 5?

There is no Section 5.

Do items 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 3.8 items only apply to the prime Program Management Firm to submit?

Items 3.2, 3.4, 3.5, 3.6, 3.7 are only applicable to the prime firm. Items 3.3 (if desired) and 3.8 also apply to any sub-contractors.

Section 4.2 instructs to include a full cost proposal for the duration of the program through September 30<sup>th</sup>, 2022 and closeout activities broken out by task, personnel, and expenses. Can you provide a bid form depicting the desired cost proposal structure?

The Department will not be providing a bid form for this purpose. It is up to the respondent to provide the information in a suitable form.

What is the anticipated basis of payment for this contract – lump sum, percentage of project cost, cost plus, etc.?

The anticipated basis of payment for this contract is Cost Plus.

Are you requesting a proposal for a conceptual cost estimate for the entire duration of the contract including closeout in a spreadsheet table or an hourly labor rate schedule for the duration of the contract?

Yes, a cost estimate for the duration of the contract, including closeout, is requested. Thorough backup information and assumptions should be provided to enable a comparison amongst respondents regarding level of staffing anticipated, seniority of staff, and billable rates. While payments will be made on a cost plus basis, the price submitted within respondent’s packages will be considered a Not-To-Exceed amount for the duration of the project into 2022.

If a spreadsheet cost estimate is required, does the Program Manager assume the 4 projects are constructed simultaneously, in phases or in sequence?

It is assumed that the two larger construction projects (University Avenue and the Earthen Berm) will commence construction at the same time, and as soon as is practicable, given the timing of the Record of Decision, completion of final design, and procurement of contractor. It is anticipated that this will occur as early as the spring of 2019. The timing of the smaller construction project (Resilience Center) will depend on the site selection and its relationship to the other construction projects but will likely occur concurrent to the larger projects but phased to start after they are underway.

A full cost proposal is requested for the full duration of the program. It is expected staffing and resources shall vary for each project, based on the schedule and duration, level of involvement, and assigned tasks. While we can propose a cost based on hourly rates of staff and typical level of efforts to be assigned for each service, ultimately the final cost is dependent on each specific project and requirements. Should firms propose a cost based on providing services for each project from start to finish? Or as needed throughout the project delivery process?

Firm's cost proposals should anticipate providing services for each project from start to finish, based on hourly rates of staff and typical level of effort.

Is it expected that some personnel be assigned on a full time basis for the duration of the program?

It is expected that some personnel be assigned to the program for its duration but it is acknowledged that their assignment to this program may not justify their full time allocation to it.

Is there a designated percentage allocated within the grant funding for Program Administration and Program Delivery?

Administrative costs are capped by HUD at 5% of the total grant award.

Please define "affiliate" as it is used in Section 3.8 whether, "the respondent, any principal or any affiliate a defendant in any litigation."

Affiliate refers to any person (as defined in Connecticut General Statutes 12-1\*) which, for the purposes of carrying out the activities contemplated by the RFQ, controls, is controlled by, or is under common control of another person. Affiliates include, but are not limited to persons under the control of the prime firm responding and includes any principal or staff member of a sub-contractor of the prime firm responding who will be conducting business and producing deliverables under the contract with DOH. Litigation is limited to that which involves business

activities and does not include personal matters or those not related to the activities of the entity responding to this solicitation.

Connecticut General Statutes § 12-1 defines “person” as “any individual, partnership, company, limited liability company, public or private corporation, society, association, trustee, executor, administrator or other fiduciary or custodian”.

Does State Sales Tax No. refer to whether or not the proposer has a CT State Sales Tax Number?

Yes.

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Please confirm that Limited Liability Companies do not have to obtain signature from its Secretary for Exhibit B (3.4), Notification to Responders.

Confirmed.

**Page 14**

Please confirm that Respondent’s that do not meet the definition of an MBE do not have to complete Exhibit B (6.1) and include in its proposal.

Confirmed.

**Page 16**

Is this Subcontractor Form to be signed only by the prime Program Management Firm?

The Subcontractor Form is only to be signed by any sub-contractors responding as part of a team and NOT by the prime firm.

The Exhibit C (7.1) – Subcontractor Certification in part states, “that to the best of my knowledge and belief, no information or data contained in the application or in the attachments are in any way false or incorrect, and that no material information has been omitted, **including the financial statements.**” Please clarify what subcontractor materials must be included with the Respondent’s proposal and in which Exhibits or Sections of a Respondent’s proposal it must be included.

Subcontractors will only be certifying the information provided by them as part of the submission and they are not required to submit the same financial statements as required in 3.6 by the prime firm.