Boone County, Kentucky

REQUEST FOR QUALIFICATIONS #PW073019

REQUEST FOR QUALIFICATIONS FOR
PROFESSIONAL SERVICES

ACCEPTANCE DATE:  Prior to 2:00 p.m., August 20, 2019 “Local time”

ACCEPTANCE PLACE
Boone County Fiscal Court
2950 Washington Street
PO Box 960
Finance Office Room #205
2nd Floor Administration Building
Burlington, Kentucky 41005

Requests for information related to this Invitation should be directed to:

Daniel Menetrey, PE
(859) 334-3580
E-mail address: dmenetrey@boonecountyky.org

Issue Date: July 30, 2019

IF YOU NEED ANY REASONABLE ACCOMMODATION FOR ANY TYPE OF DISABILITY IN ORDER TO PARTICIPATE IN THIS PROCUREMENT, PLEASE CONTACT OUR OFFICE AS SOON AS POSSIBLE.
The Boone County Fiscal Court will receive sealed request for qualifications (RFQs) in the Finance Office Room #205, Second Floor, Administration Building, 2950 Washington Street, PO Box 960, Burlington, Kentucky 41005, until 2:00 p.m., August 20, 2019 for Professional Services for Engineering and related services. Late, electronically submitted or facsimile bids will not be accepted.

ENVELOPE MUST BE LABELED: “SEALED RFQ: RESPONSES TO ADVERTISEMENT FOR ENGINEERING AND RELATED SERVICES.”
Envelopes must also be labeled with the name and address of the vendor submitting the RFQ.

Vendors submitting a RFQ shall submit an executed original and four copies thereof along with five (5) copies of all supporting documents.

Specifications may be obtained in the Finance Office Room #205, 2950 Washington St, Second Floor, Administration Building, Burlington, KY 41005 or by visiting our website at www.boonecountyky.org, transparency, bids. The hearing and/or speech-impaired may call 1-800-648-6057 and an interpreter will call the County for you.

Boone County reserves the right to reject any and all RFQ, to waive any informalities and to negotiate for the modifications of any RFQ or to accept that RFQ which is deemed the most desirable and advantageous from the standpoint of customer value and service and concept of operations. No RFQ may be withdrawn for a period of thirty (30) days after scheduled time of receipt of RFQ.

KENTUCKY PREFERENCE LAW

The scoring of bids/qualifications is subject to Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries. *Vendors not claiming resident bidder or qualified bidder status need not submit the corresponding affidavit.
This document constitutes a Request for Qualifications for Professional Services from qualified individuals and organizations to furnish those services as described herein for the Boone County Fiscal Court.

I. PROJECT DESCRIPTION

Consultant Services are needed to provide various design services for a wide variety of projects administered by the Boone County Fiscal Court.

II. PROJECT INFORMATION

Project Managers – Daniel Menetrey, P.E., Capital Projects Manager
                   Daniel Rice, Engineering Services Supervisor
Approximate Fee – Qualified Consultants will be selected to provide services.
                 $500,000 Upset Limit each contract.
                 Work will be assigned via Letter of Agreement, not to exceed $250,000 per Letter of Agreement
Project Funding – Federal, State and County Funds

III. PURPOSE AND NEED

The purpose of this contract is to assist the Boone County Fiscal Court in providing a wide range of design and various professional services for Federal-Aid projects, and non-Federal-Aid projects on an as-needed basis.

IV. DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

The Consultant teams are encouraged to include a DBE participation plan with their response to this announcement. The plan needs to demonstrate how DBE companies will be mentored or used to assist in the area(s) pertaining to this contract. An additional page will be allowed with the Project Approach in the response to announcement to convey this plan. A maximum of 2 points will be considered in the Evaluation Factors for the DBE Participation Plan.

V. SCOPE OF WORK

A. The County anticipates that multiple Consultants will be selected and will be responsible for working with the Boone County Fiscal Court to administer projects. The selected consultants must have the capacity to provide the following design and various professional services:
   • Roadway Design
   • Sidewalk Design
   • Streetscape Design
   • Structural Design
   • Building Design
   • Land Surveying
   • Property Boundary Determination
• Architecture
• Site Design Services, including landscaping
• Historic Property Restoration/Rehabilitation
• Drainage/Storm Water System Design/Watershed Studies
• Traffic Engineering
• Construction Document Preparation (Including but not Limited to: Proposals, Specifications, and Estimates)
• Construction Engineering (Including but not limited to Inspection Services)
• Review of Various Engineering Documents for Compliance with Federal and State Policies
• Planning Services
• Environmental Services
• Geotechnical Design
• Right-of-Way Acquisition and Relocation
• Utility Coordination

These services will be provided for a wide range of projects, (such as restoring historic buildings, constructing sidewalks, and designing streetscape projects, among others). Selected consultants must also be available to provide construction inspection services of the projects if needed. Selected consultants must be able to work with and explain Kentucky Transportation Cabinet (KYTC) and Federal Highway Administration requirements to the Boone County Fiscal Court representatives when needed.

B. Consulting firms (KYTC pre-qualified or not) only interested in pursuing design services for particular scopes of work as detailed in Section V. A. (apart from consultant/sub-consultant ventures providing all available services) may submit proposals detailing their capacity to handle specific design services. Apart from larger scope and/or federal-aid projects, the County would have the option to use selected firms for smaller, non-federal-aid projects (small sidewalk project, a quick storm sewer design, a small watershed study area, analyze a slide area, etc.).

VI. SPECIAL INSTRUCTIONS

Qualified firms will be selected to provide these services for a period of two (2) years with no new work assigned after the two year period, although the contract may be extended for time to complete work already assigned. Letters of Agreement may be executed with the Boone County Fiscal Court. Each of the contracts will have an upset limit of $500,000. Once the upset limit is reached or the two (2) year term has expired, the County has the option to renew the contract on a year to year basis with a firm with a maximum of three one-year renewals. Otherwise services will be re-advertised and no additional work assignments will be made under the contract.

The Selection Committee will rank the selected consultants and list them in consecutive order to determine the initial order in which projects will be offered. Projects will generally be offered to firms on a rotational basis. The County reserves the right of select one of the firms outside of the assignment order for a particular project if it is to the benefit of the County. That firm, if selected out of order, will be skipped in the rotation when their turn comes and the regular order will be followed thereafter. The County reserves the right to group multiple projects together as one offering if it is advantageous. A firm will not be offered an additional project until the
remaining firms on the list have been offered a project. If a firm declines to accept a project or
does not respond to an invitation to perform services for a project within five (5) days, or the
County and the Consultant cannot agree on reasonable scope of work and fee for services,
documentation shall be placed in the project files and the next firm on the rotating list shall be
offered the project.

Boone County will allow the following modifications to the standard format for response
to this Professional Services advertisement only:
Page 3: Project Team Organizational Chart, may be expanded, not to exceed one 11"x17" page
or two 8.5"x11" pages.
Page 4 (A-E) Resumes, may be expanded, not to exceed 10 pages total (A-J). Please clearly
identify the role each team member will play, including identification of the primary daily point of
contact and all individuals that may be named Project Manager for individual Letter Agreements.
Page 5 (A-B) Workload/Commitments does not have a page limit.
Page 6 (A-E) Project Experience, may be expanded, not to exceed 10 pages total (A-J). for
each project cited (at a minimum) please clearly identify the year of project completion, if the
project was federally, state or locally funded, the name of the LPA (if applicable), the name of
the consultant’s Project Manager, and the role of the consultant staff whose resume is included
in the consultant’s response for this work. Please note if the Project Manager is no longer with
the firm.
Page 7 (A-C) Project Approach, may be expanded, not to exceed 5 pages total (A-E), inclusive
of the DBE Participation Plan.

VII. STANDARD OF DESIGN

The selected Consultants must design all projects in conformity with the Kentucky
Transportation Cabinet’s Standard Specifications for Road and Bridge Construction, current
Edition or, where it does not apply to a project, whatever other standard of design has been
agreed upon by the Boone County Fiscal Court and the Kentucky Transportation Cabinet in
their Memorandum of Agreement for the specific project. (Such as Boone County Subdivision
Regulations, Boone County Zoning Regulations, etc.)

VIII. DOCUMENT PREPARATION

The selected Consultants must be capable of designing plans for projects, developing
construction proposals, and completing checklists and other forms required for project approval.

IX. PREQUALIFICATION REQUIREMENTS

For consultants seeking to provide all design services for larger scope and federal-aid projects,
the proposed consultant project team must be prequalified by the Kentucky Transportation
Cabinet in the following areas by the response date of this advertisement.

ROADWAY DESIGN
- Rural Roadway Design
- Urban Roadway Design
- Surveying
CONSTRUCTION ENGINEERING
- Construction Project Supervision

TRANSPORTATION PLANNING
- Highway Planning Services
- Pedestrian and Bicycle Facility Planning and Design

RIGHT-OF-WAY SERVICES
- Title Work
- Appraisals
- Acquisition
- Closings
- Relocation

ENVIRONMENTAL AQUATIC & TERRESTRIAL ECOSYSTEMS ANALYSIS
- Macroinvertebrates
- Water Quality
- Botany
- Zoology
- Wetlands

ENVIRONMENTAL ARCHAEOLOGY AND OTHER SERVICES
- Prehistoric
- Historic
- Highway Noise
- Air Quality Analysis
- Cultural-Historic Analysis
- EIS Writing and Coordination

ENVIRONMENTAL AND UST SERVICES
- Hazmat Preliminary Site Assessment (Phase I)
- UST Preliminary Site Assessment

GEOTECHNICAL SERVICES
- Engineering Services
- Laboratory Testing Services
- Drilling Services

STRUCTURE DESIGN (see note below)
- Spans under 500 feet

TRAFFIC ENGINEERING
- Traffic Engineering Services
- Electrical Engineering Traffic Signal Services
- Electrical Engineering Roadway Lighting Services
Note – Structure Design and Traffic Engineering prequalifications are not required with the initial proposal as it is uncertain to the extent practicable if they are necessary. Should either of these services become necessary during the delivery of the project, the selected Consultant team must obtain the required qualifications before providing those services.

X. PROCUREMENT SCHEDULE

Dates other than Response Date are tentative and provided for information only.

- BULLETIN POSTED – July 30, 2019
- RESPONSE DEADLINE - August 20, 2019 2:00 p.m. E.S.T.
- SELECTION COMMITTEE - September 9, 2019
- ANTICIPATED FISCAL COURT APPROVAL - September 24, 2019

XI. PROJECT SCHEDULE

Individual project schedules will be by letter agreement on a project by project basis.

COMPLETION OF ALL SERVICES - June 30, 2021

XII. EVALUATION FACTORS

Consultants will be evaluated by the selection committee based on the following, weighted factors:

1. A. Consultants providing all design services - Relative experience of consultant personnel assigned to project team in working with federal-aid projects and with Kentucky Transportation Cabinet processes. (15 Points)

   B. Consultants providing individual design services - Relative experience of consultant personnel assigned to project team in working with local government processes. (15 points)

2. Range of services with which consultant has experience and services which the consultant can provide; Consultant must demonstrate the ability to provide the range of services listed in the Scope of Work. (10 Points)

3. Past record of performance on projects similar in type and complexity to local public agency projects. (9 Points)

4. Capacity of Consultant to comply with project schedules. (4 Points)

5. Project approach and proposed procedures to accomplish the services for possible projects. (4 points)

6. DBE Participation Plan (2 points)

7. Knowledge of Boone County and familiarity of the general geographic area. (2 points)
XIII. SELECTION COMMITTEE MEMBERS

1. Daniel Menetrey, P.E., Public Works
2. Daniel Rice, Public Works
3. Jeff Earlywine, Judge/Executive’s Office
4. Matthew Webster, Judge/Executive’s Office

XIV. EXCEPTION TO REQUIRED USE OF CONTRACT

Boone County Fiscal Court reserves the right to acquire these and other similar services, at its sole discretion, through competitive or other processes.

Boone County Professional Services Response Instructions

Firms interested in procurement of engineering and related services may submit a response to the County's announcement. For those firms only interested in individual design services, those sections related to KYTC pre-qualifications and federal-aid requirements may be disregarded. The response must follow the following format.

• Each page must be 8-1/2" x 11" with single-space type no smaller than 12 pitch (approximately 10 point “font”) and may contain graphics and photographs where applicable (unless otherwise specified in the announcement bulletin)
  o Printing should be double-sided. If single-sided printing is used, the backs of pages must be left blank.
  o A single 11” x 17” page may be substituted for two 8-1/2” x 11” pages
• This response will be a “stand alone” document. No additional information may be attached or made reference to via webpage or other means.
• Sub-consultant work should be shown within the same context of the prime consultant project team. No additional pages are permitted for sub-consultant work unless specifically allowed for in the project advertisement.
• Binding covers front and back are allowed as well as a transmittal letter; however, information on the covers and transmittal letter will not be used for evaluating the proposal.
  o The insides of front and back covers must be left blank. No writing, photos, graphs, etc, will be allowed on the inside of covers.
• Tabs between pages may be used; however, other than identification on the tab, the tab page must be blank.
  o No writing, photos, graphs, etc, will be allowed on the tab pages.
• Proposals must include Campaign Finance Law Compliance Form for the Prime submitting firm only.

Page 1: Basic Project Information
• Firm Name
• Firm Address
• Firm Telephone Number
• Contact Name of individual responsible for this response to announcement
• Contact e-mail address
• Project number (from advertisement bulletin) or other appropriate project identifier
• Advertisement Date
• Response Due Date
• Location of office(s) where work for this project would be performed
• Certification of authorized submitter that information contained within is correct. Include typed name and title, the clause "I certify that the information included within this document is, to the best of my knowledge, correct as of the date indicated", the signature (one copy must have original signature, and the date)
• Certification that the firm is currently registered with the Commonwealth of Kentucky in accordance with KRS 322.060 to perform the engineering services needed for this project, and the firm's Kentucky Registration Number. This includes sub-consultant firms. Additional pages are allowed to provide sub-consultant certification of firm registration and Kentucky Registration Number.
• If Federal Funds are used, in accordance with Federal Acquisition Regulation 52.209-5, the Vendor shall certify with bid response, that to the best of its knowledge and belief, the Vendor and/or its Principals is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any State or Federal agency.
• In response to a legal opinion concerning the application of Official Order No. 102295, "Conflict of Interest", consultants responding to this advertisement are required to identify any potential conflicts of interest in regards to any financial or other personal interest in a project and/or any financial or other personal interest in any real property that may be acquired for a project. In the case that a potential conflict is identified, the consultant will be asked to recommend a solution in dealing with this conflict.

Page 2 (A-B): Project Service and Staff Summary
• List of services (from the Kentucky Transportation Cabinet prequalification categories) which the firm and any sub-consultant(s) will be performing for this project, and the status of prequalification (Prequalified, Submitted and Pending, or Prequalification not required)
• For services to be performed by the prime consultant, list the name(s) of the employee(s) intended to perform the work. For sub-consultant services, list the firm name. (Additional resumes may be allowed for sub-personnel if indicated in the bulletin)
• List of services not included in the prequalification categories that will be performed, and the name of the prime employee(s) or sub-consultant firm name who intend to perform the work.
• Note: Two registered professional engineers are required for ALL projects having Structural services.

Page 3: Project Team Organizational Chart
Include an organizational chart illustrating the project manager and all other project team members for this project. One paragraph of verbiage may also be included to further define the roles and interaction of the project team members. This should include relationships and lines of responsibility with sub-consultants as well.

Page 4 (A-E): Relative Experience of Key Project Team Members
Include the resumes of the project manager and up to 9 other key project team members, including sub-consultants, from page 2. Only include resumes for team members with significant contributions to the project. (Additional resumes may be allowed if indicated in the advertisement bulletin). Resumes may include but are not limited to education and experience, applicable technical training, personal photograph, responsibility for similar projects, familiarity
with geographic area and resources, and special or unique experience. A total of 5 pages (A-E) are permitted for these resumes.

**Page 5 (A-B*): Available Team Workload Capacity**
Demonstrate the availability of key personnel and the status of the current workload associated with active Boone County Fiscal Court contracts. This section will include two sections, the first section (5A) should include information on key project team members identified from page 4 including key subconsultant team members. Use charts and other illustrative tools as necessary to demonstrate current commitments and availability of key team members to be assigned to the project, for at least the next 18 months. The second section (Page 5B) will focus on the status of active Boone County Fiscal Court Contracts. This section will include at a minimum the following information for all active Boone County Fiscal Court projects, including work being completed as a subconsultant (multiple pages may be used if necessary*).

- Project Description
- Total Negotiated Fee
- Negotiated Fee for the Firm
- Negotiated Fee passed thru to Subconsultants
- The Percent Complete as Reported on the Latest Invoice
- Balance Remaining in the Contract for the Firm

A firm may provide additional narrative to explain how the project information relates to capacity.

- Include projects that have been negotiated that have not received Notice to Proceed
- Do not include projects that have a balance of $5000 or less
- Page 5B is required for the prime firm only, but information for other team members may be included at the responding firm's discretion.

Information provided may be verified by the Boone County Fiscal Court. It is intended that by providing the information as a part of the proposal, the response document can “stand alone” as a representation of workload and capacity for additional work.

**Page 6 (A-E): Relative Experience of Proposed Team**
Describe five of the firm’s or sub-consultant’s most recent, similar type projects, and indicate the involvement of personnel identified on page 2. Include the following for each project: Agency for which work was performed, location, dates, project manager, evaluation score(s), and description (project length, type of improvement, approximate fee, etc.) Descriptions may also include familiarity with geographic area and resources, special or unique experience, special or unique equipment, and any evaluations or awards pertaining to the project.

**Page 7 (A-C): Project Approach**
Provide a narrative that describes what your project team sees as the major challenges for this project and propose solutions when appropriate. Describe how your firm or project team is the best qualified to perform the services required for this project for Boone County Public Works. At a minimum include discussion of your project team's intended approach to the problem, ability to meet the project schedule with current workload, project staffing, familiarity of project, and knowledge of LPA (federal-aid), Boone County, and KYTC Procedures. This narrative should also include the qualification, expertise and role of significant sub-consultants (including DBE’s). DBE certifications should also be included with the proposal and will not count as additional pages. Additional pages may be permitted for graphics or charts if indicated in the advertisement bulletin.
INAPPROPRIATE CONTACTS
Prime consultant and sub-consultant firms and their agents are prohibited from discussing the procurement bulletin projects with any Boone County Fiscal Court personnel or selection committee members. When inappropriate contact with Boone County Fiscal Court employees or selection committee members is made by a prime consultant or a sub-consultant or an agent of the prime consultant or sub-consultant, the prime consultant’s response for the project will be returned and the prime consultant response will not be considered by the selection committee for the project on which the contact was made.

Contact by a consultant or sub-consultant concerning a project in a procurement bulletin or project to be placed in a procurement bulletin can result in a loss of prequalifications for a period of time. The loss of prequalifications would prohibit the consultant from submitting on projects for a period of time.

CHANGES AND UPDATES
Please check www.boonecountyky.org/publicnotices.

Under the Questions and Answers link for updates before submitting a response. Updates will be posted up to four days before the responses are due.

RESPONSE FORMS AND DUE DATE
Pursuant to KRS 45A, the County intends to contract for engineering and/or related services for the projects listed in this bulletin. Prequalified consultant engineering firms desiring to provide these services should submit five (5) copies of "Responses to Advertisement for Engineering and Related Services" for each project in which the firm is interested to the address below. The response must be received no later than the response deadline identified with the project.

Responses should be delivered to the Boone County Fiscal Court, Finance Office Room #205, Second Floor, Administration Building, 2950 Washington Street, PO Box 960, Burlington, KY 41005 by that deadline, unless otherwise specified. Responses should follow the format as specified in the Boone County Professional Services Response Instructions.

CONFLICT OF INTEREST
Consultants responding to this advertisement are required to identify any potential conflicts of interest in regards to any financial or other personal interest in a project and/or any financial or other personal interest in any real property that may be acquired for a project. In the case that a potential conflict is identified, the consultant will be asked to recommend a solution in dealing with this conflict. The selection committee or the Director of Public Works may or may not reject a Response to Advertisement based upon this conflict.

To respond to a project listed in this bulletin the project team must be prequalified in the specified areas by the date of the advertisement. Responses that do not have all areas of prequalification fulfilled will be returned.

PROJECT INQUIRES
Up to four (4) working days prior to the submission deadline, a consultant may submit specific questions about the RFQ in this Procurement Bulletin in writing or e-mail to Daniel Menetrey, Capital Projects Manager, Boone County Public Works, 5645 Idlewild Road, Burlington, KY 41005 Telephone: (859) 334-3580.
**DBE PARTICIPATION**

Boone County Fiscal Court hereby notifies all respondents that it will affirmatively insure in any executed contract pursuant to this advertisement that certified Disadvantaged Business Enterprises will be afforded full opportunity to submit responses to projects in this bulletin. The DBE respondents will not be discriminated against on the grounds of race, color, sex, religion, national origin, age or disability regarding the award of a contract.

**Certification Regarding Debarment, Suspension, and Proposed Debarment:**

If Federal Funds are used, in accordance with Federal Acquisition Regulation 52.209-5, the Vendor shall certify with bid response, that to the best of its knowledge and belief, the Vendor and/or its Principals is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any State or Federal agency.

"Principals", for the purposes of this certification, means officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of subsidiary, division, or business segment, and similar positions).

**REQUIRED AFFIDAVIT FOR BIDDERS OR OFFERORS**

A. In accordance with the provisions of KRS 45A.110 and KRS 45A.115, each bidder or offeror shall swear or affirm under penalty of perjury that: (1) neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky, and (2) the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

B. I also hereby swear and affirm under penalty of perjury that the entity bidding is properly authorized under the laws of the Commonwealth of Kentucky to conduct business in this state; is duly registered with the Kentucky Secretary of State to the extent required by Kentucky law; and will remain in good standing to do business in the Commonwealth of Kentucky for the duration of any contract awarded.

C. I hereby swear and affirm under penalty of perjury that the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.

D. I hereby swear and affirm under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.

**PROPOSAL SUBMISSION**

Sealed responses are due at the Boone County Fiscal Court, Finance Office Room #205, Second Floor, Administration Building, 2950 Washington Street, PO Box 960, Burlington, KY 41005 by 2:00 PM, August 20, 2019. Responders shall submit an executed original of the RFQ and four (4) copies thereof along with five (5) copies of all supporting documents. All responses must be returned in a sealed envelope and must be clearly marked on the outside of the envelope as “Responses to Advertisement for Engineering and Related Services”. Responses not so marked may be rejected at the discretion of the Fiscal Court. Facsimile RFQs will not be accepted. Opening of the RFQs will be at 2:00 PM, August 20, 2019, at the same location as stated above. The County is not responsible for the delivery of mail or other services, therefore only the bids/proposals received in the Finance Office prior to the opening will be considered.
KENTUCKY PREFERENCE LAWS

The scoring of bids/proposals is subject to Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries. *Vendors not claiming resident bidder or qualified bidder status need not submit the corresponding affidavit.

Reciprocal preference for Kentucky resident bidders

KRS 45A.490 Definitions for KRS 45A.490 to 45A.494.
As used in KRS 45A.490 to 45A.494:
(1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and
(2) "Public agency" has the same meaning as in KRS 61.805.

KRS 45A.492 Legislative declarations.
The General Assembly declares:
(1) A public purpose of the Commonwealth is served by providing preference to Kentucky residents in contracts by public agencies; and
(2) Providing preference to Kentucky residents equalizes the competition with other states that provide preference to their residents.

KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.
(1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
(2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
(a) Is authorized to transact business in the Commonwealth; and
(b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers’ compensation policy in effect.
(3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
(4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
(5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
(6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
(7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
(8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

The reciprocal preference as described in KRS 45A.490-494 above shall be applied in accordance with 200 KAR 5:400.
Determining the residency of a bidder for purposes of applying a reciprocal preference

Any individual, partnership, association, corporation, or other business entity claiming resident bidder status shall submit along with its response the attached Required Affidavit for Bidders, Offerors, and Contractors Claiming Resident Bidder Status. The BIDDING AGENCY reserves the right to request documentation supporting a bidder’s claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

A nonresident bidder shall submit, along with its response, its certificate of authority to transact business in the Commonwealth as filed with the Commonwealth of Kentucky, Secretary of State. The location of the principal office identified therein shall be deemed the state of residency for that bidder. If the bidder is not required by law to obtain said certificate, the state of residency for that bidder shall be deemed to be that which is identified in its mailing address as provided in its bid.

Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries.

Pursuant to 200 KAR 5:410, and KRS 45A.470, Kentucky Correctional Industries will receive a preference equal to twenty (20) percent of the maximum points awarded to a bidder in a solicitation. In addition, the following “qualified bidders” will receive a preference equal to fifteen (15) percent of the maximum points awarded to a bidder in a solicitation: Kentucky Industries for the Blind, any nonprofit corporation that furthers the purposes of KRS Chapter 163 and any qualified nonprofit agencies for individuals with severe disabilities as defined in KRS 45A.465(3). Other than Kentucky Industries for the Blind, a bidder claiming “qualified bidder” status shall submit along with its response to the solicitation a notarized affidavit which affirms that it meets the requirements to be considered a qualified bidder-affidavit form included. If requested, failure to provide documentation to a public agency proving qualified bidder status may result in disqualification of the bidder or contract termination.
REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING RESIDENT BIDDER STATUS

FOR BIDS AND CONTRACTS IN GENERAL:
The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 45A.494(2), the entity bidding is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:

Is authorized to transact business in the Commonwealth;
Has for one year prior to and through the date of advertisement
Filed Kentucky income taxes;
Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and
Maintained a Kentucky workers’ compensation policy in effect.

The BIDDING AGENCY reserves the right to request documentation supporting a bidder’s claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

_________________________________________    ________________________________
Signature                                             Printed Name

_________________________________________    ________________________________
Title                                                 Date

Company Name
_________________________________________
Address
_________________________________________
_________________________________________

Subscribed and sworn to before me by

_________________________________________    ________________________________
(Affiant)                                               (Title)

of                                           this ___ day of ______________, 20__.

(Company Name)

_________________________________________
Notary Public
[seal of notary]                                    My commission expires:       __________
REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING QUALIFIED BIDDER STATUS

FOR BIDS AND CONTRACTS IN GENERAL:
I. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, and all subcontractors therein, meets the requirements to be considered a “qualified bidder” in accordance with 200 KAR 5:410(3); and will continue to comply with such requirements for the duration of any contract awarded. Please identify below the particular “qualified bidder” status claimed by the bidding entity.

________  A nonprofit corporation that furthers the purposes of KRS Chapter 163

________  Per KRS 45A.465(3), a "Qualified nonprofit agency for individuals with severe disabilities" means an organization that:
(a) Is organized and operated in the interest of individuals with severe disabilities; and
(b) Complies with any applicable occupational health and safety law of the United States and the Commonwealth; and
(c) In the manufacture or provision of products or services listed or purchased under KRS 45A.470, during the fiscal year employs individuals with severe disabilities for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products or services; and
(d) Is registered and in good standing as a nonprofit organization with the Secretary of State.

The BIDDING AGENCY reserves the right to request documentation supporting a bidder’s claim of qualified bidder status. Failure to provide such documentation upon request may result in disqualification of the bidder or contract termination.

__________________________  ____________________________
Signature                           Printed Name

__________________________  ____________________________
Title                              Date

______________________________
Company Name

______________________________
Address

Subscribed and sworn to before me by

______________________________  ____________________________
(Affiant)                           (Title)

of  ______________________________
(Co) this ___ day of ____________, 20___.

______________________________
(Company Name)

Notary Public

[seal of notary]  My commission expires:  ______________
Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

1. Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2. Business name/disregarded entity name, if different from above.

3. Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.
   - Individual/sole proprietor or single-member LLC
   - C Corporation
   - S Corporation
   - Partnership
   - Trust/estate
   - Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership).
   - Other (see instructions).

4. Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
   - Exempt payee code (if any)
   - Exemption from FATCA reporting code (if any)

5. Address (number, street, and apt. or suite no.) See instructions.

6. City, state, and ZIP code

7. List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Part II Certification
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person

Date

General Instructions
Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

• Form 1099-INT (interest earned or paid)
• Form 1099-DIV (dividends, including those from stocks or mutual funds)
• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
• Form 1099-S (proceeds from real estate transactions)
• Form 1099-K (merchant card and third party network transactions)
• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
• Form 1099-C (canceled debt)
• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.
QUESTION & ANSWER No. 1

August 8, 2019

Boone County Fiscal Court

RFQ # PW073019 – Request for Qualifications for Professional Services

The information in this question and answer posting is intended to provide guidance related to questions that Boone County received from the public. None of the information provided is intended to supersede any section of the original solicitation.

Acknowledge receipt of this document by attaching this sheet to the last page of the bid form. Failure to do so, may subject the bidder to disqualification. This question and answer document forms a part of the contract documents.

Q1: May a firm submit a proposal to be a prime consultant in addition to being a sub-consultant on a proposal from a separate firm?

A1: Yes

Bidder Acknowledges receipt of Question & Answer No. 1.

By: ________________________________ Signature

_____________________________ Title

_________________________ Date
ADDENDUM No. 1

July 30, 2019

Boone County Fiscal Court

RFQ # PW07302019 – Request for Qualifications for Professional Services

The information in this addendum supersedes any contradictory information set forth in the contract documents. Acknowledge receipt of this addendum by attaching this addendum to the last page of the submission form. Failure to do so, may subject the proposer to disqualification. This addendum forms a part of the contract documents.

Modify Section XI. PROJECT SCHEDULE: by adjusting the original date requested to be as follows:

- COMPLETION OF ALL SERVICES – June 30, 2021 September 30, 2021

Modify Section XII. EVALUATION FACTORS: by adjusting the original date requested to be as follows:

- Past record of performance on projects similar in type and complexity to local public agency projects. Please provide at least two references. (9 Points)

- Capacity of Consultant to comply with project schedules. (4 Points) (8 Points)

Submitter Acknowledges receipt of Addendum No. 1.

By: ________________________________ Signature

______________________________ Title

___________________________ Date
ADDENDUM No. 2
August 14, 2019
Boone County Fiscal Court

RFQ # PW073019 – Request for Qualifications for Professional Services

The information in this addendum supersedes any contradictory information set forth in the contract documents. Acknowledge receipt of this addendum by attaching this addendum to the last page of the submission form. Failure to do so, may subject the proposer to disqualification. This addendum forms a part of the contract documents.

Modify RFQ Project Identifier: Boone County utilized “RFQ #PW07302019” & “RFQ #PW073019” in the document. All Project communications shall utilize “RFQ #PW073019”.

Modify Section XIV. EXCEPTION TO REQUIRED USE OF CONTRACT; bullet point #6: Proposals must include Campaign Finance Law Compliance Form for the Prime submitting firm only. Boone County has attached form Annual Affidavit for Bidders, Offerors and Contractors to this addendum to be completed and included as part of the proposals.

Submitter Acknowledges receipt of Addendum No. 2.

By: ________________________________ Signature

______________________________ Title

___________________________ Date
ANNUAL AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS

Affidavit Effective Date: __________________________
Affidavit Expiration Date: __________________________
Maximum Length One-Year

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS

FOR BIDS AND CONTRACTS IN GENERAL:

I. Each bidder or offeror swears and affirms under penalty of perjury, that to the best of their knowledge:

   a. In accordance with KRS 45A.110 and KRS 45A.115, neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky; and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

   b. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.

   c. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by KRS Chapter 139, and will remain registered for the duration of any contract awarded.

   d. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.

   e. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, is not currently engaged in, and will not for the duration of the contract engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which Kentucky can enjoy open trade, as defined in Executive Order No. 2018-905.

   f. The bidder or offeror swears and affirms that the entity bidding, and all subcontractors therein, have not violated any of the prohibitions set forth in KRS 11A.236 during the previous ten (10) years, and further pledge to abide by the restrictions set forth in such statute for the duration of the contract awarded.

FOR “NON-BID” CONTRACTS (I.E. SOLE-SOURCE; NOT-PRACTICAL OR FEASIBLE TO BID; OR EMERGENCY CONTRACTS, ETC):

II. Each contractor further swears and affirms under penalty of perjury, that to the best of their knowledge:

   a. In accordance with KRS 121.056, and if this is a non-bid contract, neither the contractor, nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of any contract awarded, have contributed more than the amount specified in KRS 121.150 to the campaign of the gubernatorial slate elected in the election last preceding the date of contract award.
b. In accordance with KRS 121.330(1) and (2), and if this is a non-bid contract, neither the contractor, nor officers or employees of the contractor or any entity affiliated with the contractor, nor the spouses of officers or employees of the contractor or any entity affiliated with the contractor, have knowingly contributed more than $5,000 in aggregate to the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract award.

c. In accordance with KRS 121.330(3) and (4), and if this is a non-bid contract, to the best of his/her knowledge, neither the contractor, nor any member of his/her immediate family, his/her employer, or his/her employees, or any entity affiliated with any of these entities or individuals, have directly solicited contributions in excess of $30,000 in the aggregate for the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract.

As a duly authorized representative for the bidder, offeror, or contractor, I have fully informed myself regarding the accuracy of all statements made in this affidavit, and acknowledge that the Commonwealth is reasonably relying upon these statements, in making a decision for contract award and any failure to accurately disclose such information may result in contract termination, repayment of funds and other available remedies under law. If the bidder, offeror, or contractor becomes non-compliant with any statements during the affidavit effective period, I will notify the Finance and Administration Cabinet, Office of Procurement Services immediately. I understand that the Commonwealth retains the right to request an updated affidavit at any time.

____________________________                     ______________________________
Signature                                              Printed Name

____________________________                     ______________________________
Title                                                  Date

____________________________
Company Name

____________________________
Address

____________________________
Commonwealth of Kentucky Vendor Code (if known)

____________________________
Subscribed and sworn to before me by

____________________________                     ______________________________
(Affiant)                                              (Title)

____________________________                     ______________________________
of this _______ day of ________, 20____

(Company Name)

____________________________
Notary Public
[seal of notary]                                       My commission expires:   ________
FOR BIDS AND CONTRACTS IN GENERAL:

I. Each bidder or offeror swears and affirms under penalty of perjury, that to the best of their knowledge:

   a. In accordance with KRS 45A.110 and KRS 45A.115, neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky; and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

   b. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.

   c. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by KRS Chapter 139, and will remain registered for the duration of any contract awarded.

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c. In accordance with KRS 121.330(3) and (4), and if this is a non-bid contract, to the best of his/her knowledge, neither the contractor, nor any member of his/her immediate family, his/her employer, or his/her employees, or any entity affiliated with any of these entities or individuals, have directly solicited contributions in excess of $30,000 in the aggregate for the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract.

As a duly authorized representative for the bidder, offeror, or contractor, I have fully informed myself regarding the accuracy of all statements made in this affidavit, and acknowledge that the Commonwealth is reasonably relying upon these statements, in making a decision for contract award and any failure to accurately disclose such information may result in contract termination, repayment of funds and other available remedies under law. If the bidder, offeror, or contractor becomes non-compliant with any statements during the affidavit effective period, I will notify the Finance and Administration Cabinet, Office of Procurement Services immediately. I understand that the Commonwealth retains the right to request an updated affidavit at any time.

____________________________________________________  __________________________________________
Signature                                             Printed Name

____________________________________________________  __________________________
Title                                                Date

____________________________________________________
Company Name

____________________________________________________
Address

____________________________________________________
Commonwealth of Kentucky Vendor Code (if known)

____________________________________________________
Subscribed and sworn to before me by

____________________________________________________
(Affiant)  (Title)

____________________________________________________
of __________________________________ this _____ day of ____________, 20__.

____________________________________________________
(Company Name)

____________________________________________________
Notary Public

[seal of notary]  My commission expires:  ________