



CONTRACT NO. BA0065172

F.A.P. NO. PENDING

**Competitive Sealed Proposals Procurement
Phase One – Request for Qualifications
Design-Build**

May 14, 2019

**IS-695 from IS-70 to MD 43 Transportation
Systems Management and Operations**

Baltimore County

**Minority Business Enterprises are encouraged to respond to
this Solicitation Notice.**

Table of Contents

I.	INTRODUCTION.....	3	
II.	RULES OF CONTACT	9	
III.	PROPOSER QUESTIONS.....	10	
IV.	RFQ ADDENDA	11	
V.	COSTS AND STIPENDS	11	
VI.	SUBSTITUTIONS	11	
VII.	COMPLIANCE WITH APPLICABLE LAWS	11	
VIII.	DESIGN-BUILDER SELECTION AND AWARD PROCESS	12	
IX.	ORGANIZATIONAL CONFLICTS OF INTEREST	13	
X.	RESTRICTIONS ON PARTICIPATION IN DESIGN-BUILD CONTRACTS	14	
XI.	OVERVIEW OF STATEMENT OF QUALIFICATIONS SUBMISSION.....	15	
XII.	EVALUATION FACTORS FOR THE STATEMENT OF QUALIFICATIONS.....	15	
XIII.	REQUEST FOR CLARIFICATION.....	17	
XIV.	DETERMINATION OF THE REDUCED CANDIDATE LIST	17	
XV.	CHALLENGES.....	17	△ 2
XVI.	CONTENTS FOR STATEMENT OF QUALIFICATIONS SUBMISSION	18	△ 1
XVII.	EVALUATION FACTORS	19	△ 1
XVIII.	STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS.....	23	
XIX.	PROTESTS	23	
XX.	RIGHTS AND DISCLAIMERS	24	
XXI.	DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY.....	26	
XXII.	PROCUREMENT SCHEDULE	27	

I. Introduction

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is seeking the services of a qualified Design-Builder for a Design-Build contract as defined in the Code of Maryland Regulations (COMAR) 21.05.11 and Title 23, Code of Federal Regulations (CFR), Part 636. This contract will be procured using the “Competitive Sealed Proposals” procurement method as defined in COMAR 21.05.03.

This “Competitive Sealed Proposals” procurement is a two-phase process. Phase One of this procurement is the Request for Qualifications (RFQ) from interested Design-Build Teams. MDOT SHA is seeking responses to this RFQ from Design-Build Teams who are qualified and prepared in all respects to undertake the design and construction of the IS-695 (Baltimore Beltway) from IS-70 to MD-43 project.

The most highly qualified Design-Build Teams will be considered reasonably susceptible for award and placed on the Reduced Candidate List (RCL). If there is sufficient interest by qualified Design-Build Teams and MDOT SHA is satisfied that there will be an acceptable level of response, then the procurement will move into Phase Two and the Request for Proposals (RFP) will be issued only to the RCL.

After issuance of the RFP, MDOT SHA will hold One-on-One meetings with the RCL. The purpose of these meetings is to discuss issues and clarifications regarding the RFP and/or the Proposer’s potential Alternative Technical Concepts (ATC). Each meeting will be held independently with each Proposer on the RCL. Further details on the One-on-One meetings will be provided in the RFP; however, no aspect of these meetings is intended to provide any Proposer with access to information that is not similarly available to other Proposers, and no part of the evaluation of Proposals will be based on the conduct or discussions that occur during these meetings.

An ATC is a request by a Proposer to modify a contract requirement, specifically for that Proposer’s use in the Proposal process. The ATC must provide a solution that is equal to or better than the requirements in the RFP. ATCs may be submitted by Proposers after placement on the RCL. Approval of ATCs is at MDOT SHA’s sole discretion. MDOT SHA will use this ATC process during Phase Two of the procurement process to allow innovation and flexibility to be incorporated into the Proposals and to be considered in making the selection decision. This is intended to avoid delays and potential conflicts in the design associated with deferring of technical concept reviews to the post-award period and to ultimately obtain the Best Value for the State. The ATC process will be further defined in the RFP.

At the conclusion of each One-on-One meeting period MDOT SHA will release standardized questions confidentially to each team on the RCL. Proposers will have one week to respond to those questions. All responses will be confidential. These standardized questions and resulting confidential responses will help MDOT SHA to assess if there are major concerns or issues seen by the RCL with the procurement or

documents. Any changes that result from this process will be issued via addendum to each team on the RCL. This process will be further defined in the RFP.

A. Project Overview

This is a Fixed Price/Best Value Design-Build contract. The contract price is currently estimated at a Project Class Classification “L” – Over \$100,000,000. The contract will be awarded as a best value selection to the Proposer from the RCL that provides the best combination of qualifications in Phase One and technical solutions in Phase Two addressing the evaluation criteria established in the RFP for the Fixed Price.

The project area is the IS-695 corridor from IS-70 to MD-43 along the west and north portions of the Baltimore Beltway, inner and outer loops, for a total distance of approximately 19 miles. The project area falls entirely within Baltimore County, Maryland, just outside the western and northern limits of Baltimore City, in primarily urbanized communities with dense population and commercial centers. The Baltimore Beltway experiences congestion in the morning and evening peak commuting periods. Additionally, the facility frequently experiences non-recurring congestion as a result of incidents such as crashes, disabled vehicles, and other emergency events, such as adverse weather. As a result of this recurring and non-recurring congestion, travelers experience highly unreliable travel times on IS-695. Associated with the frequent congestion along the project area, safety is of an increasing concern, as congested conditions can often be attributed to increased crash frequencies, such as rear-end collisions.

The purpose of the project is to reduce recurring and non-recurring congestion and improve travel time reliability and safety along IS-695 between IS-70 and MD-43. The Design-Builder will be responsible for all work required to deliver the improvements that it proposes in its Technical Proposal for the Fixed Price established in the RFP.

B. Project Goals

- **Part-Time Shoulder Use** - Maximize the amount of dynamic median part-time shoulder use to maximize an increase in vehicle throughput and minimize vehicle travel times and delay along the inner and outer loops of IS-695 from IS-70 to MD 43.
- **Mobility** - Provide improvements that maximize vehicle throughput, minimize vehicle travel times, and/or create a more reliable commuter trip along IS-695 from north of IS-70 to MD-43.
- **Safety** - Provide for a safer IS-695 corridor between IS-70 and MD-43 and increase the ability of MDOT SHA to reduce, detect, verify, respond to, and manage non-recurring congestion causes, such as crashes, disabled vehicles, and adverse weather or other emergency events.
- **Operability/Maintainability/Adaptability** - Provide improvements that minimize MDOT SHA operations and/or maintenance activities while being adaptable to future transportation technological advancements.

C. Project Key Issues

- Part-Time Shoulder Use
 - Part-time shoulder use adds short-term capacity which may increase vehicle speeds to the point that there are noise impacts to adjacent properties. Any noise abatement required will need to be included in the fixed price and within existing Right-of-way.
 - There are known existing pinch points due to various constraints within the corridor, such as sign structures, bridge widths, retaining walls and noise barriers. Addition of a part-time shoulder use lane may be difficult to achieve at these locations while meeting or exceeding all MDOT SHA, AASHTO and other roadway design and safety guidelines.
 - The shoulders of IS-695 were not originally geometrically designed as travel lanes. As such, allowing for part-time shoulder use lanes while ensuring all geometric aspects meet or exceed all MDOT SHA, AASHTO and other roadway design and safety guidelines will be key.
 - IS-695 was built in many stages and has had several improvement projects of various types since that time. As such, the existing pavement section of both inside and outside shoulder is variable within the corridor and can be minimal in some areas. Proposed use of shoulders for part-time or full-time use to achieve a median part-time shoulder use lane will need to take into consideration any pavement rehabilitation or full depth reconstruction required for that improvement while balancing any Stormwater Management or other resulting needs within existing Right-of-way.
 - IS-695 was built in many stages and has had several improvement projects of various types since that time. As such, not all of the existing median barrier meets current standards or is in pristine condition. Though this project is not specifically looking to simply upgrade or replace the median barrier, any barrier where a part-time median shoulder use lane is considered will need to be evaluated to ensure a safe proposed condition.
 - MDOT SHA is not acquiring any Right-of-way for this project and all proposed improvements must be contained within the existing Right of Way.
 - Avoidance and minimization of impacts to adjacent environmental resources should be conducted during the development of the proposed improvements. Any mitigation due to impacts will need to be included in the fixed price and within existing Right-of-way.

- Mobility
 - Improvements in overall mobility may increase vehicle speeds to the point that there are noise impacts to adjacent properties. Any noise abatement required will need to be included in the fixed price and within existing Right-of-way.
 - Improvements for mobility for IS-695 roadway users shall be at no additional resultant delay to the local adjacent roadway network users.
 - Any widening or other work to facilitate mobility improvements may result in Stormwater Management or other resulting needs and must be achieved within

existing Right-of-way.

- The Administration has identified historical and/or archeological sites that have the potential to be impacted by the Proposer's project. If properties are impacted for visual, audible, or other impacts, mitigation will be required and must be achieved within existing Right-of-way.
- Safety
 - The addition of part-time shoulder use and increased mobility may have a reduction in congestion related crashes, but increased mobility can also lead to increased safety risks. In development of the proposed improvements, consideration should be given to all existing and potential safety risks.
 - Maintenance of Traffic should be implemented to minimize delay while ensuring safe passage of all roadway users.
- Operability/Maintainability/Adaptability
 - The goal of MDOT SHA is for IS-695 to be an interstate corridor that is maintainable, operable, and adaptable during all potential operating conditions, both normal and emergency. The proposed improvements shall not preclude operating procedures during such conditions as snow events, emergency pull-offs, traffic management during incident events, and future technological advancements.
 - MDOT SHA understands that it will be taking on new systems, roles and responsibilities as part of this project. However, those roles and responsibilities will need to be integrated into existing MDOT SHA systems and workforce. Additional support and education will be needed as part of this integration.
 - Maintenance of facilities, especially on an interstate corridor, causes many issues. At a minimum all improvements must minimize impact to traffic during maintenance activities while maximizing the ability to adequately maintain and ensuring the safety of the maintenance work force.

D. Project Status

The current status of aspects of the project is as outlined hereafter.

1. Survey

The mapping was created from aerial LiDAR and OrthoImagery with a 1" = 10' design scale accuracy and was processed at 30 scale. A contour surface model and topographic base map were prepared on the basis of this LiDAR mapping. Supplemental data collected surveys were performed along portions of the roadways to refine pavement elevations, ditch inverts, service access roads, stormwater management (SWM) facilities, and pipe culverts and processed at 50 scale. The data from these supplemental surveys was incorporated into the survey plan and the surface. This information will be available in electronic format on ProjectWise with the issuance of the RFP. All surveys were performed

in the Maryland State Plane Grid, NAD 83/2011 Adjustment and NAVD 88. The Design-Builder must obtain any additional survey data necessary for their design, construction, and verification of surface model for all design activities.

2. National Environmental Protection Act Compliance

A National Environmental Protection Act (NEPA) document for work within existing MDOT SHA Right-of-way is expected to be completed by MDOT SHA and approved Summer 2019 to allow this project to proceed to final design and construction. Project procurement will overlap with this process. The Administration does not intend to make a selection of the Design-Builder or enter into a contract for final design and construction until conclusion of the NEPA process. In the event the Administration makes a selection and contract award prior to a NEPA decision, final design activities cannot begin until a NEPA document has been approved. If the Administration enters into a contract and the no-build alternative is selected, any contract entered into would be terminated for convenience per the MDOT SHA Standard Specifications for Construction and Materials. After NEPA approval should the Design-Builder's design result in an increase in impacts such that a subsequent, post Award, Reevaluation is required, the Reevaluation will be completed by MDOT SHA with the Design-Builder providing any and all technical data. This process will be further defined in the RFP.

- a. **Noise** – Existing noise models are being developed along IS-695 from IS-70 to MD-43 and will be made available with issuance of the RFP. MDOT SHA will include in the NEPA document areas that are feasible and reasonable for noise remediation under existing conditions. The Design-Build Team will be required to perform noise analyses based on their proposed improvements.
- b. **Air quality** – Summary report of qualitative Mobile Source Air Toxics (MSAT) analysis to be included with the NEPA document.
- c. **Cultural resources** – The Administration has identified historical and/or archeological sites that have the potential to be impacted by the project. If properties are impacted for visual, audible, or other impacts, mitigation will be required.

3. Permits

Wetlands and waterways have been identified and delineated within MDOT SHA existing Right-Of-Way (ROW) along IS-695 between IS-70 and Lillian Holt Drive. A copy of the delineation will be provided on ProjectWise with issuance of the RFP. Prior to procurement, the Administration will not obtain any environmental permits. The permits and/or approvals required will depend on the Design-Builder's proposed improvements. Potential permits as a result of proposed improvements include, but are not limited to, the following:

- Stormwater Management Permit and Erosion and Sediment Control Approval (SWM/ESC) (from Stormwater Management/Erosion and

Sediment Control Approval Authority) – To be prepared and acquired by the Design-Build Team

- National Pollutant Discharge Elimination System (NPDES) Permit (from Maryland Department of the Environment (MDE)) – To be prepared and acquired by the Design-Build Team
- Section 404 Individual Permit, Water Quality Certification and Nontidal Wetlands & Waterways Permit (from United States Army Corps of Engineers (USACE) and MDE) – If impacts result from Design-Build Team’s proposed improvements, Design-Build team shall be responsible for preparation and submittal of permit application and all necessary supporting documents to MDOT SHA. MDOT SHA will apply for the permit(s) with the Design-Build Team responsible for any permit conditions and mitigation if necessary, and in accordance with the provisions of the RFP.
- Maryland Forest Conservation Act (FCA), Maryland Reforestation Law (Reforestation Law), and/or Maryland Roadside Tree Law (Tree Law) (from Department of Natural Resources (DNR)) – If impacts result from Design-Build Team’s proposed improvements, Design-Build team shall be responsible for preparation and submittal of permit application and all necessary supporting documents to MDOT SHA. MDOT SHA will apply for the permit with the Design-Build Team responsible for any permit conditions and mitigation if necessary, and in accordance with the provisions of the RFP.
- all necessary permits, approvals, and licenses for the execution of the Work

4. Right-of-way

Existing Plats along the corridor have been collected and a right-of-way mosaic has been developed, the limits of which are from IS 70 to Lillian Holt Drive; this information will be provided on ProjectWise with issuance of the RFP. MDOT SHA is not acquiring any Right-of-way for this project and all proposed improvements must be contained within the existing Right of Way.

5. Pavement & Geotechnical Explorations

The Administration is not obtaining any soil borings, performing laboratory testing, or performing any preliminary geotechnical survey. The Administration will provide soil borings previously conducted for other projects within the corridor. This information will be available in electronic format on ProjectWise with the issuance of the RFP.

The Administration anticipates providing Ground Penetrating Radar (GPR) data, and pavement cores taken in select areas for the median and outside shoulders. This information will be available in electronic format on ProjectWise with the issuance of the RFP.

The Design-Build Team will be responsible for performing a complete pavement and geotechnical program including borings, sampling, in-situ and laboratory testing, analysis, design, and other pavement and geotechnical services as necessary to complete design and construction. This will be further defined in the RFP.

6. Utilities

The Administration has had a utility designating service locate underground utilities which identified the existence of utilities at their approximate horizontal locations from Utility Owner as-built plans, a Level C Designation. The utility designation will be provided on ProjectWise as supplemental information with issuance of the RFP. The utility designation was developed from IS-70 to Lillian Holt Drive. The Administration does not certify horizontal or vertical accuracy for any utility provided in the designation. Additional utilities may be present in the area. The Design-Builder is responsible for obtaining all information that will be required to complete design and construction. The Design-Builder will be responsible for obtaining any utility data it determines necessary for design and construction of the project. The Design-Builder must coordinate and cooperate with other contractors that are expected to be relocating utilities during the construction of this Project.

7. Other Approvals

- Interstate Access Point Approval (IAPA) - if Design-Build Team's proposed improvements include modifications to access along Interstate Highways, an IAPA and supporting data will be prepared by the Design-Build Team and submitted by MDOT SHA to FHWA for review and approval.
- Design Exceptions – at this time MDOT SHA does not anticipate obtaining any Design Exceptions or Design Waivers for any design elements that fall below any MDOT SHA, AASHTO and other roadway design and safety guidelines.

II. Rules of Contact

The Procurement Officer is the MDOT SHA's single contact and source of information for this procurement.

The following rules of contact will apply during the Contract procurement process, which begins with the issuance of this RFQ and will be completed with the execution of the Contract. These rules are designed to promote a fair, unbiased, and legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, electronic-mail (e-mail), or formal written communication.

The specific rules of contact are as follows:

1. Section 11-205 of the State Finance and Procurement Article, Annotated Code

of Maryland, prohibits and penalizes collusion in the State procurement process.

2. Unless otherwise specifically authorized by the Procurement Officer, a Proposer may contact the Department or Administration only through the Procurement Officer and only in letter format via e-mail and not orally. The Proposer's contacts with the Department or Administration will be only through a single representative authorized to bind the Proposer.
3. The Procurement Officer normally will contact a Proposer in writing through the Proposer's designated representative.
4. Neither a Proposer nor its agents may contact any MDOT employees, including Department or Administration heads, members of the evaluation committee(s) and any other person who will evaluate SOQs, regarding the project, except through the process identified above.
5. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
6. MDOT SHA will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Procurement Officer.

III. Proposer Questions

MDOT SHA will consider questions submitted in writing by Proposers regarding the RFQ or any additionally supplied information, including requests for clarification and requests to correct errors. Project questions shall be submitted in letter format via e-mail with return confirmation receipt. **MDOT SHA will not consider receiving any confidential questions.**

No verbal requests or personal visits will be honored. All written contacts shall be addressed to the **Procurement Officer:**

Eric E. Marabello, P.E.
Director, Office of Highway Development
MDOT State Highway Administration
e-mail address: BA0065172_I695_TSMO@sha.state.md.us

During the RFQ phase, only e-mailed inquires will be accepted. No requests for additional information or clarification to any other MDOT office, consultant, or employee will be considered. Questions will not be accepted by phone. Questions, which will only be accepted from the primary or secondary contact, must include the requestor's name, address, telephone number, e-mail address, and the Proposer he/she represents.

Only questions received by 4:00 p.m. Eastern Time on the date specified in **Section XXII** will be addressed.

All responses to RFQ questions shall be in writing and will be disseminated only by

posting on eMaryland Marketplace (<https://emaryland.buyspeed.com>). Additionally, any addenda will be posted only to eMaryland Marketplace. Questions and responses and addenda will not be mailed out.

Any response to questions will be issued without attribution and posted sequentially on eMaryland Marketplace. Multiple responses are anticipated. The last response will be posted not later than 5 calendar days prior to the SOQ due date.

IV. RFQ Addenda

If necessary, MDOT SHA will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated only by posting on eMaryland Marketplace.

V. Costs and Stipends

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending briefing(s) and providing supplemental information. The RFP will provide for payment of a stipend in the amount of **\$725,000** to each non-selected Proposer on the RCL meeting the requirements specified in the RFP.

VI. Substitutions

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after it has been placed on the RCL, its organization, including all firms identified in its SOQ, and Key Staff personnel identified in the SOQ must remain intact for the duration of the procurement process. A Proposer may propose substitutions for participants after the SOQ submittal; however, any participants must have equal or better qualifications than identified in the SOQ submittal. Any changes must be approved in writing in letter form by the Administration. Determination as to whether substitutions for participants have equal or better qualifications shall be at the Administration's sole discretion.

Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Proposals. The Proposer should carefully consider the make-up of its team, prior to submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during Phase Two of the procurement process and thereafter throughout the term of the Contract.

VII. Compliance with Applicable Laws

In connection with this RFQ, the RFP, and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of this project and in the performance of the Contract.

VIII. Design-Builder Selection and Award Process

The project will be awarded using the Competitive Sealed Proposal Method as defined in the Code of Maryland Regulations (COMAR) 21.05.03. The intent of MDOT SHA is to award the Contract to the responsible Proposer from the RCL whose proposal is determined to be the most advantageous to the State, considering the evaluation factors set forth in the RFQ and the RFP and the Price.

MDOT SHA will assemble Evaluation Teams and an Evaluation Committee consisting of key personnel from appropriate offices within MDOT SHA. The Evaluation Teams and Evaluation Committee will review the SOQ to verify that all requirements of the RFQ have been met, and to evaluate the SOQ based on the evaluation factors.

Each SOQ will be broken down into individual Evaluation Factor sections. Each Evaluation Team will only be given the section or sections for each specific Evaluation Factor or Factors they are rating and not the SOQ in its entirety. Each Leader of the Evaluation Team will be part of the Evaluation Committee with other appropriate key staff. This Evaluation Committee will review each Evaluation Factor and determine an overall Technical Rating for each SOQ.

Once the SOQ evaluations are complete, a RCL of those DB Teams considered most highly qualified shall be developed. The RCL will be determined based on an evaluation of the factors set forth herein. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include a response to each pass/fail and technical evaluation factor. If there is sufficient interest by qualified DB Teams and MDOT SHA is satisfied that there will be an acceptable level of response, then a RFP shall be issued to only the RCL.

Those DB Teams who have made the RCL shall be notified in writing in letter form and shall be supplied the RFP package. This package shall include all materials necessary for DB Teams to fully understand the legal, technical and price requirements for this project. Those DB Teams that do not make the RCL shall be notified in writing and will be provided the opportunity for a debriefing.

The Technical Proposal and Price Proposal responses, including any incorporated ATCs, to the RFP shall be submitted in separate, sealed packages on the date and time to be specified in the RFP. The proposals shall not be publicly opened, but shall be taken to a secure location to be specified at the time and date indicated in the RFP. The proposals shall be opened in the presence of at least two of MDOT SHA's employees who shall compile a register of received proposals. Responses to the RFP not delivered at the location, date, and time specified shall be returned unopened.

The Technical Proposals and Price Proposals, including any incorporated ATCs, shall be reviewed by independent teams of MDOT SHA employees. The technical factors to be evaluated will be listed in the RFP. The evaluation of the Price Proposal shall be based on the total contract scope proposed by the Design-Builder, including any incorporated ATCs, and shall include all work to deliver the contract scope including, but not limited

to, engineering, design, permitting, construction, labor, equipment and materials.

Once the Technical Proposal ratings have been completed by the Evaluation Committee, the Evaluation Committee will determine an overall technical rating considering the SOQ rating from Phase One of the procurement and the Technical Proposal rating from Phase Two of the procurement. The Technical Proposal will be approximately three times the relative importance of the SOQ. Once the overall technical rating is determined, the Evaluation Committee will consider the price and perform a trade off analysis to determine the most advantageous to the State. **When determining which Proposer's submittal is most advantageous to the State, the relative importance of the overall technical rating is substantially greater than the price.**

Upon completion of the evaluations, MDOT SHA may elect to conduct discussions with each Proposer considered reasonably susceptible for award. These discussions have two purposes:

1. Ensure that MDOT SHA understands the extent of items being offered by the Proposer, and
2. Provide MDOT SHA with the opportunity to identify any critical weakness and inconsistencies with MDOT SHA's expectation in a Proposal.

MDOT SHA reserves the right to award the contract without holding discussions.

Upon completion of the discussions, the Proposers may be asked to submit Best and Final offers (BAFO) at a time and date to be specified. The notification of the time and date will be in writing after the completion of all discussions. The BAFOs will be evaluated and be part of the final determination when recommending a Proposer for award. The selected team will be notified of the recommendation.

The unsuccessful teams will be notified in writing in letter form and will be provided the opportunity for a debriefing.

NOTE: All materials, conferences, proposals and other matters related to this project shall remain confidential until the contract is awarded to the successful Design-Builder.

IX. Organizational Conflicts of Interest

The Proposer's attention is directed to 23 CFR Section 636 Subpart A and in particular to Subsection 636.116 regarding organizational conflicts of interest. Section 636.103 defines "organizational conflict of interest" as follows:

Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

The Proposer is prohibited from receiving any advice or discussing any aspect relating to the project or the procurement of the Contract with any Person with an organizational

conflict of interest, including, but not limited to, the Persons identified in Section X.

By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to MDOT SHA that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, MDOT SHA may, at its discretion, cancel the Contract. If the Proposer was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to MDOT SHA, MDOT SHA may terminate the Contract for default.

X. Restrictions on Participation in Design-Build Contracts

An individual or entity that has received monetary compensation as the lead or prime design consultant under a contract with MDOT SHA to develop the concept plan and/or have been retained to perform construction phase services on behalf of the state, or a person or entity that employs such an individual or entity, or regardless of design phase responsibilities has received in excess of \$500,000 for services performed, may not submit a Proposal or assist or represent others who are submitting a Proposal in response to this RFP. If a Proposer utilizes such individual or entity for its Proposal, the Proposer is not a responsible offeror under COMAR 21.06.01.01. The SOQ, Technical Proposal or Price Proposal including such an individual or entity will be rejected pursuant to COMAR 21.06.01.01 and COMAR 21.06.02.03.

The following is a list of consultants and/or subconsultants that have received monetary compensation under a contract with MDOT SHA as the prime consultant to develop the concept plan, have been retained by MDOT SHA to perform construction phase services on the behalf of the state for this procurement, or has received payment more than \$500,000. MDOT SHA makes no representations regarding the completeness of the list:

- Whitman, Requardt & Associates, LLP
- RJM Engineering, Inc.
- NMP Engineering Consultants, Inc.
- Mahan Rykiel Associates, Inc.
- McCormick Taylor, Inc.
- Applied Research Associates, Inc.

§ 13-212.1 of the State Finance & Procurement Article contains various restrictions on participating in State procurements. Any questions regarding eligibility must be appealed to the Maryland State Board of Contract Appeals.

No official or employee of the State of Maryland, as defined under General Provisions Article of the Annotated Code of Maryland, whose duties as such official or employee include matters relating to or affecting the subject matter of this contract, shall during the pendency and term of this contract and while serving as an official or employee of the State become or be an employee of the Design-Build Team or an entity that is a subcontractor on this contract.

No Design-Build Team may use any persons meeting the above restrictions in any capacity, key staff or otherwise, on this Design-Build Contract. It is the responsibility of the Design-Build Team to identify any potential ethics issues concerning its former MDOT SHA employees and seek an opinion from the State Ethics Commission regarding any potential conflicts of interest. The Design-Build Team shall provide certification in its cover letter that it is in compliance with State Ethics Laws prohibiting work on a matter in which a former MDOT SHA employee participated significantly as a State Employee for the duration of this contract.

XI. Overview of Statement of Qualifications Submission

Parties interested in being considered for award of this Design-Build Contract with MDOT SHA shall submit a SOQ, alone or with others, as the Design-Builder. The Design-Builder may also include other parties as subconsultants, subcontractors and suppliers in their SOQ submittal that they are committing at this time. At least the Lead Design Firm and Lead Construction Firm must be included at this time.

The objective of the Phase One of the procurement is to create a Reduced Candidate List of the most highly qualified Proposers with the general capability, capacity, experience, and approach necessary to successfully undertake and complete the Work. The Design-Builder will have primary responsibility to plan, design, manage, and control, the project and to complete the project on or ahead of schedule. MDOT SHA has set high responsibility standards for the Design-Builder that are reflected in the technical evaluation factors of this RFQ.

XII. Evaluation Factors for the Statement of Qualifications

Pass/Fail Factors

- The SOQ is complete and does not deviate from the RFQ requirements in any material respect.

MDOT SHA may allow certain deficiencies in the SOQs relating to the above factor to be corrected through clarifications, as described below, but shall have no obligation to do so.

SOQ Technical Evaluation Factors:

- Design-Builder Capability
- Project Understanding and Design-Build Approach

The ratings assigned to the technical evaluation factors will be compiled to determine an overall quality rating for the SOQ. The ratings of each of the technical evaluation factors and the overall technical rating for the SOQ will be through a consensus process.

Numerical scores will not be assigned.

The relative importance of the technical evaluation factors and subfactors, when noted, will be weighted based on the following criteria:

- **Critical** – Factors or subfactors weighted as Critical are approximately three times the relative importance of Important.
- **Significant** – Factors or subfactors weighted as Significant are approximately two times the relative importance of Important.

While some factors and subfactors may have more relative importance than others, all of MDOT SHA's goals are necessary for project success. Proposers are cautioned not to overemphasize an approach of certain goals at the expense of other goals.

Quality ratings for each technical evaluation factor and the overall technical rating for the SOQ will be based on the following quality rating criteria:

Exceptional: The Proposer has demonstrated a complete understanding of the subject matter. The Proposal communicates an outstanding commitment to quality by a highly skilled team in all aspects of the Work. The Proposal contains significant strengths and minor Weaknesses, if any

Good: The Proposer has demonstrated a strong understanding of the subject matter. The Proposal communicates a commitment to quality by an experienced team in all aspects of the Work. The Proposal contains strengths that outweigh Weaknesses.

Acceptable: The Proposer has demonstrated an adequate understanding of the subject matter. The Proposal communicates a commitment to quality Work by a qualified team. The Proposal contains strengths that are offset by Weaknesses.

Unacceptable: The Proposer has not demonstrated an understanding of the subject matter. The Proposal fails to meet stated requirements and/or lacks essential information. The commitment to quality is not adequate, with Work performed by unqualified or unproven teams. The Proposal contains Deficiencies, significant Weaknesses and minor strengths, if any.

The evaluators may also use a plus (+) or minus (-) suffix to further differentiate the strengths or limitations within the technical ratings of **Exceptional**, **Good**, and **Acceptable** to more clearly differentiate the SOQs.

The term "Weakness," as used herein, means any flaw in the proposal that increases the risk of unsuccessful contract performance. A significant Weakness in the Proposal is a flaw that appreciably increases the risk of unsuccessful contract performance.

Any SOQ that receives an overall rating of **Unacceptable** in one or more technical evaluation factors will receive an overall SOQ rating of **Unacceptable** and will not be included in the RCL.

XIII. Request for Clarification

The Proposer shall provide accurate and complete information to MDOT SHA. If information is not complete, MDOT SHA will either declare the SOQ unacceptable or notify the Proposer, who may be allowed to participate further in the procurement of this project if all information required is provided within the timeframe established by MDOT SHA. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by MDOT SHA with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, the SOQ may be declared unacceptable. MDOT SHA may waive technical irregularities in the form of the SOQ of the Proposer that do not alter the quality or quantity of the information provided.

MDOT SHA may, at its sole discretion, request clarifications and/or supplemental information from a Proposer regarding its SOQ, at any time prior to finalizing the RCL. All clarification requests and responses shall be written in letter format and sent via e-mail. Responses shall be limited to answering the specific information requested by MDOT SHA.

Proposers' e-mail follow-up responses to inquiries by MDOT SHA shall be submitted to the address indicated below or as otherwise specified in writing by MDOT SHA. Responses shall be submitted to:

Eric E. Marabello, P.E.
Director, Office of Highway Development
MDOT State Highway Administration
e-mail address: BA0065172_I695_TSMO@sha.state.md.us

XIV. Determination of the Reduced Candidate List

MDOT SHA will establish a RCL. Based on evaluation of the SOQs, the RCL will consist only of the most highly qualified Proposers as determined by MDOT SHA. The unsuccessful teams shall be notified in writing in letter form and provided an opportunity for a debriefing.

XV. Challenges

The decision of MDOT SHA on the RCL and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section XIX of this RFQ. Persons participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

XVI. Contents for Statement of Qualifications Submission

A. Cover Letter (Limit 2 Pages)

The cover letter includes mandatory information requirements. The Cover Letter will not be part of the evaluations.

The cover letter must be addressed to the Procurement Officer:

Eric E. Marabello, P.E.
Director, Office of Highway Development

The SOQ submittal cover letter must be signed by individual(s) authorized to represent the Major Participant firm(s) and the Lead Construction firm(s). A Major Participant is defined as the legal entity, firm or company, individually or as a party in a joint venture or limited liability company or some other legal entity, that will be signatory to the Design-Build Contract with MDOT SHA. Major Participant(s) will be expected to accept joint and several liabilities for performance of the Design-Build Contract. Major Participants are not design subconsultants, construction subcontractors or any other subcontractors to the legal entity that signs the Design-Build Contract.

If the Design-Build contracting entity will be a joint venture, or some other entity involving multiple firms, all Major Participant firms involved must have an authorized representative sign the cover letter.



A Lead Design Firm must have the responsibility to perform a significant portion of the overall design for the project, coordinate that design in all respects and integrate all parts of the design performed by sub-consultants for that portion of the design. There may be multiple Lead Design Firms designated, however each firm must be responsible for more or less than 5% of the allocated work of any other designated Lead Design Firm(s).



A Lead Construction Firm must have the responsibility to perform a significant portion of the overall construction for the project, coordinate that construction in all respects and oversee all parts of the construction performed by sub-contractors for that portion of the project. There may be multiple Lead Construction Firms designated, however each firm must be responsible for more or less than 5% of the allocated work of any other designated Lead Construction Firm(s).

The cover letter shall include the following:

- a. Names, main role and license or certification information of all Major Participant firms and the Lead Construction and Lead Design Firms if not Major Participant firms, and other firms that are now being committed to the Design-Builder. You must include at least your Lead Design Firm and your Lead Construction Firm in the Design-Builder at this time.
- b. The primary and secondary individual contacts for the Major Participant firm(s) with address, phone number, and E-mail address where all communications from MDOT SHA should be directed for this RFQ phase.
- c. Include an affirmative declaration that indicates to the best knowledge and belief of each Major Participant Firm, including the Lead Design Firm if not a Major Participant firm, the information supplied in the SOQ is true and accurate.

- d. Include a declaration that each Major Participant firm(s) and the Lead Design and Lead Construction Firm, if not a Major Participant firm, are prepared to provide the necessary financial, material, equipment, labor and staff resources to perform the project.
- e. Include a declaration by the Major Participants that signatories are affirming their intent to enter into a legal organization that shall constitute the Design-Builder.
- f. Include a certification that the Design-Builder is in compliance with the State Ethics Laws prohibiting work on a matter in which a former State employee participated significantly as a State Employee for the duration of this contract.
- g. Include a general authorization for MDOT SHA to confirm all information contained in the SOQ submittal with third parties, and indicate limitations, if any, to such authorization.
- h. Include a declaration that no portions of the SOQ Technical Evaluation Factor sections include confidential, proprietary information or trade secrets that should not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Or include a declaration identifying which portions are considered confidential, proprietary information or trade secrets and provide justification why such materials, upon request, should not be disclosed after award of the contract.
- i. Include a declaration that all addenda have been received by the Proposer. The Proposer is alerted to their responsibility to confirm that all team members have received addenda. The Proposer is solely responsible to ensure that their team has the correct information.

XVII. Evaluation Factors

A. Design-Builder Capability: (Limit 14 Pages) – SIGNIFICANT

The Design-Builder must demonstrate their past performance on comparable projects with detailed descriptions. Information that is not detailed or relevant will not be considered acceptable. The information for each Key Staff member shall be relevant to the role and function they will perform on this project. **The resumes for Key Staff must identify the function the staff member will fulfill on this project and include their role or function on relevant projects.** MDOT SHA recommends that the primary and secondary contacts are key staff members.

- i. **Key Staff – Submit resumes of the following Key Staff, highlighting their relevant performance on similar type projects as outlined below. Discuss any licenses or certifications that are relevant to the Key Staff successfully completing their role on this project. – CRITICAL**
 - Design-Build Project Manager – This position will be responsible for the overall design, construction, management, and coordination of the project. Shall have a minimum of fifteen (15) years of experience. Demonstrate relevant experience in the construction and project management of highway construction projects of similar scope and complexity as this project.
 - Design Manager – This position will be responsible for ensuring the overall design is completed utilizing good engineering judgment and ensuring all

requirements are met. Shall be a Maryland-registered Professional Engineer who is an owner or employee of the Lead Design Firm and have a minimum of fifteen (15) years of experience. Demonstrate relevant experience in managing design for projects of similar scope and complexity as this project.

- Construction Manager – This position will be responsible for ensuring that the construction is completed in accordance with the project requirements. Shall have a minimum of ten (10) years of experience. Demonstrate relevant experience in managing construction activities, schedules and coordination of highway construction projects of similar scope and complexity as this project.
- Highway Engineer – This position will be responsible for ensuring that the roadway design is completed utilizing good engineering judgment and ensuring all requirements are met. Shall be a registered Professional Engineer with a minimum of ten (10) years of experience. Demonstrate relevant experience related to highway geometric design and design requirements for projects of similar scope and complexity as this project.
- Traffic Engineer – This position will be responsible for ensuring that the traffic design is completed utilizing good engineering judgment and ensuring all requirements are met. Shall be a registered Professional Engineer and a Professional Traffic Operations Engineer with a minimum of ten (15) years of experience. Demonstrate relevant experience related to traffic analysis (including computer traffic simulation and optimization models) for projects of similar scope and complexity as this project.
- Intelligent Transportation Systems Specialist – This position will be responsible for the creation and coordination of any intelligent transportation systems (ITS), ITS integration within existing MDOT SHA functions and to ensure that their ITS design, construction and implementation is completed utilizing good engineering judgment and ensuring all requirements are met. Shall be a registered Professional Engineer with a minimum of ten (10) years of experience. Demonstrate relevant experience in selection, coordination, design, concept of operations, maintenance, integration and implementation of ITS solutions for projects of similar scope and complexity as this project.
- Independent Design Quality Management Manager – The Design-Builder shall employ the services of an Independent Design Quality Management (IDQM) Firm to review all design elements to ensure they are in compliance with the Contract documents and the Design Quality Control Plan. The IDQM Manger will be responsible for managing and ensure this review process has happened and shall sign and certify that all design submittals are in conformance with the Contract requirements prior to construction. The IDQM Manger shall be a Maryland-registered Professional Engineer who is an owner or employee of the IDQM Firm and have a minimum of fifteen (15) years of experience. Demonstrate relevant experience related to review of plans, specifications, reports and other documents for compliance with the Contract documents on projects of similar scope and complexity as this project



Resumes shall be a maximum of **one (1) page** each. Any required licensure or years of experience will not be factored into the quality rating for each Key Staff; however, any Key Staff not meeting these requirements will automatically receive an **Unacceptable** rating.

ii. Firm Past Performance – SIGNIFICANT

Provide descriptions of up to six relevant projects with major highway construction elements that the Lead Design Firm and/or the Lead Construction Firm has completed. Projects should be of similar scope and complexity as this project and demonstrate the firm’s ability to be successful in delivering this project. Include discussion on any participation by Key Staff members of your Design-Build Team in similar roles on those projects as they will have on this project. Provide, at a minimum, the following:

- Project name and location
- Firm(s) completing the work
- Owner/client including specific point of contact with telephone numbers
- Project delivery method (Design-Bid-Build, Design-Build, Construction Management at Risk, or other)
- Overall construction cost of project, as applicable, including initial contract value, final contract value, and specific reasons for difference
- Overall schedule performance, as applicable, including initial completion date, final completion date, and specific reasons for the difference
- Brief project description
- Discussion of what work, including any successful methods, approaches, and innovations, on the project is relevant to this contract and why.

The design of the design projects must be complete or, if a Design-Build project, the design must clearly be demonstrated to be significantly complete. Construction projects must be open for the beneficial use of traffic. The design or construction must have been completed within the last 10 years.

- iii.** Provide an organizational chart showing the lines of communication and identifying participants who are responsible for major functions to be performed, and their reporting relationships in managing, designing, and building the Project. Identify the critical supporting elements and relationships of project management, IDQM firm, project administration, construction management, quality control, quality assurance, safety, environmental compliance and interfaces with third parties. The organizational chart shall reflect all Key Staff as identified in the RFQ and reflect the number of hours per week the Key Staff will be dedicated to this project. The chart shall not exceed one page and may be submitted on an 11” x 17” page. – **IMPORTANT**

B. Project Understanding and Design-Build Approach (Limit 9 Pages) – CRITICAL

- i.** Describe the Design-Builder’s strategic approach to evaluating and ensuring that

the project goals are met, including how you will utilize the various expertise of your team members in this approach. – **CRITICAL**

- ii. Describe the most relevant and critical risk(s) associated with achieving each Project Goal. Describe the process the Design-Build team will implement to balance these risks and how you will utilize the various expertise of your team members to manage the risks. – **SIGNIFICANT**
- iii. Provide a narrative on the process the Design-Build team will implement from design initiation through construction completion to ensure conformance with the contract documents and to produce complete, coordinated, economical, timely, fully functional quality design and construction products. Include the roles and responsibilities of the IDQM in this process. – **IMPORTANT**

C. Legal and Financial Information (Limit 2 Pages)

- i. Design-Build Team Organization. Briefly describe the proposed legal structure of the Design-Build Team, and provide copies of underlying teaming agreement(s). Confidential price data may be excluded or eradicated from the organizational legal documents provided. Note: Copies of teaming agreements are excluded from the page count.
- ii. Liability. State whether Major Participant firm(s) who will be party to the prime Design-Build contract with MDOT SHA will have joint and several liability, and how liability is being apportioned between other firms of the Design-Build Team. Provide copies of Professional Liability Insurance for the Lead Design Firm including agreements between participants. Note: Any copies of Professional Liability Insurance and agreements are excluded from the page count.
- iii. Bonding Capability. Provide evidence that the Design-Build Team is capable of obtaining a Performance Bond and a Payment Bond in accordance with the requirements in Maryland’s 2017 Standard Specifications for Construction and Materials, GP – Section 3 and appropriate for the Project Classification L as defined in Maryland’s Standard Specifications for Construction and Materials, Section TC 2.01.

Such evidence shall take the form of a letter from a surety company indicating that such capacity is anticipated to be available for the contracting entity. Letters indicating “unlimited” bonding capacity are not acceptable. The surety company providing such letter must be rated at least A- by two nationally recognized credit rating agencies or at least A-VII by A.M. Best & Company. The letter should recognize the firm’s backlog and work in progress in relation to its bonding capacity. This letter is excluded from the page count limit for this section.



- iv. Describe the conditions surrounding any contract (or portion thereof) entered into by a Major Participant that has been terminated by cause or convenience or which required completion by another party within the last ten years. Describe the

reasons for termination and the amounts involved. Describe any debarment or suspension from performing work for the federal government or any state or local government against a Major Participant in the last ten years. Identify the owner's representative and contact information for any contracts the above applies. Indicate "None" to the any and all of the above that does not apply to the Major Participants.

XVIII. Statement of Qualifications Submission Requirements

One (1) original and eight (8) hard copies of the complete SOQ shall be submitted as specified in this Section. One (1) electronic copy PDF file on a CD or flash drive shall also be provided.

The SOQ shall match the organization as outlined in this RFQ to the maximum extent practicable. Each submittal shall conspicuously reference the RFQ section number corresponding to the submittal (e.g. Project Understanding and Design-Build Approach).



The Design-Build Proposal shall be on 8½" x 11" pages, unless specifically noted as other elsewhere, using a minimum font size of 12 point Times New Roman, accompanied by finding tools, such as tables of contents and dividers to make the submittals easily usable.

The SOQ may be submitted in container(s) of the Design-Builder's choice provided the material is neat, orderly, and incapable of inadvertent disassembly. SOQs shall be submitted and bound using a three (3) ring binder with all pages numbered consecutively. Each container shall be clearly marked as follows:

Design-Builder's Name
Statement of Qualifications
Contract NO. BA0065172
Container ____ of ____

The SOQ must be submitted no later than **July 5, 2019 prior to 12 noon.** (prevailing local time). The SOQ must be delivered to the following location:

Office of Procurement and Contract Management
Fourth Floor, C-405
707 N. Calvert Street
Baltimore, Maryland 21202

XIX. Protests

This solicitation and any subsequent Contract will be administered in accordance with Maryland's Procurement Law, including the dispute provisions of the State Finance and Procurement Article of the Maryland Code. Protests must be resolved pursuant to COMAR 21.10.02.

A protest must be in writing and filed with the Procurement Officer. Oral objections, whether or not acted upon, are not protests.

Time for Filing:

A protest based on alleged improprieties in the solicitation, which are apparent before the closing date for receipt of initial proposals, shall be filed before the closing date for receipt of initial proposals. A protest based on alleged improprieties that did not exist in the initial proposal, but which are incorporated in the solicitation, shall be filed not later than the next closing date for receipt of proposals following the incorporation. For this procurement, the SOQ Due Date is considered the closing date for receipt of initial proposals.

Any other protest shall be filled no later than seven (7) days after the basis for the protest is known or should have been known, whichever is earlier.

Content of Written Protest:

- Name and Address of Protestor.
- Contract number.
- Reasons for protest.
- Supporting exhibits, evidence or documents to support protest.

All offers/proposals shall be irrevocable until final administrative and judicial disposition of a protest.

XX. Rights and Disclaimers

MDOT SHA may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. MDOT SHA reserves the right, in its sole and absolute discretion, to:

1. Reject any or all SOQs;
2. Issue a new RFQ;
3. Cancel, modify, or withdraw the RFQ;
4. Issue addenda, supplements, and modifications to this RFQ;
5. Modify the RFQ process (with appropriate notice to Proposers);
6. Appoint an Evaluation Committee and Evaluation Teams to review SOQs;
7. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;
8. Revise and modify, at any time before the SOQ due date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, MDOT SHA will circulate an addendum to all registered Proposers setting forth the changes to the evaluation criteria or methodology. MDOT SHA may extend the SOQ due date

if such changes are deemed by MDOT SHA, in its sole discretion, to be material and substantive;

9. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
10. Waive weaknesses, informalities, and minor irregularities in SOQs;
11. Disqualify any team that changes its SOQ (following submittal) without Administration written approval;
12. Retain ownership of all materials submitted in hard-copy and/or electronic format; and/or
13. Refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - i. Failure on the part of a Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with MDOT SHA (or State);
 - ii. Default on the part of a Major Participant or Designer under previous contracts with MDOT SHA (or State);
 - iii. Unsatisfactory performance by the Proposer, a Major Participant, and/or Designer under previous contracts with MDOT SHA (or State);
 - iv. Issuance of a notice of debarment or suspension to the Proposer, a Major Participant and/or Designer;
 - v. Submittal by the Proposer of more than one SOQ in response to this RFQ under the Proposer's own name or under a different name;
 - vi. Existence of an organizational conflict of interest under or evidence of collusion in the preparation of a proposal or bid for any Administration design or construction contract by (a) the Proposer, Major Participant or Designer and (b) other proposers or bidders for that contract; and/or
 - vii. Uncompleted work or default on a contract in another jurisdiction for which the Proposer or a Major Participant is responsible.

Administration Disclaimers:

The RFQ does not commit MDOT SHA to enter into a Contract, nor does it obligate MDOT SHA to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting a SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the General Assembly of Maryland, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and MDOT SHA.

In no event shall MDOT SHA be bound by, or liable for, any obligations with respect to the Work or the project until such time (if at all) as the Contract, in form and substance satisfactory to MDOT SHA, has been executed and authorized by MDOT SHA and approved by all required authorities and, then, only to the extent set forth in a written Notice to Proceed. In submitting a SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

XXI. Disadvantaged Business Enterprise (DBE) Program and Equal Employment Opportunity

A. Policy

MDOT SHA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT) assisted contract or in MDOT SHA of 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this project.

B. DBE Participation Goal:

By submitting a SOQ in response to this RFQ, an Offeror agrees that, if included on the Reduced Candidate List (RCL), it shall comply with the Disadvantaged Business Enterprise (DBE) provisions which will be outlined in the RFP. These provisions will be consistent with the applicable portions of the Minority Business Enterprise (MBE) provisions of the State Finance and Procurement Article of the Maryland Code. In this RFQ, the terms DBE and MBE have the same meaning.

Each Proposer on the RCL will be required to make a good faith effort to achieve the DBE participation goal that will be established in the RFP and provide evidence of such efforts in their Proposal as outlined in the RFP. Such efforts must continue throughout the evaluation of Proposals, Contract award, and Contract performance.

C. Small Business Enterprise

There will be no small business enterprise goals for this project.

XXII. Procurement Schedule

Issue RFQ	May 14, 2019
Final Date for RFQ Questions	June 21, 2019
SOQ submittal	July 5, 2019
Reduced Candidate List (RCL) Notified	August 8, 2019
Issue RFP	August 9, 2019
One-on-One Meetings	September 4-6, 2019
One-on-One Meetings	October 4-8, 2019
One-on-One Meetings	November 4-6, 2019
Last Day to submit ATCs	November 13, 2019
Final Date for RFP Questions	November 29, 2019
Final Date for RFP Letter of Interest Submittal	December 6, 2019
Price Proposal Submittal	December 13, 2019
Technical Proposal Submittal	December 20, 2019
Selection of Successful Proposer	February 2020
Notice to Proceed (Anticipated)	March 2020

This is the proposed procurement schedule for this project as of the date of the issuance of this RFQ. MDOT SHA reserves the right to modify this procurement schedule.