

**MARYLAND DEPARTMENT OF TRANSPORTATION**

**STATE HIGHWAY ADMINISTRATION**

**PROJECT NUMBER – WO6365170**

**FAP NUMBER – AC-NHPP-327-1(37)N**

**Competitive Sealed Proposal Procurement  
Step 1: Request for Qualifications (RFQ)**

**May 27, 2014**

**US 113 (PHASE 3) - FROM NORTH OF  
MASSEY BRANCH TO FIVE MILE  
BRANCH ROAD**

**Worcester County**

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

# Contents

I.	Introduction and Preliminaries.....	3
II.	Rules of Contact.....	4
III.	Proposer Questions .....	5
IV.	RFQ Addenda .....	5
V.	Costs and Stipends .....	6
VI.	Substitutions.....	6
VII.	Compliance with Applicable Laws.....	6
VIII.	Design-Build Team Selection and Award Process .....	6
IX.	Organizational Conflicts of Interest.....	8
X.	Restrictions on Participation in Design-Build Contracts .....	9
XI.	Overview of SOQ Submission.....	10
XII.	Evaluation Factors for the RFQ/SOQ.....	11
XIII.	Request for Clarification .....	13
XIV.	Determination of the Reduced Candidate List.....	13
XV.	Challenges.....	13
XVI.	Contents for SOQ Submission .....	14
XVII.	Evaluation Factors.....	15
XVIII.	SOQ Submission Requirements .....	19
XIX.	Protests .....	20
XX.	Rights and Disclaimers .....	20
XXI.	Disadvantaged Business Enterprise (DBE) Program and Equal Employment Opportunity .....	22
XXII.	Proposed Procurement Schedule.....	23

## **1. Introduction and Preliminaries**

This Contract is a Design-Build contract procured using the “Competitive Sealed Proposals” procurement method as defined in the Code of Maryland Regulations (COMAR) 21.05.03. The intent of the Maryland State Highway Administration is to award the Contract to the responsible team of designers and builders (Design-Build Team) whose Proposal is determined to be the most advantageous to the State taking into consideration technical factors set forth in the Request for Proposals (RFP) and the price.

The “Competitive Sealed Proposals” procurement method is a two step process. The first step in this procurement is the Statement of Qualifications (SOQ) by interested Design-Build (DB) Teams. The Administration is seeking responses to this RFQ from DB Teams who are qualified and prepared in all respects to undertake the design and construction of the dualization of US 113.

The project consists of the design and construction of two additional lanes along the existing US 113 alignment to create a dual divided highway. The project is located in Worcester County and begins North of Massey Branch and continues to Five Mile Branch Road. The project also includes design and construction of new service roads to maintain access roads and intersection configurations to maintain access to residential and commercial properties. Roadway improvements include new pavement construction and pavement rehabilitation of existing roadways and shoulders, reforestation, closed/open drainage systems, stormwater management quality and quantity facilities, signing, lighting, pavement markings, and culvert extensions and/or replacement.

Once the SOQ evaluations are completed, a reduced candidate list (RCL) of those DB Teams considered most highly qualified shall be developed. 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 Request for Proposals (RFP) shall be issued to only the RCL.

SHA has an approved Final Environmental Impact Statement (FEIS) for the US 113 Southern Corridor Study that includes this US 113 Phase 3 project. An Environmental Reevaluation of the Southern Study Area was approved by FHWA on June 20, 2010. The SHA is in the process of completing a new NEPA reevaluation and SHA intends to have this reevaluation approved by FHWA prior to the issuance of the RFP.

The Administration has chosen to use the Alternative Technical Concept (ATC) process in the RFP to allow innovation and flexibility to be incorporated into the Proposals and 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 ultimately to obtain the best value for the State.

The ATC process allows Proposers to submit for pre-approval for proposed alternatives to the RFP requirements. The Administration will not approve any ATC that entails a deviation from the requirements of the as-issued Contract Documents, unless the Administration determines, in its sole discretion, that the proposed end product based on

the deviation is equal to or better than the end product absent the deviation and is permitted by the Permit Approvals.

## **Rules of Contact**

The Procurement Officer's Designee in this RFQ, or a representative hereafter designated in writing by 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 SOQ, 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. After submission of SOQs, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the PROJECT or the Proposals. However, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that it will not act as a conduit of information between the teams.
3. Unless otherwise specifically authorized by the Procurement Officer, a Proposer may contact the Administration only through the Procurement Officer and only in letter format via e-mail and not orally. The Proposer's contacts with the Administration will be only through a single representative authorized to bind the Proposer.
4. The Procurement Officer normally will contact a Proposer in writing through the Proposer's designated representative.
5. Neither a Proposer nor its agents may contact Administration employees, including 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.
6. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
7. 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.

## **Proposer Questions**

The Administration will consider questions submitted in writing by Proposers regarding the RFQ, 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:

Mr. Jason A. Ridgway  
Director, Office of Highway Development  
State Highway Administration  
e-mail address: WO6365170\_US\_113@sha.state.md.us

Only e-mailed inquiries will be accepted. No requests for additional information or clarification to any other Administration office, consultant, or employee will be considered. All responses shall be in writing and will be disseminated only by posting on SHA's website at [www.roads.maryland.gov](http://www.roads.maryland.gov) **under "Business Center", Contracts, Bids & Proposals, Click "Competitive Sealed Proposals" under "Construction Contracts"**.

All responses to questions on the RFQ and addenda to the RFQ 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 the SHA website. Multiple responses are anticipated. The last response will be posted not later than 5 calendar days prior to the SOQ due date.

The Administration will consider questions and comments submitted in writing by Proposers regarding the draft RFP. Questions and comments shall be submitted following the same process for questions related to the RFQ. Prior to SOQ submittal, the Administration will only respond to questions or comments related to the draft RFP if it believes that the information is needed for the SOQ submittal. Otherwise, responses to questions related to the draft RFP will be provided to the RCL only as part of the issuance of the RFP.

## **RFQ Addenda**

If necessary, the Administration will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated only by posting on the SHA website.

## **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 **\$68,000** to each non-selected Proposer meeting the requirements specified in the RFP.

## **Substitutions**

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after it has been placed on the Reduced Candidate List, its organization, including all Principal Participants, 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, 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 Technical 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 the Proposal period and thereafter throughout the term of the Contract.

## **Compliance with Applicable Laws**

In connection with this RFQ 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.

## **Design-Build Team 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 Proposer that submits the Proposal that is determined to be the most advantageous to the State taking into consideration technical factors set forth in the Request for Proposals (RFP) and the price.

Those DB Teams that respond to this RFQ that meet in all respects the conditions for this request shall be evaluated by a team of SHA employees. The purpose of the evaluation will be to determine past performance, experience and capabilities of DB Teams to undertake this project plus their overall understanding of the project. The factors which will be used to evaluate the Statement of Qualifications (SOQ) have been described herein.

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 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 within the Administration. This Evaluation Committee will review each Evaluation Factor and determine an overall Technical Rating for each SOQ.

Once the SOQ 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, SOQs submitted in response to this RFQ must include a response to each pass/fail and technical evaluation factors. 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 shall be issued to only the RCL.

Those DB Teams who have made the RCL shall be notified in writing and shall be supplied with 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 purpose of the RFP is to allow the Administration to select the Design-Builder. The RFP will provide specific instructions on what to submit, the evaluation factors, the requirements for evaluation, and the evaluation rating guidelines for the RFP step of the procurement.

The Technical and Price Proposal responses to the RFP shall be submitted in sealed packages on the separate date and time to be specified for each 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 packages. 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 Proposals not delivered at the location, date and time specified shall be returned unopened.

The Technical and Price Proposals shall be evaluated by independent teams of Administration employees. The technical factors to be evaluated shall be listed in the RFP. The evaluation of the Price Proposal shall be based on the total contract scope and price, and shall include all pay items, engineering, design, construction, labor, equipment and materials. For the purpose of the RFP evaluation, when determining which D-B Teams submittal is the most advantageous to the State, the Technical Proposal and Price Proposal will be considered of equal importance.

Upon completion of the evaluations, the Administration may elect to conduct discussions with each DB Team in the competitive range. These discussions have two purposes:

1. Ensure that MSHA understands the extent of items being offered by the DB Team
2. Provide MSHA with the opportunity to identify any critical weakness and inconsistencies with MSHA's expectation in a DB Teams proposal.

The Administration reserves the right to award the contract without entering into discussions.

Upon completion of the discussions, the DB Teams 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 DB Team for award. The selected team will be notified of the recommendation.

The unsuccessful teams will be notified in writing. At this time, the DB team 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 executed with the successful DB Team. However, the Administration reserves the right to use the knowledge of good ideas of one team in discussions with the successful Team.

The Administration will require mandatory one-on-one meetings with the Reduced Candidate List (RCL). The purpose of these meetings will be to discuss issues and clarifications regarding the RFP and/or the Proposer's potential Alternative Technical Concept (ATC) submittals. The Administration reserves the right to disclose to all Proposer's any issues raised during the one-on-one meetings, except to the extent the Administration determines, in its sole discretion, that such disclosure would impair the confidentiality of an ATC or would reveal a Proposer's confidential business strategies. Each meeting will be held independently with each Prospective Proposer on the RCL. The Administration intends to schedule these meetings within two weeks of notification of the RCL.

### **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.

In addition, participation by any of the following Persons on more than one Proposer's team shall be deemed an organizational conflict of interest disqualifying the affected Proposers: a Principal Participant, Designer, subconsultant responsible for performing more than 15% of the design or subcontractor responsible for performing more than 30% of the construction, or an Affiliate of any such Person. All Proposers affected by the conflict of interest will be disqualified, even if a Proposer is unaware of the conflict of interest, or if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above.

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 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.

### **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 Technical Proposal or a Price Proposal for this procurement and is not a responsible bidder under COMAR 21.06.01.01. The Technical Proposal or Price Proposal from 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:

- Whitman, Requardt & Associates, LLP (WRA)
- Whitney Bailey Cox & Magnani, LLC (WBCM)
- AECOM
- J. A. Rice, Inc. (JAR)
- STV Incorporated

- NMP Engineering Consultants, Inc.
- Mahan Rykiel Associates (MRA)
- McCormick, Taylor and Associates, Inc. (MTA)

In addition, the State Ethics Commission administers the provisions of the State Ethics Law, including § 15-508 of the State Government Article that contains various restrictions on participating in State procurements. Any questions regarding eligibility must be appealed to the Commission.

No official or employee of the State of Maryland, as defined under State Government Article, §15-202, 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 Consultant or an entity that is a subcontractor on this contract.

No official or employee of the Maryland Department of Transportation (MDOT), during his tenure or for one year thereafter shall have any interest, direct or indirect, in this Contract or the proceeds thereof, regardless of whether they participated in matters relating to this contract while in the employ of the MDOT.

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 the general conditions prohibiting a former MDOT employee from working on this contract for one year after leaving MDOT and 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.

## **Overview of SOQ Submission**

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

This Section describes the following items:

- The information items to be included in the SOQ
- Evaluation factors to be utilized by the Administration with respect to such information items

- The selection approach that the Administration will utilize for SOQ submittals

The objective of the RFQ step 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 RFQ and will be reflected in the RFP and the Contract.

## **Evaluation Factors for the RFQ/SOQ**

### Pass/Fail Factors

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

The Administration 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.

### Technical Evaluation Factors:

- A. Lead Design Firm Experience/Qualifications and Past Performance  
The team shall demonstrate design experience relevant to the size, complexity, and composition of the anticipated PROJECT with an emphasis on previous work experience relevant to this PROJECT.
- B. Lead Construction Firm Experience/Qualifications and Past Performance  
The team shall demonstrate construction experience relevant to the size, complexity, and composition of the anticipated PROJECT with an emphasis on previous work experience relevant to this PROJECT.
- C. Project Understanding and Team Organization  
  
The team shall demonstrate their understanding of the PROJECT scope and an understanding of and approach to how the DB process and the team's organization will contribute to the success of the project and meet its goals.

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 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 SOQ will be based on the following quality rating criteria:

- a. **EXCEPTIONAL.** The Proposer has provided information relative to its qualifications which is considered to significantly exceed stated objectives/requirements in a beneficial way and indicates a consistently outstanding level of quality. There are essentially no weaknesses.
- b. **GOOD.** The Proposer has presented information relative to its qualifications which is considered to exceed stated objectives/requirements and offers a generally better than acceptable level of quality. Weaknesses, if any, are very minor.
- c. **ACCEPTABLE.** The Proposer has presented information relative to its qualifications, which is considered to meet the stated objectives/requirements, and has an acceptable level of quality. Weaknesses are minor, can be corrected.
- d. **UNACCEPTABLE.** The Proposer has presented information relative to its qualifications that contains significant weaknesses and/or deficiencies and/or unacceptable level of quality. The SOQ fails to meet the stated objectives and/or requirements and/or lacks essential information that is conflicting and/or unproductive. Weaknesses/deficiencies are so major and/or extensive that a major revision to the SOQ would be necessary and/or not correctable.

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.

#### Relative Importance of the Technical Evaluation Factors

- Lead Design Firm Experience/Qualifications and Past Performance – **SIGNIFICANT**
- Lead Construction Firm Experience/Qualifications and Past Performance - **SIGNIFICANT**
- Project Understanding and Team Organization – **IMPORTANT**

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.

### **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 SOQ non-responsive 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 SOQ may be declared non-responsive.

The Administration 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. The Administration may, at its sole discretion, request clarifications and/or supplemental information from a Proposer regarding its SOQ, 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 (and confirmed by mail) to inquiries by the Administration shall be submitted to the address(es) indicated below or as otherwise specified in writing by the Administration. Responses shall be submitted to:

Mr. Jason A. Ridgway  
Director, Office of Highway Development  
Maryland State Highway Administration  
e-mail address: WO6365170\_US\_113@sha.state.md.us

### **Determination of the Reduced Candidate List**

The Administration will establish a Reduced Candidate List (RCL). Based on evaluation of the SOQs, the RCL will consist of the top most highly qualified Proposers. The unsuccessful teams shall be notified in writing and provided an opportunity for a debriefing.

### **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 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.

## Contents for SOQ Submission

Cover Letter (2 pages maximum)

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

The cover letter must be addressed to:

Ms. Norie A. Calvert, Director  
Office of Procurement and Contract Management  
Maryland State Highway Administration  
Fourth Floor, C-405  
707 North Calvert Street  
Baltimore, MD 21202

The SOQ submittal cover letter must be signed by individual(s) authorized to represent the Major Participant firm(s) and the lead Constructor 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 constructor and design firms if not a Major Participant firm, and other firms that are now being committed to the Design-Build team. You must include at least your lead design firm and your lead constructor firm in the Design-Build team 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 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 constructor 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 DB Team.
  - f. Include a certification that the Design-Build Team is in compliance with the general conditions prohibiting a former Administration employee from working on this contract for one year after leaving the Administration and 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 SOQ submittal with third parties, and indicate limitations, if any, to such authorization.

## **Evaluation Factors**

### **A. Lead Design Firm Experience/Qualifications and Past Performance: (15 pages maximum) – Significant**

The Design-Builder must demonstrate their experience on comparable projects with detailed descriptions. Information that is not detailed or relevant will not be considered acceptable. The information for each 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 strongly recommends that the primary and secondary contacts are key staff members.

Using Form A-1 – Lead Design Firm Experience, provide the required information for all Key Staff and Discipline Leads. Experience and qualifications requirements for Key Staff are defined below.

Experience and qualifications documentation:

- i. Key Staff Experience - Submit resumes of the following key design firm management and staff, highlighting their relevant experience on similar type projects. – Critical**

#### **1. Project Design Manager**

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 demonstrated experience in managing design for projects of similar scope and complexity as this PROJECT. Emphasize relevant experience similar to this PROJECT. Emphasize Design-Build experience.

## 2. Hydrological/Hydraulics Design Engineer

Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years demonstrated experience related to water resources engineering including hydrology and hydraulic investigations, analysis and design for projects of similar scope and complexity as this PROJECT. Emphasize relevant experience with the Maryland Department of the Environment and US Army Corps of Engineers permitting and design requirements.

## 3. Geotechnical Design Engineer

Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years demonstrated experience in geotechnical investigations and design on highway projects that included work of similar scope and complexity as this PROJECT.

## 4. Landscape Architect

Shall be a Maryland Licensed Landscape Architect with a minimum of ten (10) years demonstrated experience related to landscape architectural design for projects of similar scope and complexity as this PROJECT. Emphasize relevant experience with the Maryland Reforestation Law and permitting.

## 5. Highway Engineer

Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years demonstrated experience related to highway geometric design for projects of similar scope and complexity as this PROJECT. Emphasize relevant experience with AASHTO design guidelines.

## 6. Traffic Engineer

Shall be a Maryland registered Professional Engineer and a Professional Traffic Operations Engineer with a minimum of ten (10) years demonstrated experience related to traffic analysis and design for projects that included work similar scope and complexity.

## 7. Structural Engineer

Shall be a Maryland registered Professional Engineer with a minimum of fifteen (15) years demonstrated experience in the design of bridges, retaining walls, culverts, and other highway related type structures with a similar scope, nature and complexity as this project. Emphasize experience in designing structures conforming to the AASHTO Load and Resistance Factor Design, Bridge Design Specifications and designing structures for the Maryland State Highway Administration.

Resumes shall be a maximum of **one (1) page** each and shall follow Form A-1 – Lead Design Firm. Form A-1 is included as part of the maximum page limit



for this section. Any required licensure, years of experience, or educational requirement required 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. Past Performance –Significant**

1. Using attached Form A-2 – Lead Design Firm, past Project Description, provide a listing of three (3) projects that highlight design experience relevant to this project, which the lead design firm functioned as the lead design firm on over the last ten (10) years. Projects should emphasize proposed Key Staff, where feasible, to demonstrate the team’s capability to perform work similar to that required for this contract. Provide detailed information why design schedules or design budgets were not met. Relevant Design-Build experience is preferred, but not required. Use **one (1) form** per project.
2. Environmental Past Performance - Discuss project specific techniques, products and practices you have incorporated into past projects that have resulted in the reduction of impacts to environmental features, or a reduction in waste or pollution. Identify if these techniques, products, or practices were owner directed or suggested by the Design Firm.

**B. Lead Construction Firm Experience/Qualifications, and Past Performance: (11 pages maximum) – Significant**

The Design-Builder must demonstrate their experience on comparable projects with detailed descriptions. Information that is not detailed or relevant will not be considered acceptable. The information for each 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 strongly recommends that the primary and secondary contacts are key staff members.

Experience and qualifications documentation:

**i. Key Staff Experience - Submit resumes of the following key construction firm management and staff, highlighting their relevant experience on similar type projects. – Critical**

1. Design-Build Project Manager

Shall have a minimum of fifteen (15) years demonstrated experience in construction and management on highway construction projects of similar scope and complexity as this PROJECT. Emphasize Design-Build experience and project management experience.

2. Construction Manager

Shall have a minimum of ten (10) years demonstrated experience in highway construction projects of similar scope and complexity as this PROJECT. Emphasize experience in managing construction activities and schedules and third party coordination.

Resumes shall be a maximum of one (1) page each and shall follow Form A-1 – Lead Construction Firm. Form A-1 is included as part of the maximum page limit for this section. 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. Past Performance – Significant**

1. Using attached Form A-2 – Lead Construction Firm, past Project Description, provide a listing of three (3) projects that highlight construction experience relevant to this project, which the lead construction firm functioned as the lead construction firm on over the last ten (10) years. Projects should emphasize proposed Key Staff involvement, where feasible, to demonstrate the team’s capability to perform work similar to that required for this contract. Provide detailed information why project completion dates or construction costs were not met. Relevant Design-Build experience is preferred, but not required. Use **one (1) form** per project.
2. Environmental Past Performance - Discuss project specific techniques, products and practices you have incorporated into past projects that have resulted in the reduction of impacts to environmental features, or a reduction in waste or pollution. Identify if these techniques, products, or practices were owner directed or suggested by the Contractor. Describe the circumstances of and the actions you have taken in past performance of work to correct any deficiencies related to measures to protect environmental resources or to address any environmental fines, stop work orders, or low ratings. Describe if and how these were addressed on the project and in future practices.

**C. Project Understanding and Team Organization (6 pages maximum) – Important**

- i. Provide a narrative describing the Team’s understanding of the Project scope. List and briefly describe the significant issues and risks facing the selected Proposer and the Administration. – **Critical**
- ii. Provide a narrative description of the Team’s approach to DB contracting. The narrative should describe the methodology for integrating the DB

entity and the different areas of expertise within the team into an efficient and effective organization. – **Important**

- iii. Provide an organizational chart showing the “chain of command” with lines 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, safety, environmental compliance and interfaces with third parties. The organizational chart shall reflect all Key Staff as identified in the RFQ and draft RFP. The chart shall indicate the planned approximate percent of time for each Key Staff member. The chart shall not exceed one page and may be submitted on an 11” x 17” page. – **Important**

### **SOQ 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 Team Organization). 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 SOQ may be submitted in container(s) of the Design-Build Team’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-Build Team’s Name  
Statement of Qualifications  
US 113 Phase 3 – From North of Massey Branch to Five Mile  
Branch Road  
WO6365170  
Container \_\_\_ of \_\_\_

The SOQ must be submitted no later than **July 9, 2014 prior to 12 noon.** (prevailing local time). The SOQ must be delivered to the following location:

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

## **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.
- Bid or 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.

## **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 RFQ. The Administration 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, 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 SOQ 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 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 Principal 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 Principal Participant or Designer under previous contracts with the Administration (or State);
  - iii. Unsatisfactory performance by the Proposer, a Principal 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 Principal 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 Section B.a, or evidence of collusion in the preparation of a proposal or bid for any Administration design or construction contract by (a) the Proposer, Principal 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 Principal Participant is responsible.

Administration Disclaimers:

The RFQ 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 SOQs or in anticipation of a Contract. By submitting an 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 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 an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

## **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 Participating 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 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 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 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 **15%** 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 shall make a good faith effort to achieve DBE participation in professional services for this contract of no less than 3% percent of the total Contract price. The goal shall include efforts to achieve DBE participation in performance of professional services under the Contract (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). The DBE professional services participation shall be attributed to the overall contract goal noted above.

C. Small Business Enterprise

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

**Proposed Procurement Schedule**

Issue RFQ	May 27, 2014
Final Date for Receipt of Proposer's Questions	June 25, 2014
SOQ submittal to MSHA	July 9, 2014
Reduced Candidate List (RCL) Notified	August 2014
Selection of Successful Bidder	November/December 2014