

**STATE OF ALASKA RFP NUMBER 2523H011
AMENDMENT NUMBER THREE**

AMENDMENT ISSUING OFFICE:



Department of Transportation & Public Facilities
Statewide Contracting & Procurement
P.O. Box 112500
(3132 Channel Drive, Room 350)
Juneau, Alaska 99811-2500

THIS IS NOT AN ORDER

DATE AMENDMENT ISSUED: July 11, 2023

RFP TITLE:

Grant Project Analysis-State -Federally Funded

DUE DATE: July 17, 2023 at 2:00PM. Alaska Time.

This is a mandatory return Amendment. Your bid may be considered non-responsive if this signed amendment is not received [in addition to your bid] by the date and time bids are due.

Vendor Signature: _____

Date: _____

Printed Name: _____

Offerors Name: _____

The purpose of this Amendment #3 is to:

- Modify the proposal Due Date and Time
- Answer questions that were received
- Modify sections of the RFP

Questions and Answers:

The following are the state's responses to questions that have been submitted in response to RFP 2523H011.

Question 1:

There appears to be a conflict in the RFP between Sec. 3.03 and Sec. 3.12 regarding whether annual adjustments to contracted billing rates will be allowed. Sec. 3.03 appears to allow annual adjustments; however, Sec. 3.12 states "Contracted hourly billing rates will remain firm through September 30, 2025." Please clarify whether contractors will be able to request annual adjustments to the contracting billing rates provided in Part B of Attachment #2 Cost Proposal.

Answer 1:

Please see modification to RFP Section Language below:

Question 2:

Can you provide an update on the status of the Foreign Outsourcing Waiver Request?

Answer 2:

The request is in review with the Office of Property and Procurement Management.

Question 3:

Do the provisions of the attached Alaska Department of Law Notice to Offerors that was provided for IRFP No. 2522H059 also apply to this RFP?

Answer 3:

Yes, The Alaska Department of Law Notice to Offerors that was provided for IRFP No. 2522H059 does apply and has been attached to this amendment for reference.

End of Questions and Answers.

Modifications to RFP Section Language:

1. RFP section 3.12 Cost Price Adjustments has been removed in its entirety and replaced with the following:

SEC. 3.12 COST PRICE ADJUSTMENTS

Consumer Price Index (CPI):

Contracted hourly billing rates will remain firm through September 30, 2024.

The contractor may request price adjustments, in writing, 30 days prior to the contract renewal date. Requests must be in writing and must be received 30 days prior to **September 30, 2024 and the subsequent optional contract renewal date**. If the contractor fails to request a CPI price adjustment 30 days prior to **September 30, 2024, and the subsequent optional contract renewal date**, the adjustment will be effective 30 days after the state receives their written request. Adjustments will only be allowed to the contracted hourly billing rates.

Price adjustments will be made in accordance with the percentage change in the U.S. Department of Labor Consumer Price Index (CPI-U) for All Urban Consumers, All Items, Urban Alaska.

The price adjustment rate will be determined by comparing the percentage difference between the CPI in effect for the base year six-month average January through June 2024; and each January through June six-month average thereafter. The percentage difference between those two CPI issues will be the price adjustment rate. No retroactive contract price adjustments will be allowed.

All price adjustments must be approved by the procurement officer prior to the implementation of the adjusted pricing. Approval shall be in the form of a contract amendment issued by the procurement officer.

Signature:  Date: 7-11-23

Name: Chris Hunt

Title: Procurement Specialist 5

Notice to Offerors
IRFP No. 2522H059

The Department of Transportation & Public Facilities (Department) issues this Notice in response to an inquiry touching upon the subject of Organizational Conflict of Interest.

As used in this Notice:

Community Partner means a local government, tribe, or non-governmental entity that may seek an infrastructure grant under the Infrastructure Investment and Jobs Act in connection with the Contract.

Contract means the contract that the Department intends to award in response to IRFP No. 2522H059.

Contractor means the entity awarded the Contract in response to IRFP No. 2522H059.

Mitigation means any action taken to reduce the risk that: an Organizational Conflict of Interest exists; an offeror will gain an unfair competitive advantage on a public solicitation; and the public's trust in Alaska's public procurement process is undermined.

Nonpublic Information means any Department or Community Partner information, whether oral or documentary, that Contractor acquires through its performance of the Contract and that is not readily accessible to others.

Organizational Conflict of Interest includes instances in the public procurement process where an entity has an unfair competitive advantage over another bidder or offeror.

In rendering services under the Contract, Contractor will, among other things, assist the Department in assessing surface transportation proposals of Community Partners and identifying those that warrant grant consideration under the Infrastructure Investment and Jobs Act (Act). Performance of these services may cause the Contractor to acquire Nonpublic Information.

Later, a Community Partner may receive a grant under the Act and develop, advertise, and implement a capital project (Project). Contractor may wish to compete on the advertised Project, either individually or as a member of a proposal team. However, Contractor's acquisition of Nonpublic Information during its preceding Contract performance may give rise to an actual or perceived Organizational Conflict of Interest.

If offerors responding to IRFP No. 2522H059 wish to do so, they might consider proactive measures to help guard against Organizational Conflict of Interest. One such measure might be adoption of a Mitigation plan. The details of any Mitigation plan are case-specific and depend upon the complexity of the Organizational Conflict of Interest. The author of such a plan must base its choice of specific barriers or controls on an analysis of the facts and circumstances at issue.

Without endorsing any particular barrier or control, or assuring their success, the Department offers the following examples of Mitigation measures for purpose of illustration:

- (1) Adoption of a binding resolution by Contractor's board of directors that prohibits certain directors, officers, or employees, or parts of the company from any involvement concerning the Community Partner's Project solicitation and ensuing contract.
- (2) Contractor's written agreement with the Department that it will:
 - (a) Use the Nonpublic Information only for the purposes of performing the services specified in the Contract, and not for any other purpose;
 - (b) Safeguard the Nonpublic Information from unauthorized use and disclosure;
 - (c) Limit access to the Nonpublic Information to only those persons who need it to perform services under the Contract;
 - (d) Inform persons who may have access to Nonpublic Information about their obligations to use it only to perform the services specified in the Contract and to safeguard it from unauthorized use and disclosure;
 - (e) Obtain a signed nondisclosure agreement that includes language substantially similar to that found in section (2)(a) through (d), from each person who may have access to the Nonpublic Information;
 - (f) Provide a copy of any such nondisclosure agreement to the Department's contracting officer or the relevant Community Partner upon request; and
 - (g) Report to the contracting officer or the relevant Community Partner any violations of requirements of section 2(a) through (f) as soon as the violation is identified. This report shall include a description of the violation and Contractor's proposed actions to be taken in response to the violation, with follow-up reports of corrective actions taken as necessary.
- (3) Creation of an ethical wall within Contractor's organization that prevents sharing of Nonpublic Information within the organization and with affiliated entities.
- (4) Designation of an Organizational Conflict of Interest compliance official at a senior level within Contractor's organization to oversee implementation of any Mitigation plan.