

CHESAPEAKE BAY BRIDGE and TUNNEL DISTRICT

REQUEST FOR PROPOSAL

FOR PROFESSIONAL SERVICES

Construction Manager

“CM”

PROPOSAL NUMBER: PTST-15-3

ISSUED: July 20, 2015

**Construction Manager
Request for Proposal
Chesapeake Bay Bridge and Tunnel District**

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1. General Description

The Chesapeake Bay Bridge-Tunnel (CBBT) is a 20-mile-long vehicular toll crossing of the lower Chesapeake Bay. The facility carries US 13, the main north-south highway on Virginia's Eastern Shore, and provides the only direct link between Virginia's Eastern Shore and south Hampton Roads, Virginia. The crossing consists of a series of four lane low-level trestles and bridges which are connected by two approximately one-mile-long two lane tunnels beneath Thimble Shoal and Chesapeake navigation channels. The manmade islands, each approximately 5.25 acres in size, are located at each end of the two tunnels. There are also high level bridges over two other navigation channels: North Channel Bridge and Fisherman Inlet Bridge. Finally, between North Channel and Fisherman Inlet, the facility crosses at-grade over Fisherman Island, a barrier island which includes the Fisherman Island National Wildlife Refuge administered by the U. S. Fish and Wildlife Service. Toll collection facilities are located at each end of the facility.

The Chesapeake Bay Bridge and Tunnel District (District) is in the initial stages of procuring a Design-Build contract to construct a parallel Thimble Shoal tunnel under Thimble Shoal channel, approximately 250 feet west of the existing Thimble Shoal Tunnel.

This Request for Proposals (RFP) for a Parallel Thimble Shoal Tunnel (PTST) Construction Manager (CM) will be to assist the District and provide the integrated services to construct the parallel tunnel at Thimble Shoal Channel.

2. Quality Assurance and Quality Control Plan

This section generally describes the approach to Quality Assurance and Quality Control for the PTST Project. Figure 1 illustrates the roles and responsibilities for detailed design, construction, quality control and quality assurance. The Design-Build contractor will develop a Quality Management Plan for the project, and it will be based on the following:

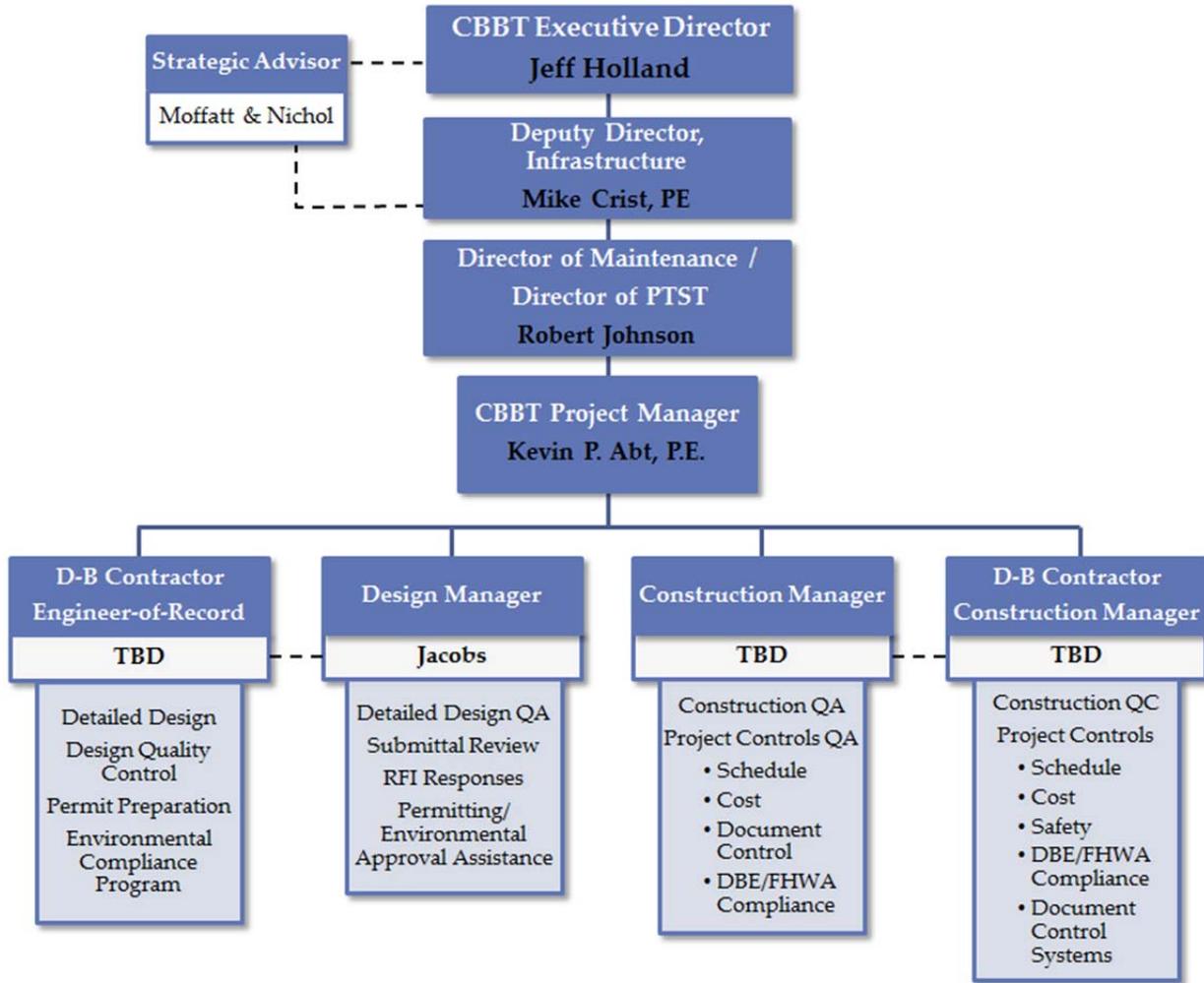


Figure 1 - Design and Construction Roles and Responsibilities

2.1. Quality Management Plan

The Design-Builder will be responsible for developing a Quality Management Plan (“QMP”) including all elements of Quality Assurance (“QA”) and Quality Control (“QC”). The QMP will generally be in accordance with *VDOT’s Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects (Jan. 2012)*. The QMP will also incorporate requirements from *VDOT’s Manual of Instruction-Materials Division, Construction Manual, Maintenance Manual, and Inspection Manual*.

The QMP will describe the system, policies, and procedures that address the Work and provide documented evidence that the Work was performed in accordance with the Contract Documents, approved designs or shop drawings, and any relevant state or federal requirement.

The Design-Builder will regularly audit and report to the District its compliance with the QMP as part of its quality systems as described in the Technical Requirements.

The Design-Builder and its Subcontractors will ensure that their quality records are freely and readily available to the District and the Construction Manager in order to enable the District to monitor and establish whether the Design-Builder's obligations under the Contract are met.

The Design-Builder will coordinate with and assist the District and its Construction Manager in the performance of its QA-related activities.

2.2. CM Quality Roles and Responsibilities

The Design-Builder will perform its quality functions generally in accordance with *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*. Where appropriate, the QMP shall also incorporate requirements from *VDOT's Manual of Instruction-Materials Division (2014)*, *Construction Manual (2005)*, *Maintenance Manual*, and *Inspection Manual (2015)*. The roles and responsibilities of the Quality Assurance Manager ("QAM") and Quality Assurance Inspection and Testing Technicians will not be included in the Design-Builder's Work and will be the responsibility of the CM .

1. The quality assurance management function described in *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects* will be controlled and paid for by the District. The roles to be performed by the District include:
2. The "Department" defined in *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*;
3. The QAM described in *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*; and
4. The Quality Assurance Testing Technicians and Quality Assurance Inspection Technicians described in *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*.

The Design Builder's Quality Manager will perform quality audits to assure that the Design-Builder is providing an adequate level of quality oversight (assurance) to ensure the QC is conducted in compliance with the Contract Documents. Quality Assurance conducted by the District or the Construction Manager shall not relieve the Design-Builder of its responsibility for the accuracy and completeness of the Design-Builder's QC and QMP compliance. The Design-Builder will perform regular internal audits of all Design-Builder and Subcontractor QC activities to ensure the Work is in compliance with the approved QMP. The Construction Manager will report non-compliance with the QMP to the Project Manager and the Design-Builder.

2.3. Design Quality Management Plan

The Design-Builder's Design Quality Management Plan ("DQMP") will detail the Design-Builder's approach to conducting design QC in accordance with Section 4 of *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*, as well as how the Design-Builder will communicate with the District and deliver its design. The Design-Builder's Quality Manager will oversee the design quality control process to assure compliance with the Contract Documents and any relevant state or federal requirements.

Quarterly audits of design activities to verify conformance with the procedures will be conducted by a senior quality manager from the Design-Builder who is not involved in the Project.

With each submittal, the Design-Builder will submit a certification from the Design Manager that the submittal meets the requirements of the Contract Documents and any relevant state or federal requirements and has been reviewed in accordance with the approved DQMP. The Construction Manager shall have full access to these submittals and their reviews by the Design Manager.

2.4. Construction Quality Management Plan

The Design-Builder's Construction Quality Management Plan ("CQMP") will detail the Design-Builder's approach to conducting construction QC in accordance with Section 5 of *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*. The Design-Builder's Quality Manager will oversee the construction quality control process to assure compliance with the Contract Documents.

The Design-Builder will provide all personnel, equipment, supplies and facilities necessary to comply with the quality requirements in the Contract Documents.

The CQMP will also detail the Design-Builder's approach to coordinating its construction QC activities with the District and the District's independent construction QA activities.

The Design-Builder will certify that all work has been completed in conformance with the Contract Documents, approved designs or shop drawings, any relevant state or federal requirements, and the approved CQMP.

3. Scope of Services

In general, it is the intent of the District to contract with a qualified consultant team for Construction Management services. The Construction Manager will assist the District, and work with both the District and the Design-Build Contractor, to construct the Parallel Thimble Shoal Tunnel (PTST).

The Construction Manager (CM) shall be responsible for the independent Quality Assurance component of the Construction Quality Management Plan ("CQMP") to be prepared by the Design-Builder, including overall construction and field compliance with approved designs, shop drawings, and any relevant state or federal requirements.

The CM will provide budget, project control, contract administration, inspection, risk management, safety, claims management/avoidance, value engineering and other services typically associated with construction management for design-build and P3 projects in Virginia

The CM will be required to perform sample testing at a lab accredited by the AASHTO Accreditation Program.

The CM also shall provide independent oversight and review of the Design-Builder's Disadvantaged Business Enterprise (DBE) program, and any additional tasks requested by the District.

The CM will maintain appropriate documentation on all activities conducted on behalf of the District, utilizing the project control and document management systems provided by the Design-Builder.

The selected CM will be managed by District staff and will report to the Project Manager on a day-to-day basis. District personnel will be available to determine policy and make major decisions as appropriate. The District reserves the right to supplement the selected CM or staff if it is in the best interest of the project.

3.1. Contract Term

This Contract shall be valid until the final project closeout for the Parallel Thimble Shoal Channel Tunnel.

4. Proposal Requirements

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the firm's (or the team's) capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Under no circumstances shall the proposal exceed a total of fifty pages or it shall be deemed non-responsive.

All pages are to be 8 ½" X 11" and printed on one side, with single-spaced type no smaller than 12 pitch. Graphics, organizational charts and similar material may use 11" X 17" sheets folded to 8-1/2" X 11".

The proposal should be organized by the following categories:

4.1. Organizational Capability (10 Points)

In ten (10) pages or less, give a description of the firm's or the team's ability to provide the construction management services in a timely manner, the size of the firm or the team relative to the size of the project, the location of the lead firm in relation to the project, the proposed project staff resources, and the proposed use of sub consultants.

Detailed information indicating the organizational structure under which the firm or the team proposes to conduct business is required. The CM is expected to provide a core team with the appropriate mix of management abilities, technical expertise, and experience. The following information will need to be provided in describing the firm's organizational capabilities.

4.1.1. Affiliates

Provide names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed as an affiliate.

Affiliate – Any business entity which is closely associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly or, when a third party has the power to control or controls both or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity.

4.1.2. Location of Work

Indicate the percentage of work which will be performed in a Virginia office, and the percentage that will be performed out-of-state for each firm involved. (The Virginia office must be an existing operating office staffed and equipped to perform engineering or construction management work.)

4.1.3. SCC Registration

Professional corporations must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation must be registered in the Commonwealth of Virginia with the Department of Commerce, State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects. All firms involved that are to provide professional services must meet this criteria prior to a contract being executed by the District.

4.2. Firm/Team's Experience Providing Similar Types of Services (15 points)

In ten (10) pages or less, describe the firm/team's cumulative experience, technical expertise, and qualifications in providing comparable construction management services. Describe how the team members have sufficient experience to mobilize/demobilize support personnel to supplement the District's resources.

4.2.1. Construction Management Experience

Provide specific descriptions of the firm/team's qualifications as they pertain to providing construction management services as generally described in the Scope of Work including the following areas:

- a. Budget development and monitoring
 - i. Overseeing and competently maintaining internal budgets and providing oversight of project budgets.

- ii. Managing and tracking project costs for escalation during design and construction and applying cost effectiveness strategies and mechanisms for cost containment.
- b. QA/QC program inspection for design-build projects
 - i. Application of and understanding of relevant industry and VDOT standards and specifications.
 - ii. Managing and analyzing construction and field issues and the responses to these situations.
- c. Contract administration and project management
 - i. Managing, administering, and providing Design oversight for complex design and construction contracts as an owner representative, including other consultants and design-build contractors.
- d. Traditional Construction, Engineering and Inspection for design-build projects
 - i. Public and private utility management: code issues, coordination, etc.
- e. Project controls and constructability including scheduling, cost estimating, bid review, claims avoidance and document control
 - i. Developing an interface with the information system provided by the Design-Builder to provide a document tracking system for correspondence, notices, and any other type of project documentation.
 - ii. Schedule review and analysis and claim avoidance analysis and resolution procedures.
- f. Environmental permitting and compliance
 - i. Overseeing, monitoring, and managing environmental permitting processes and agency coordination. Expertise and experience with the pertinent State and Federal Laws and Regulations that will apply to this Project.
- g. Project partnering and risk management analysis
 - i. Value engineering procedures and experience in evaluating and analyzing value engineering proposals during construction.
- h. Safety program review and inspection

4.2.2. Firm/Team Capability

The CM will be required to provide information that indicates the firm/team's ability to meet the time schedule for this project. The CM will be required to provide examples of similar services provided by the CM to comparable entities or organizations.

The CM will be required to provide a description of the firm's relevant experience in Design-Build procurement and contracting, and briefly describe the anticipated staffing to be assigned to this project, including working knowledge of *VDOT's Minimum Requirements for Quality Assurance & Quality Control on Design-Build & Public-Private Transportation Act Projects*.

The CM will be required to provide a list of its three (3) most recently completed projects of similar size, complexity and/or scope, including:

- a. Firm Name
- b. Principle in charge
- c. Contact person
- d. Contact telephone number

4.2.3. Technical Expertise

The CM will be required to demonstrate expertise in the following areas:

- a. Structural components of low level trestles in marine environment
- b. Mechanical systems
- c. Electrical systems
- d. Roadway lighting systems
- e. Tunnel lighting systems
- f. Standard and computerized traffic control devices and systems
- g. Tunnel ventilation systems
- h. Tunnels
- i. Roadways
- j. Buildings
- k. Project Scheduling CPM Software
- l. Geotechnical ground improvements (i.e. wick drains, soil improvements)
- m. General knowledge of safe marine construction practices and protocols

4.3. Personnel's Experience Providing Similar Type of Services (20 Points)

Give a description of the Key Personnel's expertise, experience, and qualifications in providing services as related to the Scope of Work. Key Personnel are defined as those to whom the project will be assigned and who will be performing the actual services. Provide a matrix, table or list of relevant project examples where the Key Personnel held leadership positions in providing the noted services and describe the member's involvement in the project.

Provide resumes for each Key Personnel. Each resume for Key Personnel should be no longer than two (2) pages and should include a list of relevant projects focused on the Key Personnel's experience as well as project history. Each Key Personnel should have performed leadership roles in at least one major bridge or tunnel project.

Key Personnel should, at a minimum, include the following:

- Construction Manager/Project Manager
- Resident Engineer
- Project Controls Manager
- Quality Assurance Manager
- Qualified Sampling and Testing Personnel

The CM is also expected to supply any additional positions to its staff for successful program delivery, including any Key Personnel that may not initially be anticipated. At all times, the CM will be required to show the necessary experience, expertise, technical and managerial ability and skill in the areas identified in the Scope of Work and any other areas necessary for successful program delivery.

4.4. Qualifications of Construction Manager (10 points)

Give a description of the proposed Construction Manager's expertise, experience, and qualifications in project management as related to the Scope of Work. Provide a resume not exceeding four (4) pages for the Construction Manager. The proposed Construction Manager must have demonstrated experience leading teams for large, complex projects.

4.5. Contract Scope, Project Understanding and Project Approach (45 Points)

Give a description of the firm/team's understanding of the scope requirements, the firm/team understanding of the project and its proposed strategies for implementing the Scope of Work. The project understanding should reflect: an understanding of the status and resources (financial and human) of the District to undertake a project of this magnitude; an understanding of the local communities of interest that comprise the District; the desire of the District to maximize the use of, and service to, those communities, including disadvantaged businesses; and the absolute necessity of ensuring timely project completion.

4.6. Other Information

4.6.1. Cost Proposals

The District will not consider for award any cost proposals submitted by any consultants and will not consent to subletting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

4.6.2. Debarment Certification

Please indicate, by executing and returning the attached Certification Regarding Debarment forms, if your firm, sub-consultant, subcontractor, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:

- a. Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.
- b. Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.
- c. Does have a proposed debarment pending; or has been indicated, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but it will be considered in determining offerer's responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in Federal criminal prosecution or administrative sanctions.

4.6.3. Other Information

Furnish any other information you wish that will indicate your qualifications to perform the Scope of Work required under this Request for Proposals.

5. Submittal Requirements

5.1. Pre-Proposal Conference

A **mandatory** pre-proposal conference will be held on July 30, 2015 at 10:00 a.m. It will be held at the Chesapeake Bay Bridge and Tunnel District Administration Building, 32386 Lankford Highway, Cape Charles, VA, located at the North Toll Plaza, U.S. Route 13, Northampton County, VA. The pre-proposal conference is open to all interested potential Construction Managers. Interested parties should contact Mr. Kevin P. Abt, P.E., Project Manager, Parallel Thimble Shoal Tunnel Project, by phone at (757) 331-2960 at least two days in advance of the conference date in order to arrange for toll-free passage.

NOTE: Attendance at the pre-proposal conference and site visitation is **mandatory** for proposers and a prerequisite for submitting a proposal. Proposers shall register in writing with the District at the pre-proposal conference. Failure on the part of a proposer to attend the pre-bid conference for this project and to register their attendance with the District will be cause for their proposal to be rejected. Such proposals will not be opened, but will be returned to the offeror.

5.2. Interpretation of Documents

Any comments or questions concerning specifications or other provisions of this Invitation to Bid should be directed in writing to Mr. Kevin P. Abt, P.E. Project Manager, Parallel Thimble Shoal Tunnel Project, 32386 Lankford Highway, Cape Charles, Virginia 23310, and shall be received at least 10 days prior to receipt of proposal. Answers will be provided at least 5 days prior to the proposal date. The District is not responsible for any explanation, clarification or approval made or given in any manner except by addendum. A copy of each addendum will be mailed or delivered to each person registered at the pre-proposal conference. Any addenda so issued are to be considered part of the Request for Proposal.

5.3. Submittal Deadline

All information must be submitted with one (1) digital and eight (8) paper copies and received no later than August 14, 2015 at 4:00 pm. Responses received after this time will not be considered.

Send to: Mr. Kevin P. Abt, P.E.
Project Manager Parallel Thimble Shoal Tunnel Project
Chesapeake Bay Bridge and Tunnel District
32386 Lankford Highway
Cape Charles, Virginia 23310

6. Evaluation Criteria

Proposals shall be evaluated using the following criteria:

	MAX. POINTS	OFFEROR SCORE
ORGANIZATIONAL CAPABILITY (Ability to complete work in a timely manner, size of firm(s) relative to size of project, proposed project staff resources, proposed use of sub-consultants)	10	
FIRM/TEAM'S EXPERIENCE PROVIDING SIMILAR TYPES OF SERVICES (Cumulative expertise, experience and qualifications of team in providing services as related to the scope of services)	15	
PERSONNEL'S EXPERIENCE PROVIDING SIMILAR TYPE OF SERVICES (Expertise, experience and qualifications of Key Personnel and team members in providing services as related to the scope of services)	20	
QUALIFICATIONS OF PROJECT MANAGER (Expertise, experience and qualifications in project management as related to the scope of services)	10	
CONTRACT SCOPE, PROJECT UNDERSTANDING AND PROJECT APPROACH (Firm/Team's understanding of the scope requirements, proposed strategies for implementing the scope of services.)	45	
	TOTAL	

7. Schedule

RFP Time Line

1. Issuance of CM RFP July 20, 2015.
2. Mandatory Pre-Proposal Meeting to be held July 30, 2015
3. Proposals due to the District by 4:00 pm, August 14, 2015
4. Selection of three (3) Proposals to be on the shortlist August 25, 2015.
5. Meetings with the three (3) selected proposers to discuss final submittals with pricing structure September 1, 2015 through September 3, 2015.
6. Selection and award of CM September 9, 2015.

8. Method of Payment

Following the selection of a firm as Construction Manager, negotiations with such firm for the formal contract will be entered into based on further discussions on the Scope of Work. The contract will contain the normal provisions found in Engineering Agreements including but not limited to provisions concerning travel, out-of-pocket expenses, insurance-both general liability and professional liability, indemnification of the District from liability; and continuing responsibility with the firm for the quality of their work.

9. CM's Insurance Requirements

- a. The Contractor will provide the District Certificates of Insurance providing the following:
 - i. Certification of insurance for a general liability policy, including products liability on an occurrence basis:

-Combined Single Limit	\$1,000,000
-General Aggregate Limit	\$2,000,000
 - ii. Certification of insurance for a Worker's Compensation Insurance policy, meeting the requirements of the Worker's Compensation Laws of the Commonwealth of Virginia.
 - iii. Certification of Insurance for an automobile liability policy for vehicles used by the Contractor in connection with the said Contract.

-Combined Single Limit	\$1,000,000
-General Aggregate Limit	\$2,000,000

10. Miscellaneous Provisions

10.1.1. Non-Discrimination

During the performance of this Contract, CM agrees as follows:

- a. CM will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except when religion, sex, or national origin in a bona fide occupational qualification reasonably necessary to the normal operation of the CM. CM agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this non-discrimination clause.

- b. CM, in all solicitations or advertisements for employees placed by or on behalf of the Firm, will state that such Firm is an equal opportunity employer.
- c. Notices, advertisements, and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. CM will include the provisions of the foregoing Paragraphs a, b, and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each Subcontractor vendor.

10.1.2. Participation of Small Businesses and Businesses Owned by Women and Minorities

In accordance with provisions set forth in the Virginia Procurement Act, the District endorses and encourages the use of minority owned firms. The District is developing the Project as a Federal Aid project, and encourages CM firms/teams to include DBE representation and metrics in their proposal. The design-build solicitation will have a defined DBE goal. For information, a list of MBE, DBE, and WBE owned firms may be obtained from the Department of Minority Business Enterprise, 11th Floor, 200-202 North Ninth Street, Richmond, Virginia 23219.

10.1.3. Drug-Free Workplace

The following shall apply for every Contract over \$10,000 in value:

- a. During the performance of this Contract, CM agrees to (i) provide a drug-free workplace for the Firm's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Firm's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of CM that CM maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each Subconsultant or Vendor.
- b. For the purposes of this section, "*drug-free workplace*" means a site for the performance of work done in connection with a specific Contract awarded to CM in accordance with these General Provisions, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.

10.1.4. Employee Identification

All employees that are required to access sensitive areas shall be required to sign a blanket release form provided by the District authorizing the District to conduct an in-depth background investigation on all personnel working on the project. Additionally, a photo ID and a social security card or proper immigration identification, as appropriate, shall be provided by all employees for examination upon request by the District.

10.1.5. Cost Proposals Not Accepted

The District will not consider for award any cost proposals submitted by any consultants and will not consent to subcontracting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

10.1.6. Accounting Controls to Meet FAR Audit Requirements

All firms proposals must reference internal accounting systems that meet any applicable Federal requirements, including a transparent overhead calculation and acceptance of any required Federal audit requests.

10.1.7. Civil Rights Acts Compliance

The District assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within ten work days of notification of selection when requested by the District. This requirement applies to all consulting firms when the contract amount equals or exceeds \$10,000.

10.1.8. Discrimination Disclaimer

The District does not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

10.1.9. Lobbying

All firms/teams proposals must acknowledge Federal lobbying restrictions in PL 101-121, Section 319, and associated laws and regulations.

10.1.10. Construction Safety and Health Standards

It is a condition of the Contract, and shall be made a condition of each subcontract entered into pursuant to the Contract, that the Contractor and any Subcontractor shall not require any worker employed in performance of the Contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety, as determined under construction safety and health standards promulgated by the U.S. Secretary of Labor in accordance with Section 107 of the Contract Work Hours and Safety Standards Act. The Contractor shall comply with the Virginia Occupational Safety and Health Standards adopted under Section 40.1-22 of the Code of Virginia and the duties imposed under Section 40.1-51.1 of the Code. Any violation of the requirements or duties that is brought to the attention of the Contractor by the Engineer or any other person shall be immediately abated by the Contractor.

10.1.11. Critical Infrastructure Information/Sensitive Security Information (CII/SSI):

1. Contract documents or project material containing CII/SSI in whole or in part are subject to the terms of this Section and comply with the requirements of CII/SSI Guide. This guide can be located at; <http://www.virginiadot.org/business/const/CII-CriticalStructureInformation.asp>.

2. CM shall be responsible for safeguarding Critical Infrastructure/Sensitive Security Information (CII/SSI) (as defined in the VDOT CII/SSI Policy) in their custody or under their control. Individuals are responsible for safeguarding CII/SSI entrusted to them. The extent of protection afforded CII/SSI shall be sufficient to reasonably foreclose the possibility of its loss or compromise.
3. CM shall ensure that all employees using this information are aware of the prohibition against disclosing CII/SSI in any manner (written, verbal, graphic, electronic, etc.) that permits interception by unauthorized persons.
4. CM shall protect CII/SSI at all times, either by appropriate storage or having it under the personal observation and control of a person authorized to receive it. Each person who works with protected CII/SSI is personally responsible for taking proper precautions to ensure that unauthorized persons do not gain access to it.
5. The use and storage of CII/SSI shall conform to the following guidelines: During working hours, reasonable steps shall be taken to minimize the risks of access to CII/SSI by unauthorized personnel. After working hours, CII/SSI shall be secured in a secure container, such as a locked desk, file cabinet or facility where contract security is provided.
6. The reproduction of CII/SSI documents or material containing CII/SSI shall be kept to the minimum extent necessary consistent with the need to carry out official duties. The reproduced CII/SSI material shall be marked and protected in the same manner as the original material.
7. Material containing CII/SSI shall be disposed of by any method that prevents unauthorized retrieval. (e.g. shredding, burning, returning to original source, etc.)
8. CII/SSI shall be transmitted only by US first class, express (US Postal, FedEx, UPS, etc.), certified or registered mail, or through secure electronic means.
9. The portions of the documents that are marked as CII/SSI are not subject to disclosure under Code of Virginia §2.2-3705.2, and may not be released except with written permission from the District. Unauthorized release or reproduction of these documents may result in civil penalty or other legal action.
10. By copying, downloading, or receiving a copy of any documentation containing CII/SSI, or any part thereof, the CM or any other recipient acknowledges and agrees to the terms of this Section and will advise any individual using these documents, or any part thereof, that they too shall be responsible for safeguarding the CII/SSI in their custody or under their control. All costs associated with performing these CII/SSI requirements are the responsibility of the prime CM.
11. In the event of loss, suspected loss or compromise of any District CII/SSI material, the CM having possession of the said CII/SSI material will immediately upon having knowledge of the loss, suspected loss or compromise of any District CII/SSI material, notify the District. If the loss is a result of a theft or suspected theft, of either the actual CII/SSI material or any device containing or storing CII/SSI material, the CM will immediately file a report with a law enforcement agency having jurisdiction and forward a copy of the report to the District.)
12. CM shall include the terms of this Section and comply with the CII/SSI Guide, in any further dissemination of any contract documents or project materials containing CII/SSI in whole or in part, and in all subcontracts awarded under this contract.

**CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS
(To be completed by the DM/CM)**

Project: Thimble Shoal Parallel Tunnel Design Manager/Construction Manager

- 1) The prospective DM/CM certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective DM/CM is unable to certify to any of the statements in this certification, such prospective DM/CM shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the DM/CM for contracts to be let by the Chesapeake Bay Bridge and Tunnel Commission.

Signature	Date	Title
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Name of Firm

**CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS**

(To be completed by a Sub-consultant)

Project: Thimble Shoal Parallel Tunnel Design Manager/Construction Manager

- 1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the DM/CM for contracts to be let by the Chesapeake Bay Bridge and Tunnel Commission.

Signature Date Title

Name of Firm