

# **PENNSYLVANIA TURNPIKE COMMISSION**

## **RETENTION OF AN ENGINEERING OR CONSTRUCTION MANAGEMENT FIRM**

### **Construction Management/Construction Inspection Services for Pavement and Structure Rehabilitation Northeast Extension, I-476, MP A-94 to A-122 Carbon, Luzerne, & Lackawanna Counties**

#### **Reference No. 5-097**

The Pennsylvania Turnpike Commission will retain an Engineering or Construction Management firm to provide Construction Management/Construction Inspection services and as-directed Pre-Construction Services for pavement and structure rehabilitation projects between mileposts A94 and A122, in Carbon, Luzerne, and Lackawanna Counties, Pennsylvania. The agreement will include services during both the design and construction phases. Where appropriate, the design phase will include tasks relating to design constructability, bidability reviews, project scheduling, meeting attendance, and bid packaging. Construction phase tasks will include construction management, administration, documentation, quality control, quality assurance, inspection, and project close out services.

Construction of this section is anticipated to include as many as 6 northeast extension pavement and structure rehabilitation contracts at a total estimated cost of approximately \$112,000,000.00. Anticipated construction contracts are described as follows:

1. Pavement rehabilitation from MP A-101 to A-104.
  - Construction: Mainline Turnpike pavement rehabilitation project only; currently, no structure work is anticipated. It is anticipated that this will be a design-bid-build project.
  - Anticipated Construction Schedule: Bid summer 2015 for construction from summer/fall 2015 through September 2016.
  - Construction Estimate: \$24,000,000
2. Pavement and structure rehabilitation from MP A-095 to A-098.
  - Construction: This project will include mainline Turnpike pavement rehabilitation. This project may also include the rehabilitation of two (2) mainline culverts (C-2 over Fawn Run and C-3 over a Tributary to the Lehigh River). It is currently anticipated that this will be a design-bid-build project.
  - Anticipated Construction Schedule: Bid summer 2016 for construction from summer/fall 2016 through September 2017.
  - Construction Estimate: \$18,000,000
3. Pavement and structure rehabilitation from MP A-116 to A-118.
  - Construction: This project will include mainline Turnpike pavement rehabilitation. This project may also include the rehabilitation of two (2) mainline culverts (NB-611 over Leidy's Creek and NB-662 over a Tributary to Leidy's Creek). It is currently anticipated that this project will be a design-bid-build project.
  - Anticipated Construction Schedule: Bid summer 2016 for construction from summer/fall 2016 through September 2017
  - Construction Estimate: \$24,000,000
4. Pavement and structure rehabilitation from MP A-106 to A-109.
  - Construction: This project will include mainline Turnpike pavement rehabilitation. This project may also include the rehabilitation of one (1) mainline bridge (NB-641 over SR 0115) and four (4) mainline culverts (NB-639, NB-640, and NB-643 all over Tributaries to

Laurel Run, as well as NB-642 over Gin Creek). It is currently anticipated that this project will be a design-bid-build project.

- Anticipated Construction Schedule: Bid summer 2017 for construction from summer/fall 2017 through September 2018
- Construction Estimate: \$24,000,000

5. Pavement and structure rehabilitation from MP A-094 to A-095.

- Construction: This project will include mainline Turnpike pavement rehabilitation. This project may also include the rehabilitation of three (3) mainline bridges (NB-617 over Black Creek, NB-618 over SR 0940, and NB-620 over Ramp AB at the Pocono Interchange) and one (1) mainline culvert (NB-619 over a Tributary to Black Creek). It is currently anticipated that this project will be a design-bid-build project.
- Anticipated Construction Schedule: Bid summer 2018 for construction from summer/fall 2018 through September 2019
- Construction Estimate: \$9,000,000

6. Pavement and structure rehabilitation from MP A-112 to A-114.

- Construction: This project will include mainline Turnpike pavement rehabilitation. This project may also include the rehabilitation of one (1) mainline bridge (NB-654 over O'Hara Industrial Park Road) and three (3) mainline culverts (NB-650 over a Tributary to Gardeners Creek, NB-652 over Black Creek, and NB-653 over an unnamed stream). It is currently anticipated that this project will be a design-bid-build project.
- Anticipated Construction Schedule: Bid summer 2018 for construction from summer/fall 2018 through September 2019
- Construction Estimate: \$13,000,000

It is anticipated that the maintenance and protection of traffic for all projects will consist of traffic crossovers while maintaining one lane of traffic in each direction of travel. Crossovers are anticipated to occur between March and September of each year, and the pavement and structure rehabilitation in both directions of travel will be required to be completed during one construction season. Accelerated construction by the contractor is anticipated with the contractor working multiple shifts, 7 days a week, in order to complete each project. The Construction Manager will be required to have at least one Resident Engineer on site at all times the contractor is working.

The above project information is accurate to the best of our knowledge at the time of this advertisement. Contracts may change in scope, limits of work, bidding methods, or type of construction as design progresses. The Consultant Agreement is anticipated to start in approximately January 2015 and terminate in December 2019. We reserve the right to add or delete structures from the above listing. Project information is also subject to change as designs progress.

This project will require construction management in order to provide cost, schedule and quality control, quality assurance, and to comply with all PA Turnpike, state, and federal highway construction requirements. The agreement will include services during both the design and construction phases. The design phase would include as directed tasks relating to design constructability, cost estimating, value engineering and bidability reviews, project scheduling, meeting attendance, and bid packaging. Construction phase tasks will include construction management, administration, quality control, quality assurance, inspection, scheduling, field geotechnical assistance, surveying, environmental monitoring, safety, and public relation services. The Construction Manager will also provide the Resident Engineer and inspection level personnel for the construction contracts as directed. Additionally, inspection level staff may also be provided by others through separate agreement with the Commission for the various construction contracts, and the construction management team will oversee and manage all the construction inspection personnel. The selected firm will be expected to provide extensive coordination efforts between several construction contracts during construction, as well as coordination with PennDOT and other agencies or municipalities.

The selected firm will be required to provide full time on-site construction management staff, with

sufficient office personnel, managers, engineers, technicians, and clerical staff to support the field functions. Resident Engineers, managing inspection staff from different consultants, and inspection level staff will also be provided by the construction manager for the construction contracts. The firm will be required to set up a construction management office near the site. We anticipate that the selected firm will provide a field staff of on-site construction inspection personnel per project consisting of Resident Engineer level inspectors, CDS technicians, and a varying number of additional inspectors, contingent upon the contractor's work activities. Efficiencies by utilizing shared field staff between projects should also be anticipated. Additional inspection personnel may be required to cover multiple shifts by the contractor. The selected firm is expected to participate in the remaining design and project development meetings and provide constructability reviews, schedule reviews, and similar preconstruction tasks as-directed. During the construction phase, the selected firm will be required to attend the pre-bid meetings and preconstruction conferences, write all project correspondence for PA Turnpike signature, and review and approve or coordinate the approval of contractors' submissions. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction progress. The selected firm will also be expected to prepare current and final estimates for payment to contractors; negotiate, prepare, approve, and process change orders; conduct monthly job conferences; monitor monthly progress; provide liaison with affected utilities, railroads, communities, and the press; conduct semifinal and final inspections; and determine the final quantities for each contract item. Affected agency coordination prior to and during construction may also be required. The Construction Management team will also be expected to handle public relations activities for the project, which would include but may not be limited to: development and maintenance of a project web site, press conferences, answering customer questions, informational brochures, and other duties as required. Project close-out activities, including as-built notation, and merging and purging of office and field files, will be required.

The selected firm will be required to invoice in an electronic PDF format. The firm will also be required to submit a Quality Assurance Plan for their services and provide a quarterly report on this function.

The Commission currently utilizes a web based project management collaboration system for most of its projects. The selected firm will be required to use this system, with training and software access provided by the Commission.

Eighty percent (80%) of the inspection staff assigned to this Commission construction project must meet any one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician - Construction Level 2 or higher
2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with one (1) year highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with two (2) years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with two (2) years of highway inspection experience acceptable to Commission.
5. Hold an Associate Degree in Civil Engineering Technology with three (3) years of highway inspection experience acceptable to the Commission.

The remaining twenty percent (20%) assigned to this project shall meet the following education and experience requirements:

Education - Graduation from High School or equivalent certification. Completion of a training program

in construction inspection approved by the Commission may be substituted for High School graduation.

Experience - One (1) year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or one (1) year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A two (2) to four (4) year engineering college degree may be substituted for one (1) year of experience.

Resident Engineer level inspectors shall be a registered Professional Engineer or have a NICET IV certification with a minimum of two (2) years of experience in leading construction inspection projects.

A periodic report will be required to document the qualifications of the inspectors working on the project.

It should be noted that the PTC may assign its engineering personnel to this project as an addition to the selected firm's staff or in lieu of selected firm's staff on a temporary or permanent basis throughout the life of this project. The selected firm will be required to make the field office and equipment available for use by the Commission's personnel.

**The following evaluation criteria are listed in order of importance and will be considered by the Commission's Technical Evaluation Team during the evaluation of the firms submitting Statements of Interest for this project:**

- a. The team's experience managing and inspecting multiple large-scale staged roadway and large complex construction projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, the location of the project, and the client.
- b. The specific abilities, experience, and qualifications of the proposed construction management and resident engineer level staff as related to large complex roadway and bridge projects.
- c. The past record of performance on similar projects with respect to construction cost control, work quality, and ability to meet schedules. Also indicate your experience managing inspection costs.
- d. Firm's ability and reasonableness of firm's strategy to ensure a quality product. Provide a discussion regarding the effectiveness of your firm's QA Program.
- e. The firm or individual experience with public relations during construction projects.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

## **GENERAL REQUIREMENTS AND INFORMATION**

Firms interested in providing the above work and services are invited to submit three (3) copies of a Statement of Interest with the required information. The Statements of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A five (5)-page (maximum) Statement of Interest on the advertised project. Each firm should demonstrate its ability to perform the specific requirements indicated for each project and provide explanation of the technical approach including the roles of each subconsultant and the extent that each subconsultant will be utilized.
3. An organizational chart for the Project, identifying key personnel and identifying all subconsultants and their specific assignments. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission's Chief Engineer.
4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects. Do not graphically represent the firm's workload.
5. A Consultant Qualification Package similar to the one submitted to the Pennsylvania Department of Transportation for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from PennDOT's ECMS website is acceptable.
6. Location of the firm's headquarters, a listing of all Pennsylvania offices, and number of employees based in Pennsylvania offices.

The Consultant Qualification Package should contain, at a minimum, the following information for the prime consultant and all subconsultants and attached to the back of the Statement of Interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254/255 or 330 - Architect-Engineer and Related Services Questionnaire in its entirety, either not more than one (1) year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. (Limit to three (3) 8 1/2 x11 pages, per person). Only resumes of key CM personnel should be included.
- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in Pennsylvania.

The Commission's **Diverse Business Requirements** for this procurement and a resulting contract are identified in **Appendix A**. The minimum participation level for DBs in this contract will be 10%. Responding firms shall clearly identify DB firms, expected to participate in this contract, in their Statement of Interest and indicate their intent to maintain the minimum participation level throughout the life of the contract.

Please note that the selected consultant, its subconsultants, and affiliated companies, cannot bid on any portion of the construction for this project. For additional guidance regarding Engineering Involvement Restrictions, see PennDOT Publication 93, Section 1.5.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate Statements of Interest from joint venture constituents. A firm will not be permitted to submit a Statement of Interest on more than one (1) joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Questions and inquiries concerning this Project should be directed to Mr. Brian M. Ranck, P.E., at (717) 831-7363, or by email at [branck@paturndpike.com](mailto:branck@paturndpike.com). Contractual questions should be directed to Mr. Donald S. Klingensmith at (717) 831-7585; or by e-mail at [dklingen@paturndpike.com](mailto:dklingen@paturndpike.com).

Firms interested in performing the above services are invited to submit **three (3)** copies of a Statement of Interest and required information to Mr. Donald S. Klingensmith, P.E., Director of Contracts Administration, at the PA Turnpike Commission Administration Building. Our ground address for overnight/next-day deliveries is 700 South Eisenhower Boulevard, Middletown, PA 17057. Our mailing address for U.S. Mail is P. O. Box 67676, Harrisburg, PA 17106-7676. Please note that use of U.S. Mail, FedEx, UPS, or other delivery services does not guarantee delivery to the Contracts Administration Department by the time listed below for submission. Firms mailing a Statement of Interest should allow sufficient delivery time to ensure timely receipt of its Statement of Interest.

The Statement of Interest and required information must be received by the Contracts Administration Department by 2:00 PM, Local Time, **Wednesday, September 3, 2014**. Any Statements of Interest received after this date and time will be time-stamped and returned. A Statement of Interest submission that includes or considers a firm's cost as a factor will be disqualified.

Based on an evaluation of acceptable Statements of Interest received in response to this solicitation, one firm will be selected by the Commission from this advertisement. Technical Proposals will not be requested before the selection. Statements of interest will be reviewed, evaluated, and rated by a Technical Evaluation Team (TET) of qualified personnel based on the evaluation criteria listed above. The TET will present the evaluations to the Professional Services Procurement Committee (PSPC). The PSPC will review the TET's evaluation and provide the Commission with the firm(s) determined to be highly recommended for this assignment.

The Commission will select the most highly qualified firm for the assignment or the firm whose proposal is determined to be most advantageous to the Commission by considering the TET's evaluation and the PSPC's determination as to each firm's rating. In making the PSPC's determination and the Commission's decision, additional selection factors may be considered taking into account the estimated value, scope, complexity and professional nature of the services to be rendered and any other relevant circumstances. Additional selection factors may include, when applicable, the following: geographic location and proximity of the firm, firm's Pennsylvania presence or utilization of Pennsylvania employees for the assignment; equitable distribution of work; diversity inclusion; and any other relevant factors as determined as appropriate by the Commission

The Commission may revise a published advertisement. If the Commission revises a published advertisement less than ten days before the Statement of Interest due date, the due date will be extended to maintain the minimum ten-day advertisement duration if the revision alters the project scope or selection criteria. Firms are responsible to monitor advertisements to assure the Statement of Interest complies with any changes in the published advertisement.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

William K. Lieberman  
Chairman

# APPENDIX A

## DIVERSE BUSINESS (DB) REQUIREMENTS

**Diverse Business Participation.** The Commission is committed to Diverse Business (DB) participation on competitive contracting opportunities. Firms or entities that have not previously performed work or provided services to the Commission are encouraged to respond to the solicitations. RFPs may include DB participation as part of the criteria for the evaluation of proposals (for the purposes of this specification Statements of Interest are synonymous with Proposals), and the Commission may consider DB participation as a selection factor.

**Minimum Participation Level (MPL).** The minimum participation level (MPL) for the inclusion of DBs will be established in the RFP/advertisement as a percentage.

**(a) General Requirements.** Section 303 of Title 74 of the Pennsylvania Consolidated Statutes, 74 Pa.C.S. § 303, requires proposer on contracts funded pursuant to the provisions of Title 74 (Transportation) and 75 (Vehicle Code) administered and issued by the Commission to make Good Faith Efforts to solicit subconsultants that are Diverse Businesses (DBs) as defined in Section 303. The DB requirements of Section 303 apply to this contract.

Section 303 requires proposers to make Good Faith Efforts, as described below, to solicit subconsultants that are DBs during the proposal process to maximize participation of DBs in competitive contracting opportunities.

The Commission is committed to participation by DBs and will enforce the requirements of Section 303 and this section. Failure to make Good Faith Efforts and demonstrate such Good Faith Efforts in the solicitation of subconsultants may result in the proposer being declared ineligible for the contract.

Proposers shall document and submit to the Commission all Good Faith Efforts, as described in this section, to solicit subconsultants that are DBs during the solicitation process.

Proposers are encouraged to utilize and give consideration to consultants offering to utilize DBs in the selection and award of contracts.

Proposers shall not discriminate on the basis of gender, race, creed or color in the award and performance of contracts in accordance with 62 Pa.C.S. §3701.

Failure to comply with the requirements of Section 303 or this specification may result in the imposition of sanctions as appropriate under section 531 of the Procurement Code, 62 Pa.C.S. § 531 relating to debarment and suspension.

The Commission's Director of the Office of Diversity and Inclusion, or designee, is designated the Responsible Official who shall supervise the DB program and ensure that the Commission complies with the DB program.

**(b) Definitions.** The following definitions apply to terms used in this specification:

**1. Disadvantaged Business** – A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial, social, ethnic prejudice or cultural bias.

**2. Diverse Business** – A disadvantaged business, minority-owned or women-owned business or service-disabled veteran-owned or veteran-owned small business that has been certified by a third-party certifying organization.

**3. Minority-owned Business** – A business owned and controlled by a majority of individuals who are African Americans, Hispanic Americans, Native Americans, Asian Americans, Alaskans or Pacific Islanders.

**4. Professional Services** – An industry of infrequent, technical or unique functions performed by independent contractors or consultants whose occupation is the rendering of the services, including: (1) design professional services as defined in 62 Pa.C.S. § 901 (relating to definitions); (2) legal services; (3) advertising or public relations services; (4) accounting, auditing or actuarial services; (5) security consultant services; (6) computer and information technology services; and (7) insurance underwriting services.

**5. Pro Forma Effort**-The act of completing a form or document identifying efforts to solicit DBs for a project in order to satisfy criteria with little or no expectation that the DBs contacted or identified will perform

any of the work.

**6. Service-Disabled Veteran-Owned Small Business** – A business in the United States which is independently owned and controlled by a service-disabled veteran(s), not dominant in its field of operation, and employs 100 or fewer employees.

**7. Subconsultant-** Any individual, partnership, firm, or corporation entering into a contract with the prime consultant for work under the contract, including those providing professional and other services.

**8. Third-party Certifying Organization** – An organization that certifies a small business, minority-owned business, women-owned business or veteran-owned small business as a diverse business. The term includes: (1) the National Minority Supplier Development Council; (2) the Women’s Business Development Enterprise National Council; (3) the Small Business Administration; (4) The Department of Veteran Affairs; (5) the Pennsylvania Unified Certification Program.

**9. Veteran-owned Small Business** –A small business owned and controlled by a veteran or veterans.

**10. Women-Owned Business** – A business owned and controlled by a majority of individuals who are women.

**(c) Actions Required by Proposer during the procurement/consultant selection phase**

**1. Submission Requirements – Consultant Responsiveness.**

- a. **Minimum Participation Level (MPL) Documentation** - If the documentation submitted in conjunction with the proposal demonstrates that the proposer has identified DBs sufficient to meet the MPL established for this contract, the proposer will be deemed to have satisfied the DB requirement during this phase. The proposer is required to provide the business name and business address of each DB and supporting documentation that includes proof of certification.

If the consultant’s proposal demonstrates the consultant’s inability to meet the MPL established for this contract, the proposer shall demonstrate Good Faith Efforts within 7 calendar days of being notified of the selection. Submit written documentation by email at [RFP-Q@paturmpike.com](mailto:RFP-Q@paturmpike.com). Failure to submit the required documentation demonstrating Good Faith Efforts as further described below within 7 calendar days of being notified of selection may result in a rejection of the proposal.

- b. If no MPL has been established for this contract, the proposer is required to either provide a statement of intent that it will self-perform 100% of the work for the agreement, or demonstrate Good Faith Efforts to solicit subconsultants that are DBs. In either case documentation shall be made within 7 calendar days of being notified of selection. Submit written documentation by email at [RFP-Q@paturmpike.com](mailto:RFP-Q@paturmpike.com).

Failure to submit the required information identified above within 7 calendar days of being notified of selection may result in a rejection of the proposal.

**2. Good Faith Effort Requirements:** The documentation of Good Faith Efforts must include the business name and business address of each DB considered. Supporting documentation must also include proof of certification and any explanation of Good Faith Efforts the proposer would like the Commission to consider. Any services to be performed by a DB are required to be readily identifiable to the agreement. Good Faith efforts are demonstrated by seeking out DB participation in the project given all relevant circumstances. The Commission requires the proposer to demonstrate more than Pro Forma Efforts. Evidence of Good Faith Efforts includes, but is not limited to:

- a. Consultant solicits through all reasonable and available means the interest of all certified DBs with the capacity to perform the scope of work set forth in the agreement.
- b. The proposer must provide written notification at least 5 business days before solicitations are due to allow the DBs to respond to the solicitation.
- c. The proposer must determine with certainty if DBs are interested by taking appropriate steps to follow up initial solicitations.
- d. The proposer must make efforts to select portions of the work to be performed by DBs to include, where appropriate, breaking out contract work into economically feasible units to facilitate DB participation;
- e. It is the proposer's responsibility to make a portion of the work available to DBs and, to select those portions of the work, so as to facilitate DB participation.
- f. The proposer shall provide evidence of such negotiations that include the names, addresses, and telephone numbers of DBs considered; A description of the information provided regarding the required work and services for the work selected for subconsultants; and evidence as to why additional agreements could not be reached for DBs to perform the work.
- g. Proposers cannot reject or withhold solicitation of DBs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
- h. The DB's standing within its industry, membership in specific groups, organizations or associations and political or social affiliations (for example union v. non-union employee status) are not legitimate causes for the rejection or non-solicitation of proposals in the proposer's efforts to meet the Good Faith Efforts requirement.
- i. Efforts to assist interested DBs in obtaining bonding, lines of credit or insurance.

**3. Actions Taken by the Commission.** After the apparent successful proposer has been notified of its selection, the Commission will review the submissions to determine whether the proposer has complied with Section 303 and this specification in the selection of DB subconsultants. The Commission will determine whether the proposer has either met the MPL or provided acceptable documentation as noted above. The Commission reserves the right to contact proposers for clarification during the review and negotiation process.

If the Commission determines that the proposer has failed to either meet the MPL or provide acceptable documentation as noted above, the proposal may be rejected.

**(d) Consultant Requirements During Performance of Services.**

**1. Replacement of a DB Subconsultant.** Consultant must continue good faith efforts through completion of the contract. The obligation to make Good Faith Efforts to solicit subconsultants for any type of service extends to additional work required for any service which is identified to be performed by a DB. If at any time during the performance of the work, it becomes necessary to replace or add a subconsultant that is a DB, the consultant, as appropriate, shall immediately notify the Commission and seek approval in writing in accordance with the Agreement of the need to replace the DB, which notice shall include the reasons for the replacement. If a prime consultant who originally indicated that it would self-perform all work subsequently decides to use a subconsultant for any work under the contract, the consultant must submit documentation of all Good Faith Efforts as to the work for which a subconsultant is obtained.

**2. Records.** Maintain project records as are necessary to evaluate DB compliance and as necessary to perform the reporting function addressed below. Maintain all records for a period of 3 years following acceptance of final payment. Make these records available for inspection by the Commission, its designees or agents. These records should indicate:

**2.a.** The number of DB and non-DB subconsultants and the type of services performed on or incorporated in this project.

**2.b.** The progress and efforts made in seeking out DB subconsultant organizations and individual DB consultants for work on this project to increase the amount of DB participation and/or to maintain the commitments made at the time of the proposal to DBs.

**2.c.** Documentation of all correspondence, contacts, telephone calls, and other contacts made to obtain the service of DBs on this project.

**3. Reports.** Maintain monthly reports and submit reports as required by the Commission concerning those contracts and other business executed with DBs with respect to the records referred to in subsection (e)2. above in such form and manner as prescribed by the Commission. At a minimum, the Reports shall contain the following:

**3.a** The number of Contracts with DBs noting the type of services provided, including the execution date of each contract.

**3.b** The amounts paid to each DB during the month, the dates of payment, and the overall amounts paid to date. If no payments are made to a DB during the month, enter a zero (\$0) payment.

**3.c** Upon request and upon completion of individual DB firm's work, submit paid invoices or a certification attesting to the actual amount paid. In the event the actual amount paid is less than the award amount, a complete explanation of difference is required.

#### **4. Subconsultant Contracts**

**4.a.** Subcontracts with DB firms will not contain provisions waiving legal rights or remedies provided by laws or regulations of the Federal Government or the Commonwealth of Pennsylvania or the Commission through contract provisions or regulations.

**4.b.** Prime consultant will not impose provisions on DB subconsultants that are more onerous or restrictive than the terms of the prime's contract with non-DBs.

**4.c.** Executed copies of subcontracts/purchase orders are to be received by the Commission before the commencement of work by the DB.

**5. Payments to DB Subconsultants.** Payments to DBs are to be made in accordance with the prompt payment requirements of Chapter 39, Subchapter D of the Procurement Code, 62 Pa.C.S. §3931 et seq. Performance of services by a DB subconsultant in accordance with the terms of the contract entitles the subconsultant to payment.

**(e) Actions to be Taken by Commission After Performance of Services.** Following completion of the Consultant's services, the Director of the Commission's Office of Diversity and Inclusion or his/her designee will review the overall DB participation to assess the Consultant's compliance with Section 303 and this contract. Appropriate sanctions may be imposed under 62 Pa.C.S. § 531 (relating to debarment or suspension) for a Consultant's failure to comply with Section 303 and the requirements of the contract.