



Fulton County, GA

Department of Purchasing & Contract Compliance

Cecil S. Moore, CPPO, CPPB, CPSM, C.P.M., A.P.P
Director

March 21, 2012

Re: #12RFP6941K-JD-Professional Services for Airport Consulting and Engineering Services

Dear Proposers:

Attached is one (1) copy of Addendum 2, hereby made a part of the above referenced **#12RFP6941K-JD-Professional Services for Airport Consulting and Engineering Services**.

Except as provided herein, all terms and conditions in the **#12RFP6941K-JD-Professional Services for Airport Consulting and Engineering Services** referenced above remain unchanged and in full force and effect.

Sincerely,

Joyce Daniel

Joyce Daniel, CPPB
Assistant Purchasing Agent

Winner 2000 - 2009 Achievement of Excellence in Procurement Award • National Purchasing Institute



This Addendum forms a part of the contract documents and **modifies** the original RFP documents as noted below:

Revision:

SECTION 6, CONTRACT COMPLIANCE REQUIREMENTS has been revised. See Attachment A

Response to Questions:

Question: Per the Pre-Bid Meeting, does Fulton County expect to issue an addendum modifying the required forms? Addenda ONE re-issues Form C Certificate of Acceptance, but all other forms are unchanged. Should we anticipate new forms being posted?

Response: Form C, Certificate of Acceptance of Request for Proposal Requirements is the only Purchasing Form that is revised in this section.

ACKNOWLEDGEMENT OF ADDENDUM NO. 2

The undersigned proposer acknowledges receipt of this addendum by returning one (1) copy of this form with the proposal package to the Department of Purchasing & Contract Compliance, Fulton County Public Safety Building, 130 Peachtree Street, Suite 1168, Atlanta, Georgia 30303 by the RFP due date and time **Monday, March 26, 2012, 11:00 A.M.**

This is to acknowledge receipt of Addendum No. 2, _____ day of _____, 20__.

Legal Name of Bidder

Signature of Authorized Representative

Title

ATTACHMENT A

Section 6 Contract Compliance Requirements Revised

**SECTION 6
CONTRACT COMPLIANCE REQUIREMENTS**

INSTRUCTIONS

Due to the Federal funding associated with this project, the Office of Contract Compliance is requiring that you complete Section 6.

SECTION 6 - DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

Prospective Fulton County Bidders:

This document is substantially different from all previous bid packages in that the Office of Contract Compliance's Disadvantaged Business Enterprises information is an integral part of every Federally Funded Fulton County bid or proposal. Please read all of the information carefully in particular the DBE goals that have been established for this project.

Although Fulton County maintains a directory of certified M/FBEs these vendors may or may not be certified Disadvantaged Business Enterprises (DBEs). If you are currently certified under Georgia Uniform Certification Program (UCP) Disadvantaged Business Enterprise Certification process you are eligible to participate in this solicitation as a DBE prime or subcontractor.

Should you have any questions about any of the information included in this section, please feel free to contact Joyce Daniel, Assistant Purchasing Agent at joyce.daniel@fultoncountyga.gov.

EQUAL OPPORTUNITY AND DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

The successful Bidder(s)/Offeror(s) will be required to comply with all applicable Equal Opportunity laws and regulations, including the Fulton County Nondiscrimination in Contracting and Procurement Ordinance approved by the Board of Commissioners on July 7, 1999, prohibiting discrimination in purchasing and contracting based on race, color, sex, religion or national origin. The Fulton County Board of Commissioners has established a minimum goal for participation in this Contract by Disadvantaged Business Enterprises of **5.4%** of the total price of the Contract. Bidder(s)/Offeror(s) will be required to demonstrate maximum satisfactory efforts to achieve this goal.

PROPOSAL EVALUATION AND AWARD

The selection of a successful Bidder(s)/Offeror(s) will also be based on an evaluation of the information submitted under the Disadvantaged Business Enterprise Utilization Section.

LETTER OF INTENT

All Bidder(s)/Offeror(s) are required to provide, at the time of proposal submittal, a copy of Schedule of Intended Subcontractor Utilization Exhibit "C" and Attachment "A", as well as copies of Letters of Intent fully executed by sub-contractors Exhibit "D" and Attachment "B" that the prime plans to use on this contract. The Letter of Intent must specify a Description of Work the subcontractor will perform, dates of utilization as well as dollar value of the work. DBEs receiving Letters of Intent will have to be listed on the Schedule of DBE Participation form in the DBE Specification and they must have a current certification on file as a DBE with USDOT/FAA in accordance with the requirements in 49 CFR Parts 26.

FULTON COUNTY DISADVANTAGED BUSINESS ENTERPRISE

POLICY STATEMENT

It is the policy of the County to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT/FAA – assisted contracts. It is also our policy:

1. *To ensure nondiscrimination in the award and administration of USDOT/FAA assisted contracts;*
2. *To create a level playing field on which DBEs can compete fairly for USDOT/FAA assisted contracts;*
3. *To ensure that the DBE Program is narrowly tailored in accordance with applicable law;*
4. *To ensure that only firms that meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;*
5. *To help remove barriers to the participation of DBEs in USDOT/FAA assisted contracts, and*
6. *To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.*

IMPLEMENTATION OF DBE POLICY CONTRACT GOALS

Fulton County establishes contract goals only on those federally funded contracts that have subcontracting possibilities.

Each solicitation for which a contract goal has been established requires the bidders/offeror's to submit the following information as part of their bid/proposal on Exhibit "C" and "D" of the M/FBE documents and Attachment "A" and "B" of the DBE documents:

1. *The names, addresses and phone numbers of DBE firms that will participate in the contract;*
2. *A description of the work that each DBE will perform;*
3. *The dollar amount of the participation of each DBE firm participating;*
4. *Written and signed documentation of commitment to use DBE subcontractor(s) whose participation it submits to meet the contract goal;*
5. *Written and signed confirmation from the DBE that he/she is participating in the contract as provided in the prime contractor's commitment; and*
6. *If the contract goal is not met, documented evidence of good faith efforts made to meet the goal on this particular project.*

Fulton County has designated the Office of Contract Compliance as its DBE Liaison Office and Rholanda Stanberry, Contract Compliance Administrator or her designated representative as the DBE Liaison Officer (DBELO). The contact information is as follows:

130 Peachtree Street, SW
Suite 1167
Atlanta, Georgia 30303
404-612-5800

DEMONSTRATION OF "GOOD FAITH EFFORTS"

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that he has done so either by meeting the contract goal or documenting good faith efforts. The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

Fulton County will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before the County commits to the performance of the contract by the bidder/offeror. Bidder's/offeror's that are informed by the Office of Contract Compliance that they have not met the "good faith efforts" requirements are entitled to administrative reconsideration of that determination, per 49 CFR 26.53(d).

MONITORING OF DBE POLICY

Fulton County will require prime contractors to maintain records and documents of payments of DBEs for three years following the performance of the contract. Those records must be made available for inspection upon request by any authorized representative of Fulton County or GDOT. This reporting requirement also extends to any certified DBE subcontractor.

Fulton County will keep a running tally of actual payments to DBE firms for work committed to DBE firms at the time of the contract award.

The Office of Contract Compliance Disadvantaged Business Enterprise Liaison Officer (OCC-DBELO) or the designated representative will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

PROMPT PAYMENT

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 48 hours from receipt of each payment the prime contractor receives from Fulton County. The prime contractor agrees further to return retainage payments to each subcontractor within 48 hours after the satisfactory completion of all work on project.

DISADVANTAGED BUSINESS ENTERPRISE CONTRACT GOALS PROJECT:

Part I. The Disadvantaged Business Enterprise (DBE) contract goal for services associated with this project is **5.4%**. DBE participation may be in the form of a prime contractor, a joint venture arrangement, subcontractors, suppliers and/or other arrangements that qualify under 49 CFR, Section 26.55.

DBE PROGRAM REMINDERS

1. **DBE PLAN.** All proposals must contain a DBE Participation plan in accordance with the goals set forth above. The DBE plan must identify each DBE's name address, and contact name, work description, and contract amount.
2. **Subcontractor and Supplier Participation.** Disadvantaged business enterprise participation may only be met through certified businesses that meet the standards of 49 CFR 26, Subparts D and E. Each prime contractor must meet the requirements of the DBE program.
3. **Failure to Meet DBE Goals.** Any bidder unable to meet the DBE goals must document the good faith efforts it made to meet the goals. Documentation must follow the requirements of the DBE plan pursuant to 49 CFR Part 26. If Fulton

County determines that good faith efforts were not made, the bidder is entitled to administrative reconsideration under 49 CFR 26.53.

4. **DBE Certification.** DBE Certification will be handled in compliance with 49 CFR Part 26 and the Georgia UCP as set forth in this document.
5. **Reporting.** The successful bidder must submit monthly DBE participation reports as well as an Exhibit "G", to Office of Contract Compliance Disadvantaged Business Enterprise Liaison Officer, in a form prescribed by the Office of Contract Compliance.
6. **DBE Program.** The DBE Program is governed by the provisions of 49 CFR Part 26.
7. **Contract Assurance.** The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, sex, religion, or sexual orientation in the award and performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Fulton County deems appropriate.

CERTIFICATION

To be certified as a DBE, a firm must meet all certification eligibility standards of Subpart D and E of 49 CFR Part 26. Fulton County is currently a member of the Georgia Unified Certification Program and will accept the certification decisions made by the certifying members of the UCP. Currently the certifying members are GDOT and MARTA.

1. The GDOT DBE certification application forms and documentation can be acquired from GDOT.
For information about the certification process or to apply for certification, firms should contact: Georgia Department of Transportation, Equal Opportunity Division, One Georgia Center, 600 West Peachtree Street, N.W., Atlanta, Georgia 30308, (404) 631-1990 or (<http://www.dot.state.ga.us/dot/eeo-div>).
2. Fulton County participates in the Unified Certification Program (UCP) developed by local municipalities and the Georgia Department of Transportation's Equal Opportunity Division and approved by USDOT.
3. Any firm or complainant may appeal GDOT's certification decision to USDOT/FAA. The County will promptly implement any USDOT/FAA certification appeal decisions affecting the eligibility of DBEs for our USDOT/FAA assisted contracting.
4. If a business is presumed to meet DBE standards at the time of bid/proposal opening and is later determined not eligible Fulton County will immediately notify the bidder/offeror. The bidder/offeror on this project will then be allowed and expected to substitute another DBE vendor certified under 49 CFR Part 26, to ensure that DBE participation requirements are met.

During the life of this contract, the prime contractor must notify the Fulton County Disadvantaged Business Enterprise Liaison Officer (DBELO) immediately if any of its DBE participants are no longer available to do work under the contract, pursuant to 40 CFR Part 26.53(f). The prime contractor is then required to make good faith efforts to identify a substitute DBE firm(s) and, once the County approves the substitution, the prime is then required to provide the new or amended subcontractors documentation to the Office of Contract Compliance.

ATTACHMENT "A"

DISADVANTAGED BUSINESS ENTERPRISE SUBCONTRACTOR UTILIZATION

List all Disadvantaged Business Enterprises (DBE) to be used as subcontractors on this project. All DBEs proposed for utilization on this project must be certified by GDOT or another certifying entity as described in 49 CFR Part 26 prior to utilization on this project.

Fulton County Certification Expiration Date	Subcontractor	Contact(s) Address and Phone Number	Description of work to be subcontracted	Projected Subcontractor Dollar Amount	Percentage of Contract Value

Company Name _____ Project Name _____ Project Number: _____

ATTACHMENT "B"

SUBCONTRACTOR UTILIZATION

List all subcontractors, including lower tiers, to be used on this project. All DBEs proposed for utilization on this project must be certified by GDOT or another certifying entity as described in 49 CFR Part 26 prior to utilization on this project and specifically be identified on Form 1 or Form 2. (Please add additional Attachment "B's" as needed).

Fulton County Certification Expiration Date	Subcontractor	Contact(s) Address and Phone Number	Description of work to be subcontracted	Projected Subcontractor Dollar Amount	Percentage of Contract Value

Company Name _____ Project Name _____ Project Number: _____

EXHIBIT C - SCHEDULE OF INTENDED SUBCONTRACTOR UTILIZATION

If the bidder/proposer intends to subcontract any portion of this scope of work/service(s), this form **must be** completed and **submitted with the bid/proposal**. All prime bidders/proposers **must** include Letter(s) of Intent (Exhibit D) in the bid document for all subcontractors who will be utilized under the scope of work/services.

Prime Bidder/Proposer: _____

ITB/RFP Number: _____

Project Name or Description of Work/Service(s): _____

1. My firm, as Prime Bidder/Proposer on this scope of work/service(s) is _____ is not _____ a minority or female owned and controlled business enterprise. (Please indicate below the portion of work, including, percentage of bid/proposal amount that your firm will carry out directly):

2. If the Prime Bidder/Proposer is a Joint Venture, please complete Exhibit F: Joint Venture Disclosure Affidavit and attach a copy of the executed Joint Venture Agreement.

3. Sub-Contractors (including suppliers) to be utilized in the performance of this scope of work/service(s), if awarded, are:

SUBCONTRACTOR NAME: _____

ADDRESS: _____

PHONE: _____

CONTACT PERSON: _____

ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____

WORK TO BE PERFORMED: _____

DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

*Ethnic Groups: African American (AABE); Asian American (ABE); Hispanic American (HBE); Native American (NABE); White Female American (WFBE); **If yes, please attach copy of recent certification.

SUBCONTRACTOR NAME: _____
ADDRESS: _____
PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____
DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____
PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____
DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____
PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____
DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

SUBCONTRACTOR NAME: _____
ADDRESS: _____
PHONE: _____
CONTACT PERSON: _____
ETHNIC GROUP*: _____ COUNTY CERTIFIED** _____
WORK TO BE PERFORMED: _____
DOLLAR VALUE OF WORK: \$ _____ PERCENTAGE VALUE: _____ %

*Ethnic Groups: African American (AABE); Asian American (ABE); Hispanic American (HBE); Native American (NABE); White Female American (WFBE); **If yes, please attach copy of recent certification.

Total Dollar Value of Subcontractor Agreements: (\$)

Total Percentage Value: (%)

CERTIFICATION: The undersigned certifies that he/she has read, understands and agrees to be bound by the Bid/Proposer provisions, including the accompanying Exhibits and other terms and conditions regarding sub-contractor utilization. The undersigned further certifies that he/she is legally authorized by the Bidder/Proposer to make the statement and representation in this Exhibit and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned understands and agrees that if any of the statements and representations are made by the Bidder/Proposer knowing them to be false, or if there is a failure of the intentions, objectives and commitments set forth herein without prior approval of the County, then in any such event the Contractor's acts or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the County to terminate the Contract for default. The right to so terminate shall be in addition to, and in lieu of, any other rights and remedies the County may have for other defaults under the contract.

Signature: _____ **Title:** _____

Firm or Corporate Name: _____

Address: _____

Telephone: () _____

Fax Number: () _____

Email Address: _____

EXHIBIT D

**LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR
OR
PROVIDE MATERIALS OR SERVICES**

This form **must** be completed by **ALL** known subcontractor and submitted with the bid/proposal. The Prime Contractor **must** submit Letters of Intent for **ALL** known subcontractors at time of bid submission.

To: _____
(Name of Prime Contractor Firm)

From: _____
(Name of Subcontractor Firm)

ITB/RFP Number: _____

Project Name: _____

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials, or services to be performed or provided):

Description of Work	Project Commence Date	Project Completion Date	Estimated Dollar Amount

(Prime Bidder)

(Subcontractor)

Signature _____

Signature _____

Title _____

Title _____

Date _____

Date _____

GUIDANCE CONCERNING GOOD FAITH EFFORTS

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasized, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.
- III. The Department also strongly cautions against requiring that a bidder meet a contract goal (i.e., obtain a specific amount of DBE participation) in order to be awarded a contract, even though the bidder makes adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, not is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest with in sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
 - B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might be otherwise prefer to perform these work items with its own forces.

- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
 - D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or materials needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiations includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason or a bidder's failure to meet the contract DBE goal, as long as such cost are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contracts are not, however, required to accept higher quotes from DBEs if the price difference is excessive and unreasonable.
 - E. Not ejecting DBEs as being unqualified without sounds reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are legitimate caused for the rejection of non-solicitation of bids in the contractor's effort to meet the project goal.
 - F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
 - G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
 - H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state and Federal minority/woman business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

DOCUMENTATION OF GOOD FAITH EFFORTS

A bid may only be deemed DBE responsive if the entire goals has been met or if a sufficient showing of good faith efforts has been made in accordance with “49 CFR Part 26.53”.

Company Name _____

Project Number _____

Project Name _____

Attach a thorough, detailed statement describing every step taken in an effort to meet DBE goal. Attach detailed documentary evidence supporting the efforts described in the statement. If the bidder is notified that it has failed to meet goal or document sufficient good faith efforts to meet the goal, the bidder is entitled to administrative reconsideration as described in 49 CRF 26.53(d).

FULTON COUNTY CONTRACT COMPLIANCE CERTIFICATE

The undersigned has prepared and submitted all the documents attached hereto. The documents have been prepared with a full understanding of the County's goals and objectives with respect to increased opportunity in the proposed work to be undertaken in the performance of this project. It is the company's intent to achieve the Disadvantaged Business Enterprise goals as well as meet the requirements of the County's Non-Discrimination Ordinance in Purchasing and Contracting.

All information and representations contained herein and submitted with this bid or proposal are true and correct.

Witness

Signature
Company Authorized Representative

Print Name
Company Authorized Representative

Date: _____

Company Name: _____

Project Number: _____

Project Name: _____

Notary

My Commission Expires