

MARYLAND DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ADMINISTRATION

CONTRACT NO. GA6465270

FAP NO. AC-ADHS-203-1(3)N

**Competitive Sealed Proposals Procurement
Request for Proposals (RFP) Phase One –
Technical Proposals
Design-Build**

April 4, 2017

**US 219 – I-68 TO OLD SALISBURY
ROAD**

Garrett County

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

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I. Introduction

The Maryland Department of Transportation's (MDOT) State Highway Administration (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. The first phase of this procurement is the Technical Proposals (TP) by interested Design-Builder Teams. The Administration is seeking responses to this Request for Proposals (RFP) Phase One – TPs from Design-Builder Teams who are qualified and prepared in all respects to undertake the design and construction of the US 219 – I-68 to Old Salisbury Road 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 the Administration is satisfied that there will be an acceptable level of response, then the RFP Phase Two – Price Proposals (PP) will be issued only to the RCL.

After issuance of the RFP Phase Two – PPs, the Administration 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 Phase Two – PP; 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 deviation to the requirements of the issued contract documents that results in equal to or better performance and quality of the end product absent the deviation. ATCs may be submitted by the Proposers after placement on the RCL. Approval of ATCs is at the Administration's sole discretion. The Administration will use this ATC process during Phase Two of the procurement process to allow innovation and flexibility to be incorporated into the Price 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 Phase Two – PP.

A. Project Overview

This is a federal-aid contract utilizing Appalachian Development Highway System funding. It generally consists of the design and construction of US 219 to a four lane divided highway from I-68 to Old Salisbury Road in Garrett County. The scope of the work is anticipated to include design and construction service related to earthwork, new pavement construction, existing pavement rehabilitation, drainage, stormwater management, erosion and sediment control, reforestation, wetland creation and stream restoration for mitigation, landscaping, signing, marking, lighting, structure construction, utility coordination, and environmental permit acquisition.

B. Project History

The US 219 project is part of the completion of the Appalachian Development Highway System (ADHS) Corridor N, which runs between I-68 and US 22 in Pennsylvania. This corridor was part of the ADHS as authorized by Congress in the Appalachian Development Act of 1965.

Work through the National Environmental Policy Act (NEPA) on the portion of Corridor N between I-68 and Meyersdale, Pennsylvania began in 2001 as a joint effort between the Maryland and Pennsylvania Departments of Transportation. Efforts were put on hold in 2007 due to funding constraints. In 2014, a notice of intent was published to move forward with an Environmental Impact Statement. That notice, however, was rescinded in 2015 as it was decided to shift to a Planning and Environmental Linkages (PEL) document which would allow Maryland to move forward with a standalone project. The PEL document was published in July 2016 stating that Alignments E or E-Shift were the viable alignments to move forward with in the corridor, and that there was a standalone project in Maryland with logical termini and independent utility.

In July 2016, NEPA efforts began on the standalone project, with Purpose and Need being accepted by the agencies and the Federal Highway Administration (FHWA) in October 2016. Also, in October 2016, four alternatives were included in the Alternatives Retained for Detailed Study Package, which included three build alternatives and the no-build. On February 6, 2017, a public hearing was held on the project. On March 1, 2017, the SHA selected Alternative 4 Modified as its Preferred Alignment. While Alternative 4 Modified is the SHA Preferred Alignment, it is still subject to final approval by FHWA.

Coordination with the environmental agencies is ongoing. NEPA clearance is expected to be completed in July 2017 to allow this project to proceed to final design and construction. 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 SHA Standard Specifications for Construction and Materials.

C. Project Goals

1. Schedule – Begin construction in Spring 2018 and meet or exceed the completion date provided in the RFP Phase Two.
2. Environmental Compliance – Ensure full compliance with the NEPA document and all permit requirements.
3. Design Excellence – Provide a project that reflects the practice of good judgment through execution, as well as sound decision making within the project constraints.

D. Project Key Issues

1. Schedule
 - The Administration desires to begin construction by Spring 2018.
 - Construction should be completed on or before the completion date provided in the RFP Phase Two. The Administration intends to provide an incentive for early completion.
2. Environmental Compliance
 - The Design-Builder shall implement all commitments from the NEPA document.
 - The Design-Builder must provide a project that provides context sensitive solutions to meet or exceed the project goals.
 - The Design-Builder must acquire and comply with the permits for Stormwater Management/Erosion and Sediment Control, the Maryland Reforestation Law approval, and wetland and waterway permits from Maryland Department of the Environment and the United States Army Corps of Engineers which includes wetland and stream mitigation design approval.
 - The Design-Builder should have a proactive process to acquire permits and to further avoid and minimize impacts to environmental resources.
3. Design Excellence
 - A highly capable Design-Builder is needed to successfully deliver this project.
 - A proactive approach to design and construction development, coordination and decision making, design quality management, schedule management, stakeholder coordination, and partnering will be necessary to deliver a successful project.
 - ATCs that provide an equal to or better end product are encouraged to more efficiently deliver the project.

II. Rules of Contact

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

The following rules of contact will apply during the Contract procurement process, which begins upon the submittal of the TP, 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 Department or Administration employees, including Department or Administration heads, members of the evaluation committee(s) and any other person who will evaluate TPs, 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. The Administration 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

The Administration will consider questions submitted in writing by Proposers regarding the RFP Phase One or 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.

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

Jason A. Ridgway, P.E.
Director, Office of Highway Development
State Highway Administration
e-mail address: GA6465270_US_219@sha.state.md.us

During the RFP Phase One, only e-mailed inquiries will be accepted. No requests for additional information or clarification to any other Department or Administration office, consultant, or employee will be considered. All responses shall be in writing and will be disseminated only by posting on eMaryland Marketplace (<https://emaryland.buyspeed.com>).

All responses to questions on the RFP Phase One will be posted on this site. Responses to questions and addenda will not be mailed out.

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

A 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 TP due date.

IV. RFP Phase One Addenda

If necessary, the Administration will issue addenda to modify conditions or requirements of this RFP Phase One. 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 RFP Phase One, including attending briefing(s) and providing supplemental information. The RFP Phase Two will provide for payment of a stipend in the amount of **\$120,000** to each non-selected Proposer meeting the requirements specified in the RFP Phase Two.

VI. Substitutions



Proposers are advised that, in order for a Proposer to remain qualified to submit a Price Proposal after it has been placed on the Reduced Candidate List, its organization, including all firms identified in its TP, and Key Staff personnel identified in the TP must remain intact for the duration of the procurement process. A Proposer may propose substitutions for participants after the TP submittal; however, such changes will require written approval by the Administration, which approval may be granted or withheld in 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 Price Proposals. The Proposer should carefully consider the make-up of its team, prior to submittal of the TP, to reduce the likelihood of occurrence of any such changes during the RFP Phase Two procurement process and thereafter throughout the term of the Contract.

VII. Compliance with Applicable Laws

In connection with this RFP Phase One, RFP Phase Two, and the Contract, Proposers will 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 the Administration is to award the Contract to the responsible Proposer from the Reduced Candidate List whose proposal is determined to be most advantageous to the State, considering the evaluation factors set forth in the RFP and the price.

The Administration will assemble Evaluation Teams and an Evaluation Committee consisting of key staff from appropriate offices within the Administration. The Evaluation Teams and Evaluation Committee will review the TP to verify that all requirements of the RFP Phase One have been met, and to evaluate the TP based on the evaluation factors.

Each TP 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 TP 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 TP.

Once the TP evaluations are completed, a Reduced Candidate List (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, TPs submitted in response to this RFP Phase One must include a response to each pass/fail and technical evaluation factor. If there is sufficient interest by qualified DB Teams and the Administration is satisfied that there will be an acceptable level of response, then a RFP Phase Two shall be issued to only the RCL.

Those DB Teams who have made the RCL shall be notified in writing and shall be supplied the RFP Phase Two 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 Price Proposal responses, including any incorporated ATCs, to the RFP Phase Two shall be submitted in sealed packages on the date and time to be specified for the Price Proposal. 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 Phase Two package. The proposals shall be opened in the presence of at least two of the Administration's employees who shall compile a register of received proposals. Responses to the RFP Phase Two not delivered at the location, date and time specified shall be returned

unopened.

The Price Proposals, including any incorporated ATCs, shall be reviewed by a team of Administration employees. The evaluation of the Price Proposal shall be based on the total contract scope, including any incorporated ATCs, and price, and shall include all pay items, engineering, design, construction, labor, equipment and materials.

Once Price Proposal evaluations are complete, an Evaluation Committee will 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 Technical Proposal and the Price Proposal will be considered equal.**

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

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

The Administration reserves the right to award the contract without entering into 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 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 TP, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to the Administration 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, the Administration 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 the Administration, the Administration 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 the Administration 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 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 the Administration as the prime consultant to develop the concept plan, have been retained by the Administration to perform construction phase services on the behalf of the state for this procurement, or has received payment in excess of \$500,000. SHA makes no representations regarding the completeness of the list:

- Dewberry Consultants LLC
- Alpha Corporation
- McCormick Taylor, Inc.
- Constellation Design Group
- TRC
- Prime A/E
- Biohabitats Inc.
- Sabra Wang and Associates
- Mahan Rykiel Associates
- RK&K
- KCI Technologies

§ 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 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 employee participated significantly as a State Employee for the duration of this contract.

XI. Overview of Technical Proposal Submission

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

This Section describes the following items:

- The information items to be included in the TP
- Evaluation factors to be utilized by the Administration with respect to such information items
- The selection approach that the Administration will utilize for TP submittals

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 and experience 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. The Administration has set high responsibility standards for the Design-Builder that are reflected in the technical evaluation factors of this RFP Phase One.

XII. Evaluation Factors for the Technical Proposals

Pass/Fail Factors

- The TP is complete and does not deviate from the RFP Phase One requirements in

any material respect.

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

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 TP. The ratings of each of the technical evaluation factors and the overall technical rating for the TP 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 the Administration'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 TP 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 a technical ratings of **Exceptional**, **Good**, and **Acceptable** to more clearly differentiate the TPs.

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

XIII. Request for Clarification

The Proposer shall provide accurate and complete information to the Administration. If information is not complete, the Administration will either declare the TP 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 the Administration. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Administration 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 TP may be declared unacceptable. The Administration may waive technical irregularities in the form of the TP of the Proposer that do not alter the quality or quantity of the information provided.

The Administration may, at its sole discretion, request clarifications and/or supplemental information from a Proposer regarding its TP, at any time prior to finalizing the Reduced Candidate List. All clarification requests and responses shall be in letter format in writing by e-mail. Responses shall be limited to answering the specific information requested by the Administration.

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

Jason A. Ridgway, P.E.
Director, Office of Highway Development
Maryland State Highway Administration
e-mail address: GA6465270_US_219@sha.state.md.us

XIV. Determination of the Reduced Candidate List

The Administration will establish a Reduced Candidate List (RCL). Based on evaluation of the TPs, the RCL will consist of the most highly qualified Proposers. The unsuccessful

teams shall be notified in writing and provided an opportunity for a debriefing.

XV. Challenges

The decision of the Administration on the Reduced Candidates List 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 RFP Phase One. Persons participating in the RFP Phase One phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFP Phase One.

XVI. Contents for Technical Proposal 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:

Jason A. Ridgway, P.E.
Director, Office of Highway Development

The TP 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 the Administration. 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.

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 the Administration should be directed for this RFP Phase One 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 TP 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 the Administration to confirm all information contained in the TP submittal with third parties, and indicate limitations, if any, to such authorization.
- h. Include a declaration that no portions of the TP 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. Technical Evaluation Factors

A. Design-Builder Capability: (Limit 20 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.** The Administration 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. 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 design 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 design 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.
- Water Resources Engineer – This position will be responsible for ensuring that the water resources design is completed utilizing good engineering judgment and design requirements are met. Shall be a registered Professional Engineer with a minimum of ten (10) years of experience. Demonstrate relevant experience related to water resources engineering including hydrology and hydraulic investigations, analysis, design, and permitting for projects of similar scope and complexity as this project.
- Wetland Creation and Stream Restoration Design and Permitting Specialist – This position will be responsible to ensure that the wetland creation and stream restoration design meets mitigation requirements, design requirements, and is completed using sound design practices. Shall have a minimum of ten (10) years of experience. Demonstrate relevant experience in developing plans for stream and wetland mitigation projects that are of similar scope and complexity as this project.
- Landscape Architect – This position will be responsible for ensuring the landscape and architectural elements are completed using good professional judgment and the design requirements are met. Shall have a minimum of ten (10) years of experience. Demonstrate relevant experience in the

development of landscape and architectural elements using context sensitive solutions for 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 members of your Design-Build Team have completed. Projects should be of similar scope and complexity as this project and demonstrate the Design-Build Team’s ability to be successful in delivering this project. Provide, at a minimum, the following:



- Project name and location
- Firm 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 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, 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 RFP Phase One 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 20 Pages) – CRITICAL

- i.** Discuss the Proposer’s understanding of the most relevant and critical risks facing the selected Proposer and the Administration in achieving the Project Goals. Describe why each risk is critical, indicate the impact the risk may have in achieving the Project Goals, and discuss the mitigation strategies the Design-Builder will implement to address the risk. Discuss the role the Design-Builder expects the Administration or others may have in addressing these Project risks. – **SIGNIFICANT**
- ii.** Discuss the Proposer’s approach to Design-Build from design initiation through construction completion. Discussion should include, but not be limited to, design and construction development, coordination and decision making; design quality management; schedule management; stakeholder coordination; and partnering. – **CRITICAL**
- iii.** Discuss the Proposer’s approach to obtaining the required environmental permits for the project, to further avoiding and minimizing impacts to environmental resources (such as wetlands, waters, streams, forests, species, and historic and cultural resources), to providing context sensitive design solutions, and to ensuring environmental compliance during construction. – **SIGNIFICANT**
- iv.** Your team may have some potential Alternative Technical Concepts (ATC) that may increase the likelihood of success. Describe these potential ATCs and how they may further advance the project goals including impacts on time, cost and quality. – **SIGNIFICANT**

C. Legal and Financial Information (Limit 2 Pages Maximum)

- 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 the Administration 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 July 2008 Standard Specifications for Construction

and Materials, GP – Section 3 and appropriate for the upper level of Project Classification J 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.

- 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 five 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. 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. Technical Proposal Submission Requirements

One (1) original and eight (8) hard copies of the complete TP 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 TP shall match the organization as outlined in this RFP Phase One to the maximum extent practicable. Each submittal shall conspicuously reference the RFP Phase One 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 using a minimum font size of 12 point, accompanied by finding tools, such as tables of contents and dividers to make the submittals easily usable.

The TP may be submitted in container(s) of the Design-Builder’s choice provided the material is neat, orderly, and incapable of inadvertent disassembly. TPs 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
Technical Proposal
Contract NO. GA6465270
Container ____ of ____

The TP must be submitted no later than **May 23, 2017 prior to 12 noon.** (prevailing local time). The TP 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 TP 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

The Administration 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 RFP Phase One. The Administration reserves the right, in its sole and absolute discretion, to:

1. Reject any or all TPs;
2. Issue a new RFP Phase One;

3. Cancel, modify, or withdraw the RFP Phase One;
4. Issue addenda, supplements, and modifications to this RFP Phase One;
5. Modify the RFP Phase One process (with appropriate notice to Proposers);
6. Appoint an Evaluation Committee and Evaluation Teams to review TPs;
7. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in TPs;
8. Revise and modify, at any time before the TP due date, the factors it will consider in evaluating TPs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the Administration will circulate an addendum to all registered Proposers setting forth the changes to the evaluation criteria or methodology. The Administration may extend the TP due date if such changes are deemed by the Administration, 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 TPs;
10. Waive weaknesses, informalities, and minor irregularities in TPs;
11. Disqualify any team that changes its TP (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 TP, once submitted, or reject an TP 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 the Administration (or State);
 - ii.** Default on the part of a Major Participant or Designer under previous contracts with the Administration (or State);
 - iii.** Unsatisfactory performance by the Proposer, a Major Participant, and/or Designer under previous contracts with the Administration (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 TP in response to this RFP Phase One 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 RFP Phase One does not commit the Administration to enter into a Contract, nor does it obligate the Administration to pay for any costs incurred in preparation and submission of the TPs or in anticipation of a Contract. By submitting a TP, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to any subsequent RFP Phase Two 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 the Administration.

In no event shall the Administration 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 the Administration, has been executed and authorized by the Administration and approved by all required authorities and, then, only to the extent set forth in a written Notice to Proceed. In submitting a TP in response to this RFP Phase One, the Proposer is specifically acknowledging these disclaimers.

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

A. Policy

The Administration 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 the administration 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 TP in response to this RFP Phase One, an Offeror agrees that, if included on the Reduced Candidate List (RCL), it shall comply with the Disadvantaged Business Enterprise (DBE) provisions of the Contract. These provisions are 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 RFP Phase One, 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 established DBE participation goal and provide evidence of such efforts in the Proposal. Such efforts must continue throughout the evaluation of Proposals, Contract

award, and Contract performance.

Only MDOT certified MBEs can be utilized to achieve the Contract's DBE goal. The overall DBE participation goal will be **12** percent of the total Contract price. Additionally, because of the MDOT certification requirement for DBE's, firms are encouraged to submit paperwork for certification as soon as possible.

The Design-Builder's good faith efforts to achieve the overall contract goal shall include a good faith effort to achieve DBE participation in professional services (including design, supplemental geotechnical investigations, surveying and other preliminary engineering; quality control as defined in the Contract; environmental compliance activities; utility coordination; permitting; and public information) for this contract of no less than **25** percent of the portion of the contract price allocable to professional services.

C. Small Business Enterprise

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

XXII. Proposed Procurement Schedule

Issue RFP Phase One – TPs	April 4, 2017
Issue Draft RFP Phase Two – PPs	April 25, 2017
Final Date for RFP Phase One Questions	May 9, 2017
TP submittal to SHA	May 23, 2017
Reduced Candidate List (RCL) Notified	June 16, 2017
Issue RFP Phase Two – PPs	June 16, 2017
One-on-One Meetings	July 12-13, 2017
One-on-One Meetings	August 2-3, 2017
Last Day to submit ATCs	August 22, 2017
Final Date for RFP Phase Two Questions	September 19, 2017
Final Date for Phase Two Letter of Interest Submittal	September 26, 2017
Price Proposal Submittal	October 3, 2017
Selection of Successful Proposer	November 2017
Notice to Proceed (Anticipated)	December 2017

This is the proposed procurement schedule for this project as of the date of the issuance of this RFP Phase One. The Administration reserves the right to modify this procurement schedule.