

Central Florida Regional Transportation Authority

d.b.a.



**455 N. Garland Avenue
Orlando, FL 32801**

AMENDMENT OF SOLICITATION

1. AMENDMENT NO:	2. SOLICITATION NO:	3. SOLICITATION DATE:	4. EFFECTIVE DATE:
1	16-R01	January 11, 2016	January 22, 2016
4. ISSUED BY			

Central Florida Regional Transportation Authority
455N. Garland Avenue
Orlando, FL 32801

Contractor is required to sign this document and return it with the bid/proposal.

5. DESCRIPTION OF AMMENDMENT: QUESTIONS AND CLARIFICATIONS IN LIEU OF RFP 16-R01 FOR ARCHITECTURAL AND ENGINEERING CONSULTANT SERVICES.

- a. Attached are Responses to Questions and Clarifications for RFP 16-R01.
- b. Disadvantaged Business Enterprise (DBE) Exhibit "I"
Attached is the replacement pages for Exhibit "I" E in its entirety.
- c. Exhibit "C" Proposal Evaluation, Page 1 of 3 (Proposal Selection)
Attached is the replacement page for Exhibit C Page 1 of 3
- d. All other terms and conditions remain unchanged.

NAME OF OFFEROR (Type or Print)	TITLE OF OFFEROR
(Signature of person authorized to sign)	(Date Signed)



FROM: SHEENA BARTLEY

DATE: January 22, 2016

TO: PROSPECTIVE BIDDERS

**SUBJECT: LYNX RFP 16-R01, RESPONSES TO QUESTIONS AND CLARIFICATIONS,
ARCHITECTURAL AND ENGINEERING SERVICES**

The following questions and clarifications were received. Please see the response listed below for each question.

Question: 1

Does LYNX want all Forms & Exhibits in Section 7?

LYNX Response: 1

Please refer to Exhibit "A" Solicitation Instructions and Conditions, Page 3 of 6 item number 16. Proposal Format.

Question: 2

Should exhibits relevant to sections be included in those sections?

LYNX Response: 2

Please refer to Exhibit "A" Solicitation Instructions and Conditions, Page 3 of 6 item number 16. Proposal Format.

Question: 3

Should Exhibit M – Reference Form be included in Section 3 with Experience and References? (#13 of RFP Cover Page)?

LYNX Response: 3

Please refer to Exhibit "A" Solicitation Instructions and Conditions, Page 3 of 6 item number 16. Proposal Format.

Question: 4

How many copies of the pricing proposal are expected (reference cover page)?

LYNX Response: 4

One (1) (sealed) photocopy of your "Pricing fee Schedule shall be included with the Original Proposal.

Question: 5

E) Does the pricing proposal go on the same CD as the proposal, or on a separate CD, or not on a CD (reference cover page)?

LYNX Response: 5

One (1) (sealed) photocopy of your "Pricing fee Schedule shall be included with the Original Proposal.

Question: 6

Is the Cover Letter to be included in Section 1 – Introduction of Firm, or is the firm name as shown in the cover letter, to be introduced in Section 1? (Exhibit “A” Page 3 of 6, #16)

LYNX Response: 6

Please refer to Exhibit “A” Solicitation Instructions and Conditions, Page 3 of 6 item number 16. Proposal Format.

Question: 7

Is there a page limit associated with any sections?

LYNX Response: 7

No, there are no page limitations.

Question: 8

Exhibit E – The provisions to all contracts are focused towards General Contractors and not professional service providers. Most provisions discuss “performing construction” “layout of work” “maintenance during construction” even how vehicles are shipped and constructed, etc.

LYNX Response: 8

Exhibit E - LYNX General Provisions shall be contained in the resultant Contract.

Question: 9

Exhibit I – Attachment 5 – Page 1 of 2 is missing.

LYNX Response: 9

Disadvantaged Business Enterprise (DBE) Exhibit-I Attached is the replacement in its entirety for Exhibit I.

Question: 10

Please confirm which attachments to Exhibit I are required in the proposal. Are they Attachments 1, 3, 4 and 7 (reference cover page)?

LYNX Response: 10

Disadvantaged Business Enterprise (DBE) Exhibit-I Attached is the replacement in its entirety for Exhibit I.

Question: 11

Section 18 – will LYNX hold interviews or will the selection be made from the proposal?

LYNX Response: 11

Please refer to Exhibit “C” Proposal Evaluation, Page 3 of 3 (V) Evaluation of Proposal by SEC (d)

Question: 12

Exhibit K – This sample contract is also primarily for General Contractors. Does Lynx have a professional services contract or should we modify this example?

LYNX Response: 12

Exhibit K "Sample Contract will be the resultant Contract instrument and no modifications will accepted.

Question: 13

Do you know if there are any upcoming opportunities for Construction Engineering & Inspection Services with the Transportation Authority as well?

LYNX Response: 13

Continue to monitor the LYNX Procurement website for Procurement opportunities.

Question: 14

Section 18 – Will LYNX select one consultant for this contract, or will there be multiple contracts awarded?

LYNX Response: 14

Please refer to Exhibit "C" Proposal Evaluation, Page 1 of 3 (1) Proposal Selection – Replacement Page for Exhibit "C" Proposal Evaluation, Page 1 of 3

Question: 15

Is Section 2 - Pricing Proposal required for this submittal or only required for final contract documents?

LYNX Response: 15

Pricing Proposal is required for this submittal.

Question: 16

(Exhibit D, Page 1 of 2, #2) If required, does LYNX have a specific format they would like used for the Pricing Proposal or specific information required to be included in the Pricing Proposal? (#13 of RFP Cover Page).

LYNX Response: 16

No

Question: 17

Exhibit A page 3 - #16, Section 2 – Pricing Proposal. What is Lynx looking for? Professional services typically do not provide pricing for this type of RFP.

LYNX Response: 17

Architectural and Engineering Consultant Services

Question: 18

Is there a format for the pricing proposal?

LYNX Response: 18

No

Question: 19

Exhibit C "Schedule of Fees" was not attached in RFP.

LYNX Response: 19

Exhibit C "Schedule of Fees" is an attachment within the Sample Contract (Exhibit K).

EXHIBIT I
DISADVANTAGED BUSINESS ENTERPRISE PROVISIONS

For assistance in identifying subcontracting opportunities or with questions concerning the provisions in this Exhibit ONLY, contact Desna Hunte, LYNX' DBE Liaison Officer (DBELO) at 407.254.6117. dhunte@golynx.com

a. Disadvantaged Business Enterprise (DBE) Policy

The Central Florida Regional Transportation Authority (LYNX) receives Federal financial assistance from the U. S. Department of Transportation (USDOT). As a condition of receiving USDOT assistance, LYNX has signed an assurance that it will comply with 49 CFR Part 26, Disadvantage Business Enterprise (DBE) Program.

It is the policy of the LYNX to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of Federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

"Disadvantaged Business Enterprise" or "DBE" means a for profit small business concern: (1) which is at least 51 percent owned by one or more socially or economically disadvantaged individuals, or in the case of a corporation in which 51 percent of the stock is owned by one or more such individuals; and (2) whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it.

LYNX's agency-wide DBE goal is 17%. **The DBE goal established for this Solicitation is 5%.**

If the goal is 0% (considered as race neutral), then Attachment 2 applies and LYNX encourages/requests prime contractors to provide opportunities to Small Business including DBEs and report names of the firms for subcontracting.

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as LYNX deems appropriate.

Only the work actually performed by a certified DBE will be counted towards the DBE participation. The cost of supplies and materials obtained by the certified DBE or equipment leased (except from the prime contractor or its affiliate) may also be counted per 49 CRF Part 26. Work that a certified DBE subcontracts to a non-DBE firm does not count toward DBE participation. A certified DBE should perform at least 30 percent of the total cost of its contract with its own work force. If materials or supplies are obtained from a certified DBE manufacturer, 100 percent of the cost will be counted for DBE participation. If the materials or supplies are purchased from a certified DBE dealer, 60 percent of the cost will be counted for DBE participation.

DBE achievement will not be counted toward the overall contract until the certified DBE has been paid.

b. DOT Short Term Lending Program (STLP)

The U.S. Department of Transportation (DOT) offers a variety of programs to help certified DBE firms to access the capital they need to participate in transportation contracts. DOT has joined state and local governments and the private sector in a cooperative effort to provide certified DBEs with access to the capital they need to grow and compete in the transportation market place.

Many DBEs, that are qualified to perform transportation-related contracts, have experienced difficulty in obtaining short-term working capital. In response, the U.S. Department of Transportation (DOT) Short Term Lending Program (STLP) was

developed by the Office of Small and Disadvantaged Business Utilization (OSDBU) to offer certified DBE's the opportunity to obtain short-term working capital at variable interest rates for transportation-related projects.

- (a) To be eligible to receive a STLP a business must be a certified DBE and have at least three years of past performance history. Start-up businesses are not eligible.
- (b) The STLP provides revolving lines of credit to finance accounts receivable arising from transportation-related contracts. The primary collateral consists of the proceeds of the contracts. Borrowing under the lines of credit are to meet the short-term costs of performing the contract(s) being financed. Start-up businesses are not eligible to apply for the STLP. It is recommended that a business have at least a three year past performance history before applying to the program. Additional information may be found at <http://www.osdbu.dot.gov/>.

c. Record Retention

The Contractor will keep records and documents for a period of three years following performance of this contract to indicate compliance with LYNX's DBE goal. These records and documents will be made available at reasonable times and places for inspection by any authorized representative of LYNX and will be submitted to LYNX upon request.

d. Prompt Payment

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from LYNX. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of LYNX. This clause applies to both DBE and non-DBE subcontractors. If the prime contractor determines the work to be unsatisfactory, they must notify LYNX's Project Manager immediately, in writing, and state the reason(s) of unsatisfactory work performance. Failure to satisfy prompt payment to DBE's no later than 30 days from the receipt of payment from LYNX will be cause to terminate the contract.

e. Payment Documentation

Concurrently with the submission of each invoice or request for a progress payment under this contract, the Contractor shall provide a breakdown of the amounts paid to DBEs identified by the Contractor to participate in this contract. The breakdown shall be provided on the Vendor payment report form which is available at www.golynx.com or on a photo copy of the attached Vendor Payment Report. As provided elsewhere in this contract the Authority may withhold all or part of any payment otherwise due the Contractor if the Contractor fails to submit Vendor Payment Report form and/or make prompt payments to its subcontractors, suppliers, materialmen or laborers.

f. False, Fraudulent, Dishonest Statements and Debarment

LYNX will bring to the attention of the U. S. Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program. LYNX will also inform prime contractors and subcontractors participating in LYNX contracts of the legal ramifications of any false, fraudulent, or deceitful statements or representations utilized by them to participate in the DBE program. This may include suspension or debarment or referral to the Department of Justice for prosecution under 18 U.S.C. 1001 or other applicable provisions or law.

g. DBE Good Faith Efforts

If an Offeror does not meet the DBE goal, it shall nevertheless be eligible for award of the contract if it can demonstrate to the Contracting Officer that it has made a good faith effort to meet the DBE goal. This good faith efforts documentation (***see list below for description of required documents***) is required when the initial response to LYNX's solicitation is due. All contractors, including DBE prime contractors, are required to submit good faith efforts documentation, to be submitted up to seven (7) calendar days after bid or proposal opening (***Attachment 4 to Exhibit I***). In evaluating an Offeror's good faith effort submission, LYNX will only consider those documented efforts that occurred prior to the good faith efforts determination.

In the event that a firm submitted by an Offeror is not certified, the Offeror will be notified and given an opportunity to substitute that firm with a certified DBE firm. The Offeror will have seven (7) calendar days from the date of notification to accomplish the substitution. In the event the Offeror is unable to contract with another substitute DBE firm, the good faith efforts that the Offeror made in attempting to contract with a substitute DBE firm must be documented to the Contracting Officer at the end of the same seven (7) calendar day period and may request an extension for an additional 7 days if necessary at the request of the Offeror whether or not good faith efforts have been demonstrated. LYNX shall notify the Offeror in writing stating which determination shall be made in its sole and absolute discretion.

In making a determination that the Offeror has made a good faith effort to meet the DBE goal, the Offeror shall furnish to the Authority, as part of its DBE utilization information provided under the Submission of DBE Utilization Forms and Related Documentation provision, such specific documentation concerning the steps it has taken to obtain DBE participation.

All Offerors on federally funded contracts with a specific DBE goal must, in order to be responsible, make good faith efforts to include DBE participation. This means that the Offeror must show that it took all necessary and reasonable steps to achieve DBE participation, even if they were not fully successful.

The Contracting Officer must make a fair and reasonable judgment whether an Offeror made adequate good faith efforts. It is important to consider the quality, quantity, and intensity of the different kinds of efforts that the Offeror has made. The efforts employed by the Offeror should be those that one could reasonably expect an Offeror to take if the Offeror were actively and aggressively trying to obtain DBE participation sufficient to meet DBE participation. Mere pro forma efforts are not good faith efforts to guarantee DBE participation. It is emphasized, however, that determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

(b) The following is a list of types of actions which will be considered as part of the Offeror's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases:

In making a determination that the Offeror has made a good faith effort to meet the DBE goal, the Offeror shall furnish to LYNX, as part of its DBE utilization information, such specific documentation concerning the steps it has taken to obtain DBE participation. By way of illustration and not limitation, LYNX will consider the following information:

- (1) Whether the Offeror attended any pre-bid or pre-proposal meetings scheduled by LYNX to discuss, among other matters, DBE participation opportunities and acknowledged receipt of DBE certified vendor lists;
- (2) Whether the Offeror advertised in general circulation, trade association, and/or minority/women-focus media concerning subcontracting opportunities;
- (3) Whether the Offeror provided written notice to a reasonable number of DBEs that their interest in the contract was being solicited in sufficient time to allow DBEs to participate effectively;
- (4) Whether the Offeror followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
- (5) Whether the Offeror selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including, where appropriate, breaking down the contract into economically feasible subcontracts to facilitate DBE participation);
- (6) Whether the Offeror provided interested DBEs with adequate information about the plans, specifications, scope of work and requirements of the contract;
- (7) Whether the Offeror negotiated in good faith with interested DBEs regarding their capabilities, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation;
- (8) Whether the Offeror negotiated in good faith with interested DBEs regarding price, using good business judgment and not rejecting reasonable quotes from interested DBE firms;
- (9) Whether the Offeror made efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance, etc., as required by LYNX or the Offeror;
- (10) Whether the Offeror made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services;
- (11) Whether the Offeror effectively used the services of available minority and women community organizations; contractor groups; local, State, and Federal business assistance offices; and other organizations that provide assistance in the identification of DBEs;
- (12) Whether the Offeror obtained written documentation from a bona fide surety company indicating that bonding was denied and for what reason(s), prior to the DBE being rejected as a potential subcontractor for failing to obtain Offeror-required bonding. Documentation furnished by a surety company will be subject to verification by LYNX; and

(13) Whether other Offerors have attained a sufficient level of DBE participation to meet the contract goals.

(14) Whether the DBE because of its quotation for the work was not the lowest received.

h. Administrative Reconsideration

Within 3 days of being informed by LYNX that the Offeror is not responsive because it has not documented sufficient good faith efforts, an Offeror may request administrative reconsideration. The Offeror should make this request, in writing, to the following reconsideration official: Chief Executive Officer, 455 North Garland Ave, Orlando, FL 32801. The reconsideration official will not have played any role in the original determination that the Offeror did not document sufficient good faith efforts.

As part of this reconsideration, the Offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it made adequate good faith efforts to do so. The Offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it made adequate good faith efforts. LYNX will send the Offeror a written decision on reconsideration, explaining the basis for finding that the Offeror did or did not make adequate good faith efforts. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

i. Financial Institutions

The Contractor is encouraged to utilize the services of socially and economically disadvantaged, minority and woman-owned financial institutions. The identities of such institutions are at <http://www.federalreserve.gov/releases/mob/>

j. Certification and Directory of DBEs

All prospective DBEs must be certified through the Florida Unified Certification Program (UCP). The UCP provides “one-stop shopping to applicants for DBE certification, such that an applicant need apply only once for a DBE certification that will be honored by all UCP members in Florida. LYNX is a member of the UCP.

The DBE firm will be verified as a certified DBE through the Florida UCP Directory. The UCP maintains an electronic DBE directory of all firms certified in Florida. The directory is located at <http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>.

Offerors are reminded that only certified DBEs may participate in Authority contracts in such capacities. If the Offeror propose using a DBE not currently certified, it strongly recommended that LYNX be contacted well in advance of the date set for receipt of offers in order to enable review of the proposed DBEs eligibility.

k. Modifications or Substitutions

This Provision applies to all modifications and substitutions under this Contract. The prime contractor will be required to comply with this Provision to the extent needed to achieve the LYNX DBE goals agreed to at the time of contract award.

If a prime contractor wishes to terminate or substitute a subcontractor listed as fulfilling its contract goal, it must submit written documentation prior to the termination or substitution of the subcontractor to the Contracting Officer. This will include any changes to items of work, material, services, or firms that differ from those identified on the Intent to Perform as a Subcontractor form(s) on file with the Contracting Officer. The prime contractor must provide any and all documentation and information as may be requested with respect to the requested change.

The prime contractor's documentation shall include the specific reasons for the proposed change. Specific reasons that are acceptable include, but are not limited to: the subcontractor was not able to perform; the subcontractor was unable to produce acceptable work; and/or the subcontractor has submitted an unreasonable escalation in price. In the case of a subcontractor being substituted by another subcontractor, the prime contractor should include the name, address, and telephone number, and principal office of the proposed subcontracting firm. The LYNX DEBLO will approve or disapprove the change.

If the change involves a subcontractor substitution, the prime contractor must make good faith efforts to replace one DBE subcontractor with another DBE subcontractor. The substitute DBE subcontractor must be certified by an agency in the Florida's Unified Certification Program (UCP) in order for the prime contractor to receive credit toward fulfilling its DBE participation goal for the contract. In the event that the prime contractor is unable to contract with another DBE firm, good faith effort documentation must be provided to the Contracting Officer describing the unsuccessful attempts to locate a substitute DBE subcontractor. In all situations, the prime contractor may not terminate or substitute a DBE subcontractor without the prior written consent of the Contracting Officer.

A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support finding that good faith effort have been met to replace the original DBE.

The prime contractor must submit a new Intent to Perform as a Subcontractor form for the substitute subcontractor(s) with the request for change, to verify that any new subcontractor(s) are approved and any DBE is certified by an agency in Florida's Unified Certification Program. The Contracting Officer shall notify the prime contractor in writing of the decision as expeditiously as possible. If the contract has been awarded and the Contracting Officer approves the proposed substitution in writing, the prime contractor shall provide a copy of the executed subcontract agreement with the proposed subcontractor to the Contracting Officer within fourteen (14) days of its receipt of the substitution approval.

If the change involves a modification, the Contractor must submit, if applicable, the Intent to Perform as a Subcontractor form specified for contract modifications for any LYNX subcontractor affected by this change. This form may be obtained from the Contracting Officer.

If the Contractor does not comply with this Provision, LYNX may elect to apply contract remedies as defined in 49 CFR Part 26, or other contract remedies, as appropriate. Additionally, the Contracting Officer may order that the profits from the terminated portion of the LYNX subcontract be forfeited by the Contractor.

ATTACHMENT 1 TO EXHIBIT I

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY – DBE FORM

INTENT TO PERFORM AS A SUBCONTRACTOR
FOR A DBE SUBCONTRACTOR AWARD

All DBE subcontracting firms to be used on this Solicitation must fill out this form. DBE firms participating in LYNX's contracting opportunities must have "current" certification status with Florida's Unified Certification Program (UCP) prior to award of the Contract. DBE certification of any firm must be current; DBE certification is effective for three (3) years from the date of written notification of certification. If LYNX determines that the firm is not an eligible DBE firm for LYNX contracts and subcontracts, the prime contractor will be notified of the ineligibility of the listed firm. **The submission of this form is considered an issue of responsibility and LYNX will not award a contract to any Offeror who has not supplied this documentation.**

1. Name of Offeror / Prime Contractor _____ **Solicitation #** 16-R01.
2. Has the undersigned **DBE** subcontractor been certified by a Florida UCP agency? _____.
3. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both):

and at the following price \$ _____ or %DBE participation _____.

With respect to the proposed subcontract described above, _____% of the dollar value of such subcontract will be sublet and/or awarded to **non-DBE** contractors.

NOTICE: If the DBE firm is not sub-subcontracting any of the work described above, a zero (0) must be shown in the Blank above.

(Name of DBE Sub-Contracting Firm)

BY: _____
(Signature of **DBE** Owner, President or Authorized Agent of
DBE subcontracting firm)

DATE: ____/____/____

PHONE: _____

(Print or Type - Name of Signature of Owner,
President or Authorized Agent of **DBE** firm)

DECLARATION OF PRIME CONTRACTOR

I HEREBY DECLARE AND AFFIRM that I am the _____
(Title of Declarant)

and a duly authorized representative of _____
(Name of Prime Contractor)

to make this declaration and that I have personally reviewed the material and facts set forth in this Intent to Perform form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the (**DBE**) firm signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by the Contracting Officer, the undersigned will enter into a formal agreement with the listed (DBE) firm for work as indicated by this form within ten (10) business days after receipt of the contract executed by the CENTRAL FLORIDA REGIONAL TRANSPORTATION Authority. **The undersigned will provide the Contracting Officer a copy of that agreement within three (3) business days of execution; failure to do so will delay the Notice to Proceed.**

The Prime contractor designated the following person as their DBE representative:

(Name-Please Print)

(Phone)

(E-Mail Address)

Pursuant to 49 CFR Section 26.107, any person [entity] who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes and may be referred to the Department of Transportation, and possibly the Department of Justice, for prosecution.

(Name of Declarant)

(Signature)

(Date)

ATTACHMENT 2 TO EXHIBIT I

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROVISIONS (FEDERALLY ASSISTED CONTRACT WITHOUT PROJECT- SPECIFIC GOAL)

For assistance or with questions concerning the provisions in this Exhibit Only, contact Desna Hunte, Manager of Compliance/DBE Liaison Officer (DEBLO) at 407-254-6117.

1. DBE Goal

A DBE Goal has not been assigned to this particular contract; however, LYNX encourages/requests Offerors to provide subcontracting opportunities of a size that Small Business(SBA Size Standards) including Disadvantaged Business Enterprises can reasonably perform rather than self-performing all the work involved.

Please provide with your proposal submittal the name(s) of certified Small Business subcontractor(s) you intend to use on any contract resulting from this solicitation. Include each Small Business subcontractor's DBE status with the submittal.

Please contact the designated Procurement Staff indicated on the Solicitation Cover sheet for this solicitation and a reporting form that must accompany your firms invoice submittals will be provided to you.

2. Financial Institutions

The contractor is encouraged to utilize the services of disadvantaged, minority and woman-owned banks and financial institutions. The identity of such institutions is available at <http://www.federalreserve.gov/releases/mob/>

3. Directory of DBE's

The Unified Certification Program (UCP) maintains an electronic DBE directory of all firms certified in Florida. The directory is located at;

<http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

The certifying UCP agency in the State of Florida is available at <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet%20ucp/ucppartners.asp>

4. Submission of Subcontractor Utilization Forms and Related Documentation

All Offerors shall submit the Subcontractor Utilization form (Attachment 3 to Exhibit I) when the initial response to the Authority's solicitation is due. The Offeror shall indicate the names of any subcontractor(s), sub-consultant(s) or suppliers(s) to be used in this contract (DBE-certified or non DBE-certified firms), or indicated that no portion is intended to be subcontracted.

5. The Contractor awarded the contract shall make available to LYNX upon request a copy of all DBE subcontracts. Such subcontracts shall require that all subcontractors, lower tier subcontractors or DBE supplying labor or materials comply with the requirements set forth in CFR Part 26.53. LYNX Contracts Administrator for this solicitation must be notified of any change in subcontractor utilization. LYNX encourages Contractors to bring copies if subcontractors to kick-off meetings.

**ATTACHMENT 3 TO EXHIBIT I
(DBE UTILIZATION-SUMMARY OF SUBCONTRACTOR/SUBCONSULTANT/SUPPLIERS)**

Offerors should provide information on all prospective subcontractor(s)/sub-consultants/Suppliers who submit bids/proposals in support of this solicitation. Use additional sheets as necessary.

Project Name _____ LYNX' Solicitation # _____

Names and addresses of Subcontractors(s)/ Sub-Consultant(s)	Type of Work to be performed	Ethnicity& Gender of Owner	Previous Annual Receipts	Year's Gross	\$ Amount on Contract
Name: Address: Phone: Fax: E-Mail: Contact Person:	Type of Work: Age of Firm: Is the firm certified in the State of Florida by the UCP? <input type="checkbox"/> yes <input type="checkbox"/> no	Gender <input type="checkbox"/> M <input type="checkbox"/> F Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native Amer. <input type="checkbox"/> Sub-cont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 500K <input type="checkbox"/> 500K-\$2 mil <input type="checkbox"/> \$2 mil - \$5 mil <input type="checkbox"/> More than \$5 mil		
Name: Address: Phone: Fax: E-Mail: Contact Person:	Type of Work: Age of Firm: Is the firm certified in the State of Florida by the UCP? <input type="checkbox"/> yes <input type="checkbox"/> no	Gender <input type="checkbox"/> M <input type="checkbox"/> F Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native Amer. <input type="checkbox"/> Sub-cont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 500K <input type="checkbox"/> 500K-\$2 mil <input type="checkbox"/> \$2 mil - \$5 mil <input type="checkbox"/> More than \$5 mil		
Name: Address: Phone: Fax: E-Mail: Contact Person:	Type of Work: Age of Firm: Is the firm certified in the State of Florida by the UCP? <input type="checkbox"/> yes <input type="checkbox"/> no	Gender <input type="checkbox"/> M <input type="checkbox"/> F Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native Amer. <input type="checkbox"/> Sub-cont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 500K <input type="checkbox"/> 500K-\$2 mil <input type="checkbox"/> \$2 mil - \$5 mil <input type="checkbox"/> More than \$5 mil		

The undersigned bidder/Offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

___ The bidder/Offeror is committed to a minimum of ___% DBE Utilization on this contract.

___ The bidder/Offeror (if unable to meet the DBE goal) is committed to a minimum of ___% on this Contract and submits documentation demonstrating good faith efforts.

Name of Bidder/Offeror's firm: _____

Print Name/Title of Person completing this form: _____

Signature: _____ Date: _____

**** NOTE: THIS EXHIBIT MUST BE COMPLETED AND RETURNED WITH THE BID ****

**ATTACHMENT 4 TO EXHIBIT I
CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY – DBE FORM**

**INSTRUCTIONS FOR CONTRACTORS
"HOW TO FILL OUT VENDOR PAYMENT REPORT"**

The Vendor Payment Report is to be filled out by the Contractor and submitted with each invoice. The instructions below correspond to each item on the reverse side of the report. Please follow the instructions.

1. **Invoice No.**
Fill in the invoice number accompanying this report.
2. **Report No.**
Fill in the number of the report you are sending in sequence. For example: If this is the second invoice you are submitting, you are sending in Report No. 2.
3. **Reporting Period**
This is to be filled in to state the period of time you are reporting. Example: From: April 1, 2009 To: April 30, 2009.
4. **LYNX Contract Number**
Fill in the contract number assigned to your project by LYNX.
5. **Type of Contract**
Designate the type of contract that has been awarded your company by LYNX.
6. **Contractor's Business Name, Address and Telephone Number**
Fill in your company's name, address, and telephone number.
7. **Date of Contract Award**
Fill in the date contract was executed by both you and LYNX.
8. **Scheduled Date of Completion**
Fill in completion date of contract as written in contract.
9. **Original Contract Amount**
Fill in dollar amount of original contract agreed upon by you and LYNX.
10. **Current Amended Contract Amount and Date**
Fill in dollar amount of original contract plus/minus the dollar amount agreed upon at a later date as a result of contract modifications, if applicable. Include date modification was executed.
11. **Total Amount Received to Date**
Fill in the dollar amount you have received from LYNX to-date.
12. **Total Amount Owed**
Fill in the dollar amount of the contract minus amount paid to you by LYNX

13. **Committed DBE Participation**
Fill in the percentage of DBE participation you committed to obtain in the contract.
14. **Instructions for Calculation of DBE Percentage**
15. **Actual DBE Percent Paid-to-Date**
Fill in the calculated dollar amount paid to the DBE divided by the dollar amount you received from LYNX.
16. **Name of Subcontractors**
Name all DBE subcontractors. (Use additional sheets as necessary.)
17. **DBE**
State whether the DBE subcontracting firm is a 51% owned and operated by male/female (M=Male, F=Female) and ethnicity (B=Black American, H=Hispanic American, N=Native American, S=Subcontinent Asian American, A=Asian-Pacific American, W=Non-minority female, O=Other) in this column.
18. **Description of Work**
State the work performed by the DBE subcontractor.
19. **Amount and Date of Last Payment**
State the amount and date of last payment made to each DBE subcontractor. Submit evidence of payment, i.e., cancelled check, check register, etc.
20. **Subcontract Value (Dollars)**
State the committed dollar value to the DBE subcontractor for the duration of the contract.
21. **Total Amount Paid-to-Date (Dollars)**
Add all amounts paid to each DBE subcontractor to date.
22. **Percent of Earned Progress to Date**
State dollar amount paid to the DBE subcontractor divided by the amount committed to them.
23. **Amount of This Invoice Allocated to the Subcontractor**
Fill in how much of this invoice will be paid to each DBE subcontractor.
24. **Sub-contractor Certification of amounts earned and paid**

Prime contractor is to complete the affidavit certifying payment made for each committed DBE.

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY – DBE FORM

VENDOR PAYMENT REPORT ATTACHMENT 5 TO EXHIBIT I

Central Florida Regional Transportation Authority d.b.a. LYNX
455 N. Garland Ave
Orlando, FL 32801

1) Invoice No.	2) Report No.
3) Reporting Period <i>From:</i>	<i>To:</i>

Instructions: All prime contractors are required to complete and submit this report as specified in the contract, or as requested by the Contracts Specialist, until final payment of the contract. Note: Failure to comply with LYNX's Disadvantaged Business Enterprise provisions may result in contract termination, or the suspension or debarment of the contractor from doing business with LYNX in the future in accordance with the procedures set forth in LYNX's Procurement Regulations. To complete this report, see detailed instructions on the proceeding page. ["This report must be submitted with each invoice and copy submitted to the LYNX DEBLO".](#)

4) Contract & /PO Number		5) Type of Contract (X)		6) Contractor's Business Name, Address and Telephone Number			
		<input type="checkbox"/> Construction <input type="checkbox"/> Service <input type="checkbox"/> Professional <input type="checkbox"/> Supply Service					
7) Date of Contract Award		8) Schedule Date of Completion		9) Original Contract Amount		10) Current Contract Amount, Including Modifications (\$ and date) <small>(State amount & date of most recent modification)</small>	
				\$		\$ _____ / _____ / _____	
11) Total Amount Received To Date		12) Total Amount Owed		13) Committed DBE Participation		14) DBE Instruction for Calculation of Percentage: Dollar amount paid to DBE divided by dollar amount received by Contractor from LYNX.	
\$		\$		_____ %		1. 15) Actual DBE Participation % to Date _____ %	
Amount of This Invoice		\$					
16) Name of Subcontractor	17) DBE Ethnicity and Gender	18) Description of Work	19) Amount & Date of Payment(s) Made During Current Invoice Period	20) Subcontract Value (Dollars)	21) Total Amount Paid to Date (Dollars)	22) % Paid to Date	23) Amount of This Invoice Allocated to Subcontractor
			\$		\$		
			\$		\$		
			\$		\$		
			\$		\$		
I hereby certify that _____ has made timely payments from proceeds of prior payments, and will make payments within (30) days of receipt of funds from LYNX for progress and/or final payment to our subcontractors and suppliers in accordance with contractual arrangements with them.							
Company Official's Signature & Title			Date Signed / /		Name & Title of Individual Completing Report		

ATTACHMENT 6 TO EXHIBIT I

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY
d/b/a LYNX
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
BIDDER DOCUMENTATION OF GOOD FAITH EFFORT

Bidder Name:	
Project Name:	
Project Number:	
Total Bid/Proposal Amount \$:	

INSTRUCTIONS:

As a condition of doing business with LYNX and in accordance with 49 CFR Part 26 Section 26.53, all bidders on LYNX contracts and Procurements are required to demonstrate compliance with this part for the Disadvantaged Business Enterprise (DBE) program and policy. Each bidder must complete and submit the following, certifying evidence of compliance. If you have attained the amount of DBE participation required to meet the project's established DBE goal you must only complete Section 1 and 3 of this document. If you have not attained the amount of DBE participation required you must complete the entire form and provide all required supporting documentation to document good faith effort. Documentation of good faith effort must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on a contract.

SECTION 1: Verification of Compliance with the DBE Goal

Business Name	Business Phone	Source of Certification	Dollar Value of Contract	Percent of Total Contract

Bid Amount:	Dollar DBE Participation:	Percent DBE Participation:
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**** NOTE: THIS EXHIBIT MUST BE COMPLETED AND RETURNED WITH BIDS CONTAINING A CONTRACT GOAL ****

SECTION 2: Documentation of Good Faith Effort

List all areas of work offered (description of work) to DBE Firms and the estimated value of each.

Attach Scope of work or description of the work selected for DBE participation

Description of Work	Estimated Value

List all certified DBE Firms contracted the portions of work to be performed and the reasons for declining their bid or offer.

Business Name	Contact Name	Phone Number	Contact Date	Scope of Work Solicited	Reason Bid Declined	Method of Notice of Decline

**** NOTE: THIS EXHIBIT MUST BE COMPLETED AND RETURNED WITH BIDS CONTAINING A CONTRACT GOAL ****

Please attach a copy of all solicitations for bids or proposals and or written notices distributed to DBEs.
In the space provided below please descript actions taken to solicit and select DBEs to participate on the project.

SECTION 3: Acknowledgement

I (Print Name) _____ certify that the information contained herein is true and correct. I acknowledge that LYNX may impose a penalty for submitting false information.

Signature: _____ Title: _____ Date: _____

Full Business Name: _____

Business Address: _____

Area Code/Telephone Number: _____ E-Mail: _____

SWORN TO AND SUBSCRIBED, before me, this _____ day of _____, _____

NOTARY PUBLIC _____

My Commission Expires _____

**** NOTE: THIS EXHIBIT MUST BE COMPLETED AND RETURNED WITH BIDS CONTAINING A CONTRACT GOAL ****



**ATTACHMENT 7 TO EXHIBIT I
AFFIDAVIT CERTIFYING PAYMENT TO DBE**

The undersigned prime contractor for each committed DBE certifies payment was made to the firm indicated. Two copies must be submitted by the prime contractor, one to the Project Manager after each progress payment is made to any DBE whose work is part of the committed goal on the project and one to LYNX DBE Officer.

Contract No. _____ **Project Name** _____ **PO No.** _____
Prime Contractor _____ **Invoice No.** _____
DBE Name _____

The undersigned prime contractor on LYNX Contract hereby certifies that payment was made to the above named DBE, for material and/or work performed under the indicated contract, as follows and within 30 calendar days after this date paid the subcontractor named below for satisfactory work completed in compliance with the prompt payment provisions included in the project contract.

Sub-Contractor	Invoice Date	Date Paid	Amount Paid

This certification is made under Federal and state laws concerning false statement. The undersigned firm understands also that supporting documentation for this payment is subject to audit, and it will be retained for a minimum of three years from the project acceptance date.

I declare under penalty of perjury, as set out and any other applicable State or Federal laws that the statements made on this document are true and complete to the best of my knowledge.

Title: _____

Print Name: _____

Signature: _____ **Date:** _____

The Undersigned subcontractor/supplier/manufacturer for the above named project hereby certifies that payments were received and/or justification by contractor is correct.

I declare under penalty of perjury, as set out and any other applicable State or Federal laws that the statements made on this document are true and complete to the best of my knowledge.

Subcontractor/Supplier/Manufacturer

Print Name

By: _____

Title: _____

Date: _____

EXHIBIT C PROPOSAL EVALUATION

1. **Proposal Selection Process**

The following describes the process by which Proposals will be evaluated and a selection made for a potential award. Any such selection of a Proposal by a responsible Proposer shall be made by consideration of only the criteria of "Qualification Requirements" (Section 1.A.) and "Proposal Evaluation Criteria" (Section 1.B.) below. Section 1.A. specifies the requirements for determining "responsible" Proposers, all of which must be met by a Proposer to be found qualified. Final determination of a Proposer's qualification will be made based upon all information received during the evaluation process and as a condition for award. Section 1.B. contains all of the evaluation criteria, and their relative order of importance, by which a Proposal from a qualified Proposer will be considered for selection. An award, if made, will be to a responsible Proposer for a Proposal which is found to be in LYNX's best interest, ~~price~~ and other evaluation criteria considered. **LYNX reserves the right to make multiple awards.**

The procedures to be followed for these evaluations are provided in "Evaluation Procedures" (Section 1.D) below.

A. **Qualification Requirements**

The following are the requirements for qualifying responsible Proposers. All of these requirements must be met; therefore, they are not listed by any particular order of importance. The Proposer of any Proposal that the SEC (as defined below) finds not to meet these requirements may be determined by the SEC not to be responsible and its Proposal rejected. The requirements are as follows:

(i) Sufficient financial strength and resources and capability to finance the work to be performed and complete the Contract in a satisfactory manner as measured by:

Proposer's most recent financial statements, which must include a complete balance sheet, statement of cash flows and profit and loss statement, and if the latest financial statements are not audited or compiled, a copy of the last audited or compiled financial statements.

(a) Ability to obtain required insurance with coverage values that meet minimum requirements evidenced by a letter from an underwriter confirming that the Proposer can be insured for the required amount.

(ii) Evidence that the human and physical resources are sufficient to perform the Contract as specified and assure delivery of all goods and/or services within the time specified in the Contract, to include:

(a) Engineering, management and/or service organizations with sufficient personnel and requisite disciplines, licenses, skills, experience, and equipment to complete the Contract as required and satisfy any engineering or service problems that may arise during the warranty period.

Evidence of satisfactory performance and integrity on contracts in making deliveries on time, meeting specifications and warranty provisions, parts availability, and steps Proposer took to resolve any judgments, liens, fleet defects history, and warranty claims. Evidence shall be by client references.

(iii) Evidence that there are no current lawsuits that impact the ability of the Proposer to perform its obligations under the Contract. Proposer to list and describe any suits/claims filed by the Proposer or against the Proposer within the past 5 years, including amount and outcome if resolved.