

## Notice to Architects and Engineers

### *Restroom Improvements – Public Lower-Level*

The Tulsa Airports Improvement Trust (TAIT) is hereby soliciting statements of qualifications and experience from airport engineers to design and provide construction contract administration services to renovate and modernize the lower-level restrooms at Tulsa International Airport (TUL). TAIT may contract with the selected firm for other projects if the scope is similar.

A qualification-based selection process conforming to Federal Aviation Administration (FAA) Advisory Circular 150/5100-14E will be used to select a well-qualified firm. Fee information will not be considered in the selection process and must not be submitted with the statement of qualifications. However, note that TAIT limits the cost multiplier to 3.0 max (Direct Labor + Overhead + Profit < 3 \* Direct Labor). Prospective engineers are advised that applied overhead rates must be in accordance with the cost principles established within Federal Regulation 48 CFR Part 31, *Contract Cost Principles and Procedures*. The successful firm will be required to submit a copy of their current overhead rate audit certification. Not-to-exceed fee amounts will be negotiated for design and construction services contracts.

The Selection Committee will score each Statement using the following criteria. Each Statement should specifically address each criterion and any other information the engineer wishes to provide. Primary emphasis will be placed upon:

- 1. Firm/team's capability to perform all aspects of the project as demonstrated by recent similar experience.*
- 2. Key personnel's proposed roles (design and inspection) and individual experience in similar capacities. Who will be working on the project? What experience do they have?*
- 3. Proposed Project Manager's record of meeting schedules or deadlines in his/her last 5 projects.*

Firms will be additionally evaluated on:

- 4. Understanding of the project's potential challenges and the Sponsor's special concerns.*
- 5. In meeting the Disadvantaged Business Enterprise (DBE) contract goal, evidence documenting that the consultant met the DBE goal, or by documenting that it made adequate good faith efforts to meet the DBE goal.*

Projects that are referred to as having been accomplished by your firm shall be projects that were accomplished by personnel still on the firm's staff. Projects that were accomplished by key personnel (that will be assigned to this project) while employed by other firms may be included in the Statement of Qualifications.

The Selection Committee may shortlist two or more firms if it deems subsequent evaluation is necessary to select a firm. Shortlisted firms may be asked to respond to written questions and/or to participate in an interview. However, the TAIT reserves the right to proceed directly to

contract negotiations with the selected firm immediately after review of the Statements of Qualifications.

Services anticipated include layout and design, cost estimates, project schedules, construction safety and phasing plans, preparation of plans and specifications, bidding, inspection, quality assurance testing, and grant administration assistance for all mechanical, electrical, and ancillary services required to accomplish the anticipated project.

### **Next Steps and Details**

Interested firms may attend an optional Pre-Submittal Conference in person or remotely. The conference will be held in Tulsa International Airport's Conference Room A211 in the Terminal Building ([https://flytulsa.com/travel/amenities/terminal-map/?location=\\_14](https://flytulsa.com/travel/amenities/terminal-map/?location=_14)) at **1:00 PM local time on Wednesday, October 2<sup>nd</sup>, 2024**. Remote participation is available via Microsoft Teams. Request details from [Nathandick@tulsaairports.com](mailto:Nathandick@tulsaairports.com).

Interested firms shall email their statement of qualifications to [Nathandick@tulsaairports.com](mailto:Nathandick@tulsaairports.com) no later than **5:00 PM local time on Tuesday, October 15<sup>th</sup>, 2024**. Statements received after such time will not be considered.

The qualification statement is limited to five 8 ½" x 11" pages of content. Any cover page, transmittal letter, table of contents, or divider pages that do not contain content are not included in the maximum number of pages. A Certificate of Insurance shall be included in the Statement but is not counted toward the maximum number of pages.

The TAIT has the right to:

1. Cancel this solicitation at any time.
2. Reject any and all submissions
3. Request an oral interview or additional information from individuals or firms prior to final selection.
4. Select for contract negotiations the offeror's submittal that, in the judgment of The TAIT, best meets its needs.
5. Require the successful offeror to present a certificate of insurance for malpractice liability insurance from an insurance carrier authorized to do business in the State of Oklahoma.

The TAIT method of selection for engineers will be professionally acceptable, ensure maximum open and free competition, and avoid any suggestion of unfair or unethical practices.

### **NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY**

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor’s aggregate workforce in each trade on all construction work in the covered area, are as follows:

**Timetables**

<b>Goals for minority participation for each trade:</b>	<b>10.2%</b>
<b>Goals for female participation in each trade:</b>	<b>6.9%</b>

These goals are applicable to all of the Contractor’s construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. In regard to this second area, the Contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor’s compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a) and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor’s goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs (OFCCP) within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.
4. As used in this notice and in the contract resulting from this solicitation, the “covered area” is Oklahoma, Tulsa County, and City of Tulsa.

**Title VI Solicitation Notice**

The TAIT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any for contract entered into pursuant to this advertisement, businesses will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.

**Federal Fair Labor Standards Act (Federal Minimum Wage) Requirements:**

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, et seq, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The Contractor has full responsibility to monitor compliance to the referenced statute or regulation. The Contractor must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

**Trade Restriction Certification**

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror –

- 1) is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
- 2) has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the USTR; and
- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
- 2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The

knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

### **DBE Requirements for Selected Firm**

The following information is provided to communicate expectations for the selected firm. This Agreement will be funded in part by a grant from the Federal Aviation Administration, therefore the requirements of Title 49 CFR Part 26, Participation by Disadvantaged Business Enterprises, applies to this Agreement. The Consultant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of an Agreement formed as a result of this selection process. **TAIT has set an aspirational DBE goal of 4.33% for the design contract for The Restroom Improvement – Public Lower-Level Project.** If a proposer or subconsultant of the proposer are certified as DBE, the work performed by both shall be counted towards meeting the aspirational goal. Any work performed by a non-DBE proposer or subconsultant does not qualify towards the DBE goal. As a condition of responsiveness to this Notice, firms must complete and submit the forms provided, “Bidders List”, “Utilization Statement”, “Schedule for Participation by DBE”, DBE Regular Dealer/Distributor Affirmation Form” and if applicable “Request for Good Faith Efforts Review” with its submittal. Firms and Firms’ subcontractor/subconsultant who are submitting as DBE’s must be certified DBE in the state of Oklahoma in good standing prior to the date submittals are due. TAIT recognizes DBE firm certifications by the Oklahoma Department of Transportation (OKDOT). For information regarding DBE firms recognized by TAIT, or if you have any questions about TAIT’S DBE program, please contact Sandra Charon, TAIT DBE Liaison Officer, at 918-838-5016. Consultant selection is conditioned upon the selected firm satisfying the good faith efforts requirement of 49 CFR § 26.53. The Consultant or Sub-Consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. Failure by the Consultant to carry out these requirements is a material breach of Agreement, which may result in the termination of this Agreement or such other remedy, as the TAIT deems appropriate.

### **Federal Fair Labor Standards Act (Federal Minimum Wage)**

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, et seq, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

### **Additional Provisions**

Award of contract is governed by all applicable local, State and Federal regulations. Contract will include the following federal provisions:

- 49 USC § 50101, Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers
- 2 CFR part 200, Appendix II(D), 2 CFR Part 5, 49 USC § 47112(b), 40 USC §§ 3141-3144, 3146, and 3147. Davis Bacon Requirements
- 31 USC § 1352, 2 CFR part 200, Appendix II (J), and 49 CFR part 20, Appendix A – Lobbying Federal Employees
- 2 CFR part 180 (Subpart C), 2 CFR part 1200, & DOT Order 4200.5 – Debarment and Suspension
- 29 USC § 201, et seq and 2 CFR § 200.430 – Federal Fair Labor Standards Act (Federal Minimum Wage)
- 31 USC § 1352, 2 CFR part 200, Appendix II(I), and 49 CFR part 20, Appendix A – Lobbying and Influencing Federal Employees

Reference: Capital Improvement Plans - Fly Tulsa

Dated at Tulsa, Oklahoma, this 3<sup>rd</sup> day of September 2024