

CUYAHOGA COUNTY
DEPARTMENT OF PUBLIC WORKS
POLICY ON CONSULTANT SELECTION

November 2014

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**CUYAHOGA COUNTY
DEPARTMENT OF PUBLIC WORKS
POLICY ON CONSULTANT SELECTION**

INTRODUCTION

The consultant selection process described herein applies for consultant selections for all projects within the Department of Public Works and must comply with the Ohio Revised Code sections 153.65 through 153.71, and Federal Regulation 23 CFR 172 if Federal Highway funds are used. For the following type of projects, however, exceptions may be granted based on the recommendation of the Public Works Director with the concurrence of the County Executive:

Selection of consultants for work on projects where the total projected estimated fee will not exceed \$25,000.00. (Per ORC. 153.71)

Emergency projects, as determined by the County Executive, which require immediate action.

OBJECTIVE

The objective of this consultant selection process is two-fold. The first is to give greater value to the citizens of Cuyahoga County in the expenditure of their tax dollars by systematically evaluating the credentials of two or more consultants and selecting that firm which will deliver a superior product at a price which will optimize the scarce public funds available and also provide a fair rate of return to the selected firm. The second objective is to allow a greater number of consulting firms to have access to County contracts by minimizing any subjective bias and basing selection solely on ability, performance, legal requirements, and value delivered.

The Department of Public Works is responsive to the needs of the community. Please direct any questions or comments regarding this policy to:

Lenora M. Lockett, P.E.
Procurement & Diversity Director
1219 Ontario Street, Room 110
Cleveland, Ohio 44113

216-443-7200
216-443-7206 (fax)

A. DETERMINATION OF NEED TO USE CONSULTANT SERVICES

The Department of Public Works should examine whether the project, project phase, or group of projects under consideration should be performed in-house or by a consultant or consultants. Factors to be taken into account should include project magnitude, present work load and financial considerations.

The Public Works Department management team will assist in the analysis that consultant services are needed. Any such recommendation must justify the use of a consultant by detailing acceptable reasons, for example: (a) insufficient staff to perform work within the desired period of time, (b) lack of special expertise needed for the work, or (c) need for a study by recognized experts.

Also to be considered at this stage is whether a preliminary report phase should be performed prior to selecting a consultant for the final plans and specifications phase. Selection of a consultant for either phase shall follow these guidelines. In general, a project requiring a preliminary report is not sufficiently defined to permit proper evaluation of technical proposals for the preparation of final plans and specifications prior to completion of the preliminary report. If a consultant is selected for a preliminary report phase of a project, the Public Works Department Management Team may hold discussions with the same consultant, at a later date, to prepare the plans and specifications phase as well. All in accordance with the (policies and guidelines contained herein) Cuyahoga County, Department of Public Works, Policy on Consultant Selection.

Once it has been determined that the services of a consultant are necessary a request will be made to the County Council to give authority to seek Pre-Proposals, select a consultant and negotiate a fee to provide consulting services.

B. CONSULTANT SELECTION COMMITTEE/SCOPE OF SERVICES

If the decision to engage one or more consultants is made, a consultant selection committee is established of the following members; Director of Public Works, County Engineer, Planning Director and a minimum of two technical personnel. The consultant selection committee shall consist of a minimum of five (5) members (employees of the Department of Public Works) who are familiar with various consultants and the mechanics of the project(s) and processing thereof. A Transportation Planning Engineer shall be designated as the facilitator of the process while the consultant selection committee members will evaluate the consultant's qualifications. The technical committee members shall be selected by the Public Works Department management team (Director of Public Works, County Engineer and the Planning Director).

A general scope of services shall be completed by the appropriate staff at this time.

The Planning Department will administer the Policy on Consultant Selection.

C. PROJECT NOTIFICATION

A Request for Qualifications (RFQ) shall be issued by the Office of Procurement and Diversity and published in The Plain Dealer a minimum of one time. The RFQ shall follow the basic form of Appendix A and should be placed by the office. During the advertisement period, the RFQ and “Instructions for Preparing Pre-proposals” will be posted to the appropriate websites (county, ODOT...etc.).

Once an RFQ is advertised and posted to the appropriate websites the County will not meet or entertain questions with any consultant until a contract is signed and executed.

D. SELECTION OF CONSULTANTS TO SUBMIT TECHNICAL PROPOSALS

Depending on the complexity of the project, one of the following three (3) methods will be utilized to decide which consultants will submit technical proposals:

- a) For larger, more complex projects, the selection committee will take the evaluation process one step further and request that the three (3) top-ranked consultants submit to an interview process or submit technical approach proposals (without costs and fees) for further evaluation.
 - b) For normal projects, the selection committee will recommend that the consultant receiving the highest score be selected for the project. This consultant will then be asked to submit a technical proposal.
 - c) For simple projects, the selection committee will recommend that consultants submit a two (2) part proposal. The proposal shall include a technical proposal and a sealed cost proposal each of which will be scored independently.
- The Planning Department will perform a cursory review of each pre-proposal to make sure they have submitted documentation for the minimum qualifications required for the project, see Appendix A, Section I of pre-proposal content.
 - Each member of the selection committee will be given a copy of each “qualified” pre-proposal for review plus a copy of the Instructions for Evaluation of Pre-proposals (See Appendix B).
 - The facilitator will schedule a meeting of the selection committee. At this meeting, all members of the consultant selection committee will discuss each item of the scoring process and determine a score jointly. The facilitator will record the scoring. At the end of the meeting, each member of the consultant selection committee will be required to sign the scoring sheet prepared by the facilitator. The facilitator will prepare a memorandum documenting the meeting with the committee’s recommendation. This recommendation will be forwarded to the appropriate County Council Meeting/Board of Control Meeting or County Executive Meeting for approval.
 - Upon selection of a consultant, letters will be sent to all consultants informing them of the decisions made.

E. TECHNICAL PROPOSALS/SCOPE OF SERVICES PHASE

A detailed scope of services is prepared by the department(s) concerned. The selected consultant(s) is given a copy of the detailed scope of services and is asked to submit a technical proposal, which shall include:

1. Preliminary Project Work Schedule.
2. Work which consultant proposes to subcontract and proposals from those sub-consultants.
3. Technical approach to project with related economic benefits, which may impact efficiency and effectiveness.
4. The consultant shall also include proposed costs and fees to perform all phases of work, including sub-consultant costs and fees.

Depending on the size and complexity of the project, a due date for the technical proposal will be established. The due date will usually be within ten (10) to twenty-one (21) days. If necessary, a meeting can be held with the selected consultant to clarify any questions concerning the scope of services and/or the technical proposal.

F. FEE DETERMINATION

The Scope of Services/Technical Proposal (with costs and fees) submitted by the selected consultant will be reviewed by the department(s) concerned to determine whether it is fair and reasonable. A meeting may then be held with the selected consultant to clarify any questions concerning the fee proposal. The costs associated with various phases of the project will be negotiated until an agreement is reached as to fair costs and fees for engineering services.

In the event that the Public Works Department Staff and the consultant cannot agree on the project fee, the consultant will be notified in writing that contract negotiations are terminated. The consultant which was ranked next highest qualified will then be notified that a technical/cost proposal should be submitted for consideration, and fee negotiation with that consultant will proceed in accordance with this section.

G. CONSULTANT AGREEMENT

When fee negotiations have been completed to the satisfaction of both the consultant and the Public Works Department staff, an agreement will be prepared by The Planning Department for execution in accordance with County Policies and Procedures.

H. SMALL BUSINESS ENTERPRISE (SBE) GOAL

The goal of the Small Business Enterprise Program (SBE) is to support small businesses by creating positive partnerships in County contracting and other procurement opportunities. The Small Business Enterprise Program will achieve this goal by providing and supporting opportunities for small firms to grow and thereby compete effectively in the general environment for contracting opportunities.

Only those Small Business Enterprises certified by the Cuyahoga County's Office of Procurement & Diversity (OPD) shall be eligible for the fulfillment of the SBE participation goal. SBE listings may be obtained from the Office of Procurement & Diversity.

Firms must have completed applications for SBE certification in the OPD at least 15 business days prior to the opening of any bid to be considered eligible for that bid.

See Appendix C for SBE participation goal.

I. CONSULTANT EVALUATION FORMS

The evaluation of consultant proposals will be performed by the consultant selection committee using the "Proposal Evaluation Form" in Appendix D.

In addition to the reference forms included in the proposal, the County will utilize a database tracking consultant past performance to score Sections 2 and 3 of the Proposal Evaluation form. The database will include evaluations of a consultant's performance upon project plan completion as well as post construction of a project.

J. CONSULTANT COMMUNICATIONS

Below are the guidelines for consultant communications:

- Marketing meetings are encouraged but limited to once a year.
- For open and transparency reasons, all consultants are welcome to contact the Department to request documents and information about upcoming projects.
- No communications, about a specific project, can happen during the advertisement and selection period.
- After selection, communication, about a specific project, can only occur with the highest scoring consultant. This communication is to negotiate scope and fee.
- No "debriefing" of scores will occur with the unsuccessful consultant until after a contract is signed for the project or all proposals are rejected.

APPENDIX A

REQUEST FOR PRE-PROPOSALS (RFP)

Notice is hereby given in accordance with the resolution adopted by Cuyahoga County Executive Board of Control that sealed Pre-Proposals will be accepted at the Office of Procurement and Diversity, 1219 Ontario Street, Room 110, Cleveland, Ohio 44113 until 3:00 PM (local time) on _____, 20__ (*ENTER DUE DATE OF RFP*) for the *DESCRIPTION OF PROJECT*.

Any Pre-Proposal received after the closing date and time will be returned unopened to the respondent. (*ONE/TWO/THREE, ETC.*) consulting engineering firms will be hired for these services (*DESCRIBE, IF NECESSARY*). The right is reserved to accept any Pre-Proposals, reject any or all Pre-Proposals and to waive formalities should it be deemed to be in the best interest of Cuyahoga County.

Copies of the pre-proposal specifications are available from the Office of Procurement and Diversity, 1219 Ontario Street, Room 110, Cleveland, Ohio 44113 [Phone: (216) 443-7200].

Published in the Plain Dealer on _____, 20__ (*ENTER DUE DATE OF RFP*)

This notice may also be viewed at the following Cuyahoga County Web Sites:
www.opd.cuyahogacounty.us by going to “Notices, Awards, and Contracts Advanced Search” section, click on “Public Works” into the drop-down for Agency. Enter a range of dates and select “Search”. A list of open bids/proposals will appear on the next screen. Click on the item to view the legal notice; or at www.publicworks.cuyahogacounty.us by going to “Notice to Bidders” tab.

**Department of Public Works
Instructions to Consultants
for Preparing Pre-Proposals**

Pre-Proposals will be accepted at the Office of Procurement & Diversity, 1219 Ontario Street, Room 110, Cleveland Ohio 44113 until 4:00 P.M. (local time) on _____, 20__, for the provisions of services required for the following:

Project Description

ENTER DESCRIPTION OF PROJECT

The estimated cost of (*CONSTRUCTION OR SERVICES – WHICHEVER IS APPROPRIATE*) is \$_____.

Five (5) bound copies and one digital copy (pdf format) on disk of the pre-proposal are required to be submitted, by the designated date and time, in a sealed envelope and labeled as:

"Pre-Proposal for *DESCRIPTION OF PROJECT*"

INSERT ONE OF THE FOLLOWING TWO PARAGRAPHS:

In light of the complexity of this project, upon review of the pre-proposals, the three top-ranked consulting firms will be asked to submit to an interview process or submit technical proposals (without costs and fees) for further evaluation.

OR

For simple projects consulting firms will be asked to submit technical proposals and a sealed cost proposal for evaluation. Only pre-proposals submitted by consultants that meet the requirements detailed herein will be evaluated and ranked. The top-ranked consulting firm will be selected.

Purpose

The purpose of this professional engineering services contract is to *ENTER PURPOSE OF PROJECT*.

Insurance Requirements

The consultant will be required to have general commercial liability insurance with the minimum coverage being two million dollars (\$2,000,000.00) for death or injury of any one person and two million dollars (\$2,000,000.00) for the death or injury of two or more persons in any one occurrence, together with two million dollars (\$2,000,000.00) for property damage in any one occurrence with an aggregate property damage of two million dollars (\$2,000,000.00) for two or more occurrences.

SBE Requirements

In order to encourage the inclusion of Small Business Enterprises (SBEs) as subcontractors, Cuyahoga County has established a goal for all contracts it awards. The goal for these contracts is 30% or as determined by the office of Procurement and Diversity for the type of contract under consideration. This participation must be **subcontracted** to a certified SBE. Further information on the County's Small Business Enterprise Policy and/or a listing of the County's Certified SBEs may be obtained from the:

Office of Procurement and Diversity
1219 Ontario Street, Room 110
Cleveland, Ohio 44113
(216) 443-7200

PRE-PROPOSAL CONTENTS

It is requested that the pre-proposals be organized and prepared using the following format.

Section I - Minimum Qualifications (ENTER NUMBER page limit)

In this section of the proposal, provide documentation (i.e., certificates, letters of certification,...) for the following minimum qualifications:

A. Prequalification

Prequalification with ODOT by the firm(s) and/or person(s) providing the relevant services is required for:

- *LIST REQUIRED ODOT PREQUALIFICATIONS*

Valid certifications must be attached!

B. SBE

The SBE firm must be certified by Cuyahoga County. In order to count towards SBE compliance, the work must be subcontracted to a SBE firm. Furthermore, the SBE must be **prequalified** with ODOT for the work that it is providing.

Valid certifications must be attached!

C. *LIST OTHER MINIMUM QUALIFICATIONS – IF APPLICABLE*

Valid certifications must be attached!

Failure to meet these minimum qualifications will cause the statement of qualifications to be considered non-responsive and it will be removed from further consideration.

Section II - Firm's Experience (ENTER NUMBER page limit)

In this section of the pre-proposal, provide information regarding the firm's experience with this type of project within the past (*ENTER NUMBER*) years. **Please provide at least three (3) and no more than five (5) references (using the enclosed reference form) for such projects.**

Section III - Available Staff's Experience (ENTER NUMBER page limit)

In this section of the pre-proposal, provide the resumes of the key personnel (prime and/or subconsultant) for the following areas of engineering services required for this project:

- **Project Manager**
Provide the name and resume (within the past (*ENTER NUMBER*) years) of the project manager to be assigned to this project.
Include two (2) references using the enclosed reference form.
- ***ENTER MAJOR AREAS OF SERVICES TO BE PROVIDED***
Provide the name(s) and resume(s) (within the past (*ENTER NUMBER*) years) of the key personnel who will be responsible for providing these services for this project.
Include two (2) references only for each of the five (5) key personnel assigned to this project using the enclosed reference form.

Section IV - Project Methodology (ENTER NUMBER page limit)

In this section of the pre-proposal, describe your proposed approach to this project and your methodology for execution of this contract. Take this opportunity to specify any unique characteristics which may distinguish your firm(s) from other potential consultants for this particular project. **Please limit your response to (*ENTER NUMBER*) pages.**

It is requested that the Pre-Proposal be organized around the above criteria and be limited to those items which will be used for the evaluation. Extraneous materials will not serve to enhance the Pre-Proposal, but will only make the rating more difficult and will be an unnecessary expense to the consultant.

Other Evaluation Categories

The pre-proposals will also be evaluated on the following category. The consultants **should not** provide information on this category.

- **Previous Work:** The Department of Public Works will determine the Total dollar value of all contracts (Agreements and Subsidiary Agreements) awarded to the consultant for projects initiated by the requesting agency (Engineer/Sanitary Engineer/Central Services) (with an Agreement between the consultant and the County) over the past five (5) years.

If there are any questions, please contact Ernest F. Zadell, Transportation Planning Engineer at 216-348-3815 or ezadell@cuyahogacounty.us.

APPENDIX B

INSTRUCTIONS FOR EVALUATION OF PRE-PROPOSALS

Rank each item in the "Proposal Evaluation Form" on the basis of zero (0) to the maximum points as shown on the "Proposal Evaluation Form" in Appendix D. Listed categories will be evaluated by the consultant selection committee in a meeting where one score will be agreed upon. Scoring for "Previous Work" will be filled in by the department assigned to process the selection process.

Please note that any narrative supplied by a consultant is to be considered only as it relates to the project at hand. There is no category for rating a narrative approach on its merits. A narrative approach may be considered, where appropriate, to expand a consultant's explanation with regard to any of the following evaluation categories.

A. "Firm's Experience" Consider the firm's experience within the past *ENTER NUMBER* (*ENTER NUMBER*) years with this type of project. Review the references provided by the consultant and evaluate the firm in each of the following categories:

- Quality of Design and Cost Estimating
- Meeting Schedules and Deadlines
- Controlling Cost and Adhering to the Budget
- Communication, Cooperation, and Follow Through Skills

B. "Available Staff's Experience" Consider the resume of the Project Managers and key personnel in each applicable area of engineering services to be authorized. For all contracts, a good Project Manager is vital. Evaluate the "Available Staff's Experience" in the following engineering services categories:

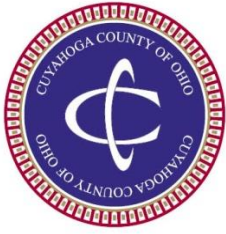
- Project Manager
- *LIST MAJOR AREAS OF SERVICES TO BE PROVIDED*

C. "Project Methodology" Evaluate each consultant based on its proposed methodology for execution of this contract. Consider each firm's understanding of the purpose and scope of this project.

D. "Previous Work" The points awarded in this category will be based on the total contract and subsidiary dollar amounts that a consultant has received from the County over the past five years (from the Pre-Proposal due date). These totals will be calculated from the database in the Transportation and Traffic Department. The dates are based on the BCC authority to prepare an agreement.

The point scale for this category is as follows:

<u>Total Contract Amount (In Dollars)</u>	<u>Points</u>
Less than 250,000.00	10
250,000.00 to 499,999.99	8
500,000.00 to 999,999.99	6
1,000,000.00 to 1,999,999.99	4
2,000,000.00 to 2,999,999.99	2
3,000,000.00 and over	0



CUYAHOGA COUNTY
Department of Public Works

Design Firm Reference

Name of Design Firm/person: _____

Project Referenced: _____

Owner/Contact Person: _____

Address: _____

Telephone Number: _____

Design Initiation Date:

Original Design Completion Date:

Actual Design Completion Date:

Original Contract Amount:

Final Contract Amount:

Project Manager:

Describe in detail the services provided.

EFZ/efz

Q:\Consultant Selection\DPW_Policy on Consultant Selection_Draft (June 2011).docx

APPENDIX C

Equal Opportunity

Prospective vendors must comply with the applicable contract compliance procedures for equal employment opportunity as stipulated by the Department of Public Works, Office of Procurement and Diversity.

It is the policy of the County of Cuyahoga, Ohio (County), to assure equal employment opportunity. Discrimination against any person in the recruitment, training, examination, appointment, promotion, retention, discipline or any other aspect of personnel administration because of race, religion, national origin, sex, ancestry, age, disability, sexual orientation, or veteran status is prohibited.

Words of the masculine gender used in proposals shall be deemed and construed to include correlative words of the feminine gender.

Small Business Enterprise (SBE) Goal

In order to encourage the inclusion of Small Business Enterprises as subcontractors, the County of Cuyahoga has established a goal for all contracts it awards. The goal for this contract is **30% participation**. Participation may of course exceed 30%. A SBE Participation Agreement form is included herein for your completion.

The County encourages vendors to be innovative in their efforts to meet the goal of the Small Business Enterprise policy.

Small Business Enterprise Policy Information

Further information on the County's Small Business Enterprise Policy and/or a listing of the County's Certified SBEs may be obtained from the:

Office of Procurement and Diversity
County Administration Building Annex
112 Hamilton Court, Second Floor
Cleveland, Ohio 44114
(216) 443-7230

SBE Certification

To receive credit for Small Business Enterprise participation, SBEs utilized must be certified by the Cuyahoga County Office of Procurement and Diversity.

Evidence of Good Faith Effort

In the event a respondent to this proposal does not meet the thirty-five percent (35%) SBE participation goal, the respondent shall be required to show evidence of his/her effort toward meeting the goal. The form entitled "Evidence of Good Faith Effort" must be completed by all respondents who do not meet the specified goal for SBE participation, and, as a result, must request a partial or total waiver of the goal. **Failure to demonstrate evidence of good faith may result in a proposal being deemed non-responsive.**



COVENANT OF NON-DISCRIMINATION

(MUST be completed and submitted with ALL bids or proposals)

Know All Men By These Presents, that I/we, (_____),
Name(s)

(_____), (_____),
Title(s) Name of Company

(hereinafter “Company”), in consideration of the privilege to submit Bids/Proposals on contracts funded, in whole or in part, by Cuyahoga County, hereby consents, covenants and agrees as follows:

- (1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin or gender in connection with any Bid/Proposal submitted to Cuyahoga County or the performance of any contract resulting from;
- (2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contact or otherwise interested in contracting with this Company, including various eligible Small Business Enterprises (hereinafter “SBE’s”);
- (3) In connection herewith, I/We acknowledge and warrant that this Company has been made aware of, understands and agrees to make a Good Faith Effort to solicit SBE’s to do business with this Company;
- (4) That the Covenant of Non-Discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;
- (5) That the Covenant of Non-Discrimination as made and set forth herein shall be and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain; and
- (6) That the failure of this Company to satisfactorily discharge any of the Covenant of Non-Discrimination as made and set forth herein shall constitute a material breach of contract entitling Cuyahoga County to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to, cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

(Original Signature of Company Representative Identified Above) (Date)



SBE SUBCONTRACTOR PARTICIPATION PLAN
(MUST be submitted for EACH SBE Subcontractor Proposed)

SBE-2
RQ# _____

(A) Total Amount of Overall Contract Propoosal \$ _____

Business Name Submitting Proposal _____

Address _____

City _____ State _____ Zip Code _____

Telephone () _____ E-Mail _____

Firm Owned by: Majority Minority (specify: _____) Female

(B) Amount to be Subcontracted to SBE: \$ _____
Percent of Total Overall Contract Bid [(B)/(A)]: _____

Scope of Work Provided By SBE: _____

Prime Bidder's Name _____ Title _____
(Type or Print)

Prime Bidder's Signature _____
(Date of Signature)

SBE SUBCONTRACTOR TO BE UTILIZED
(Must be certified by the Cuyahoga County Office of Procurement & Diversity)

Name of SBE Subcontractor _____

Address _____

City _____ State _____ Zip Code _____

Area Code () Telephone _____

*******NOTE: SBE MUST BE A COUNTY CERTIFIED SBE*******

The undersigned herewith agrees to subcontract with the above named bidder for the above said service(s) supply(ies) to be furnished to the County.

SBE Subcontractor's Name _____ Title _____
(Type or Print)

SBE Subcontractor's Signature _____
(Date of Signature)



GOOD FAITH EFFORT CERTIFICATION
(Must be submitted with bids NOT meeting SBE goal or requesting full or partial waiver)

Pursuant to the requirements for bidders under the SBE Program, and in consideration of the privilege to submit bids/proposals funded, in whole or in part, by Cuyahoga County,

I/We, (_____), (_____) of (_____)
Name(s) of Person(s) Signing Below Title(s) Company Name

attest that I/We have exercised the following good faith efforts in addition to my/our regular and customary solicitation process: (Check ALL that apply and complete as indicated)

- I/We are requesting a FULL/PARTIAL WAIVER of the SBE Participation Goal for the following reason(s): _____

- I/We are a non-profit agency and are requesting a FULL WAIVER of the SBE Participation Goal.
- I/We have contacted the OPD or website to obtain a list of SBE's appropriate to the bid/proposal.
- I/We delivered written notice to available certified SBE's for each potential subcontracting or supply category in the contract **AND** all potential subcontractors or vendors which requested information on the contract.
- I/We have provided all potential subcontractors or vendors with adequate information as to plans, specifications, relevant terms and conditions of the contract, bonding requirements, and the last date and time for receipt of price quotations.
- I/We have attended the pre-bid/proposal conference.
- I/We have provided a written explanation for rejection of any potential SBE subcontractor or vendor to the OPD, where price competitiveness is not the reason for rejection.
- I/We have actively solicited, through sending letters, emails or initiating personal contact, SBE's in all feasible and appropriate categories providing subcontracting opportunities for the contract under consideration.
- I/We have utilized the services of available community organizations and associations, contractors' groups, and trade associations known to publicize contracting and procurement opportunities, for the purpose of obtaining assistance in the contacting and recruitment of SBE's for the Cuyahoga County contract under consideration.
- I/We have conducted discussions with interested SBE's in good faith, and provided the same willingness to assist SBE's as has been extended to any other similarly situated subcontractor.
- I/We have taken steps to ensure that all labor supervisors, superintendents, and other on-site supervisory personnel are aware of and carry out the obligation to maintain a non-discriminatory work environment, free of harassment, intimidation and coercion at all construction sites, offices and other facilities to which employees are assigned to work.



**** SAMPLE FORMS ****

SBE-1
RQ# XXXXX

COVENANT OF NON-DISCRIMINATION

(MUST be completed and submitted with ALL bids or proposals)

Know All Men By These Presents, that I/we, (John Doe),
Name(s)

(President, Owner), (ABC Company, Inc.),
Title(s) Name of Company

(hereinafter "Company"), in consideration of the privilege to submit Bids/Proposals on contracts funded, in whole or in part, by Cuyahoga County, hereby consents, covenants and agrees as follows:

- (1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin or gender in connection with any Bid/Proposal submitted to Cuyahoga County or the performance of any contract resulting from;
(2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contact or otherwise interested in contracting with this Company, including various eligible Small Business Enterprises (hereinafter "SBE's");
(3) In connection herewith, I/We acknowledge and warrant that this Company has been made aware of, understands and agrees to make a Good Faith Effort to solicit SBE's to do business with this Company;
(4) That the Covenant of Non-Discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;
(5) That the Covenant of Non-Discrimination as made and set forth herein shall be and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain; and
(6) That the failure of this Company to satisfactorily discharge any of the Covenant of Non-Discrimination as made and set forth herein shall constitute a material breach of contract entitling Cuyahoga County to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to, cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

John Doe
(Original Signature of Company Representative Identified Above)

February 1, 2008
(Date)



SBE SUBCONTRACTOR PARTICIPATION PLAN SBE-2
(MUST be submitted for EACH SBE Subcontractor Proposed) RQ# XXXXX

(A) Total Amount of Overall Contract Proposal \$ **500,000** _____

Service Contract Supply Contract Construction Contract

(A) Total Amount of Overall Contract Proposal \$ **500,000**

Business Name of Prime Bidder **ABC Company, Inc.** _____

Address **111 Main Street** _____

City **Anywhere** _____ State **Ohio** _____ Zip Code **44000** _____

Telephone **(216) 555-5555** _____ E-Mail **abccompany@yahoo.com** _____

Firm Owned by: Majority Minority (specify: _____) Female

(B) Amount to be Subcontracted to SBE: \$ **100,000** _____ Percent of Total Overall Contract Bid [(B)/(A)]: **20** _____ %

Scope of Work Provided By SBE: **Electrical Contracting Services** _____

Prime Bidder's Name: **John Doe** _____ Title: **President/Owner** _____
(Type or Print)

Prime Bidder's Signature: **John Doe** _____ Date: **February 1, 2008** _____
(Date of Signature)

SBE SUBCONTRACTOR TO BE UTILIZED
(Must be certified by the Cuyahoga County Office of Procurement & Diversity)

Name of SBE: **Electrifying Electric Company** _____

Address: **456 Main Street, Anywhere, OH 44000** _____

City **Anywhere** _____ State **Ohio** _____ Zip Code **44000** _____

Area Code (**216**) Telephone **555-5551** _____

*****NOTE: SBE MUST BE A COUNTY CERTIFIED SBE*****

The undersigned herewith agrees to subcontract with the above named bidder for the above said services(s) or supply(ies) to be furnished to the County.

SBE Subcontractor's Name: **Tom Edison** _____ Title: **President/Owner** _____
(Type or Print)

Prime Bidder's Signature: **Tom Edison** _____ Date: **January 23, 2008** _____
(Date of Signature)



WAIVER REQUEST--GOOD FAITH EFFORT CERTIFICATION

(Must be submitted with bids NOT meeting SBE goal or requesting full or partial waiver)

Pursuant to the requirements for bidders under the SBE Program, and in consideration of the privilege to submit bids/proposals funded, in whole or in part, by Cuyahoga County,

I/We, (John Doe), (President, Owner) of (ABC Company, Inc.)
Name(s) of Person(s) Signing Below Title(s) Company Name

attest that I/We have exercised the following good faith efforts in addition to my/our regular and customary solicitation process: (Check ALL that apply and complete as indicated)

- I/We are requesting a FULL/PARTIAL WAIVER of the SBE Participation Goal for the following reason(s): **We are requesting a partial waiver of the SBE Goal as we were only able to meet 20% of the 25% goal. We were unable to find an SBE to meet the additional 5% required.**
- I/We are a non-profit agency and are requesting a FULL WAIVER of the SBE Participation Goal.
- I/We have contacted the OPD or website to obtain a list of SBE's appropriate to the bid/proposal.
- I/We delivered written notice to available certified SBE's for each potential subcontracting or supply category in the contract AND all potential subcontractors or vendors which requested information on the contract.
- I/We have provided all potential subcontractors or vendors with adequate information as to plans, specifications, relevant terms and conditions of the contract, bonding requirements, and the last date and time for receipt of price quotations.
- I/We have attended the pre-bid/proposal conference.
- I/We have provided a written explanation for rejection of any potential SBE subcontractor or vendor to the OPD, where price competitiveness is not the reason for rejection.
- I/We have actively solicited, through sending letters, emails or initiating personal contact, SBE's in all feasible and appropriate categories providing subcontracting opportunities for the contract under consideration.
- I/We have utilized the services of available community organizations and associations, contractors' groups, and trade associations known to publicize contracting and procurement opportunities, for the purpose of obtaining assistance in the contacting and recruitment of SBE's for the Cuyahoga County contract under consideration.
- I/We have conducted discussions with interested SBE's in good faith, and provided the same willingness to assist SBE's as has been extended to any other similarly situated subcontractor.
- I/We have taken steps to ensure that all labor supervisors, superintendents, and other on-site supervisory personnel are aware of and carry out the obligation to maintain a non-discriminatory work environment, free of harassment, intimidation and coercion at all construction sites, offices and other facilities to which employees are assigned to work.

If applicable, identify all SBE's contacted to participate that declined or were not chosen:

1. Perfect Plumbing Company 222 Main Street, Anywhere, OH 44000 216-555-5553
Name of Subcontractor/Vendor Address Phone
Paul Perfect January 15, 2008 \$25,000 (5%) January 18, 2008
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining Has other commitments at this time and is unable to work with us.

2. Dan's DuctWork Company 333 Main Street, Anywhere, OH 44000 216-555-5554
Name of Subcontractor/Vendor Address Phone
Dan Handy January 18, 2008 \$25,000 (5%) January 19, 2008
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining They are no longer providing the required sub-contracting service as part of its business.

3. Dave's Landscapes Inc 444 Main Street, Anywhere, OH 44000 216-555-5556
Name of Subcontractor/Vendor Address Phone
Dave Curbappeal January 16, 2008 \$25,000 (5%) January 17, 2008
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining Has other commitments at this time and is unable to work with us.

(Make additional copies to extend list of SBE contacts if needed)

I/We affix my/our signature to this document to attest that I/We have exercised the above-indicated Good Faith Effort to promote SBE participation on the Bid/Proposal and Contract under consideration and to comply fully with the provisions of the Cuyahoga County Small Business Enterprise Program.

John Doe
Printed/Typed Name of Company Official

February 1, 2008
Date

John Doe
Signature (Must be Original)

President, Owner
Title of Company Official

ABC Company, Inc.
Full Company Name

111 Main Street
Mailing Address

216-555-5555
Area Code/ Phone Number

Anywhere, OH 44000
City, State, Zip

Nancy Notarious
Notary Public

December 31, 2010
My Commission Expires

PLEASE NOTE: Failure to properly complete and submit SBE-1, SBE-2 and SBE-3 (if applicable) will result in bids/proposals being ruled non-responsive.

APPENDIX D



Proposal Evaluation Form

Project Name _____

Project Type _____

Submission Date _____

Selection Meeting Date _____

Facilitator _____

Committee Members:

Director of Public Works _____

County Engineer _____

Director of Planning _____

Technical Member _____

Technical Member _____

EVALUATION CRITERIA	Max Points	Firm A	Firm B	Firm C	Firm D	Firm E	Firm F	Firm G	Firm H	Firm I	Firm J	Firm K	Firm L	Firm M	Firm N
Section 1 - Minimum Qualifications															
Prequalification Met	Yes/No														
SBE Goal Met	N/A														
Section 2 - Firm's Experience															
Quality of Experience	5														
Meeting Schedules and Deadlines	5														
Controlling Costs/Adhering to Budget	5														
Communication/Cooperation	5														
Section 3 - Available Staff's Experience															
Project Manager	25														
Support Staff	15														
Section 4 - Project Methodology															
Previous Work	10														
TOTAL	100	X	X	X	X	X	X	X	X	X	X	X	X	X	X