

MARYLAND DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ADMINISTRATION

PROJECT NUMBER – AT0655174

FAP NUMBER – AC-STP-000B(82)E

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

August 13, 2013

**Stormwater Management Design, Build,
and Asset Warranty Project**

District 6

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

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I. 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 (DB Team) whose Proposal is determined to be the best overall value for the Administration and the citizens of Maryland as set forth in the Request for Proposals (RFP).

The “Competitive Sealed Proposals” procurement method is a two step process. The first step in this process 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, construction, and asset warranty for twenty-seven (27) stormwater and drainage sites in SHA District 6. The scope includes strategically planned activities that preserve safety, performance, function, and sustainability of stormwater and drainage facilities that enhance water quality and improve life span of the asset. Sites are located throughout District 6, which includes Allegany, Garrett and Washington counties. Engineering and construction services necessary for all sites included in project contract will adhere to National Environmental Policy Act (NEPA) and federal authorization procedures.

The project involves increasing the life span of the drainage assets and ensuring the existing stormwater facility are functioning as or better than originally intended. All assets will be warranted for 1 year. Complete design, permitting, and construction of all drainage assets and stormwater facilities will be included.

There are 22 SWM sites that require major rehabilitation or enhancement. The minimum requirement is to restore the level of water quantity and water quality treatment provided by the original design. The Design-Build team will responsible for determining any and all activities associated with return to the original functionality or enhancement of the stormwater facilities.

Site No.	BMP Number	County	Road Name	Type of Facility	Original SHA Contract
1	010020	Allegany	I-68	Detention Pond	A 519-507-670
2	010021	Allegany	I-68	Detention Pond	A 519-509-670
3	010024	Allegany	MD 948	Dry Extended Detention	A 519-509-670
4	010025	Allegany	I-68	Shallow Wetland	A 519-509-670
5	010039	Allegany	I-68	Infiltration Trench	A 519-508-670
6	010055	Allegany	US 220	Retention Pond	AL5555170

7	010060	Allegany	MD 658	Underground Sand Filter	AL8415176
8	010061	Allegany	MD 49	Underground Sand Filter	AL8415176
9	010062	Allegany	MD 658	Underground Sand Filter	AL8415176
10	110004	Garrett	IS 68	Infiltration Trench	GA5745176
11	110007	Garrett	IS 68	Detention Pond	G-519-501-623
12	110016	Garrett	US 219	Infiltration Trench	GA5855176
13	110017	Garrett	US 219	Infiltration Trench	GA5855176
14	110021	Garrett	US 219	Infiltration Trench	07-AP-GA-003
15	210003	Washington	I-70	Dry Swale	WA1735176
16	210008	Washington	I-70	Infiltration Basin	W-831-501-672
17	210009	Washington	US 40 AL	Infiltration Basin	W-856-501-681
18	210014	Washington	US 11	Infiltration Trench	W-855-501-671
19	210017	Washington	MD 60	Detention Pond	W-876-501-676
20	210215	Washington	I-81	Retention Pond	WA9235172
21	210233	Washington	I-68	Detention Pond	W 520-502-670
22	210234	Washington	I-68	Detention Pond	W 520-502-670

There are 5 sites that require structural drainage improvements.

Site No.	DM Number	Road Name	Site Description & Goal for the project site
1	09-DM-GA-003	I-68	Failed slope culvert. Provide additional service life
2	09-DM-GA-002	I-68	Failed slope culvert. Provide new service life
3	09-DM-GA-007	I-68	Deteriorated cross culverts. Provide new service life

4	11-DM-AL-001	US 220	Storm drain improvements. Divert SHA runoff from terra cotta pipe
5	13-DM-WA-01	MD 66	Degraded outfall. Provide energy dissipation and stream channel restoration.

All project sites are currently being evaluated for compliance with the requirements of NEPA. The Administration intends to have approved NEPA documentation for all sites prior to the issuance for the RFP. If NEPA documentation is not approved for a site or sites, the RFP issuance may be delayed or the site or sites eliminated from the scope of the RFP.

During the design portion of the project, the Design-Builder shall define the proposed Right-of-Way and easements to be acquired by the Administration for each selected site. The Administration will review proposed Right-of-Way and easements needs for consistency, objective and purpose. Once the needs have been approved, the Design-Builder will produce the required plats and submit to the Administration for review. Upon approval of the plats, the Administration will acquire the right-of way. Construction may not begin on a design package until the Administration has provided certification that all right-of-way for that work is available for construction.

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, and then a RFP shall be issued to only the RCL.

The price will be based on a total contract value, and include all pay items, engineering, design, construction, labor, equipment and materials, and all incidentals necessary to complete the design and construction of this project.

The price is estimated to be in the Project Classification F (\$5,000,001 to \$10,000,000) as defined in Maryland's July 2008 Standard Specifications for Construction and Materials, Section TC 2.01.

The Maryland State Highway Administration has set a minimum requirement to restore original levels of water quality and water quantity treatment. As part of the technical proposal submittal, the DB Team will be asked to describe in words, graphic illustrations and drawings, and technical data necessary for the Administration to evaluate the proposed project and what improvements to meet or exceed the requirements will be developed for construction by the DB Team for the price proposal.

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, and 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 public.

The ATC process allows Proposers to submit for pre-approval 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.

II. 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.

III. 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: District6DBAW@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 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.

IV. 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.

V. Costs and Stipends

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending briefing(s) and providing supplemental information. The RFP will provide for payment of a stipend in the amount of **\$25,000** to each non-selected Proposer meeting the requirements specified in the RFP.

VI. Substitutions

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after it has been placed on the 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 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.

VII. 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.

VIII. 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 considering the evaluation factors set forth in the RFP.

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 MSHA 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.

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 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 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.

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 separate sealed packages on the date and time to be specified. 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. The technical proposal shall be based on a variety of criteria to be described in the RFP. For the purpose of the RFP evaluation, when determining which D-B Teams submittal is the most advantageous to the State, **the Technical Proposal will be considered of greater importance than the Price Proposal.**

Upon completion of the evaluation of the technical proposal, the Administration may elect to conduct discussions with each DB Team that makes the RCL. 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 technical 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 technical 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.

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.

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.

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 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:

- Rummel, Klepper, & Kahl (RK&K)
- KCI Technologies
- McCormick Taylor

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.

XI. Overview of SOQ Submission

Parties interested in being considered for award of this design-build project and entering into a 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 constructor 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 (technical, financial, and management), 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.

XII. 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 projects using environmental responsible designs and stormwater management facility enhancements.

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 construction using environmental responsible construction and stormwater management facility enhancements.

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.

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 rating.

Relative Importance of the Technical Evaluation Factors

The technical evaluation factors of Lead Design Firm Experience/Qualifications and Past Performance and Lead Construction Firm Experience/Qualifications and Past Performance are most important and equally important. Lead Design Firm Experience/Qualifications and Past Performance and Lead Construction Firm Experience/Qualifications and Past Performance are more important than Project Understanding and Team Organization.

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

XIII. Request for Clarification

The Proposer shall provide accurate and complete information to 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: District6DBAW@sha.state.md.us

In the event a material error is discovered in the RFQ during the SOQ evaluation process, the Administration will issue an Addendum to all Proposers that have submitted SOQs, requesting revised SOQs based upon the corrected RFQ.

XIV. 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.

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 RFQ. Persons participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

XVI. Contents for 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.

XVII. Evaluation Factors

A. Lead Design Firm Experience/Qualifications and Past Performance: (12 pages maximum)

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. All Discipline Leads shall be a Maryland registered Professional Engineer, a Maryland Licensed Landscape Architect and a Maryland registered Professional Land Surveyor.

Experience and qualifications documentation:

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

1. **Project Design Manager:** The project design manger shall be a licensed Professional Engineer registered in the State of Maryland, an owner or employee of the lead design firm with a minimum of ten (10) years experience in managing design, and demonstrate relevant experience management of design projects of similar scope and complexity as the PROJECT. The manager shall demonstrate experience with management, technical expertise, and administration of roadway drainage design, utility relocations, stormwater management facility design, watershed management, right-of-way coordination, pollution control design, environmental planning, environmental remediation, multi-site projects, and permitting of projects of similar size and type to the PROJECT as well as any relevant Design-Build experience of the same aspects. Design-Build experience is not required, but preferred.
2. **Water Resources Design Engineer:** The water resources design engineer shall be a licensed Professional Engineer registered in the state of Maryland, having a minimum of ten (10) years of demonstrated relevant experience related to water resources engineering, including hydrologic and hydraulic investigations, modeling and design, stormwater management facility design, stormwater management facility as-built certification, roadway drainage design, erosion and sediment control design, culvert analysis and design, energy dissipation and outfall design, existing drainage infrastructure evaluation, right-of-way determinations, stream stability assessments and restorative design. The Engineer shall demonstrate relevant experience with federal, state and local permitting and design requirements.
3. **Environmental Permitting Specialist:** The environmental specialist shall have a minimum of a Bachelor's degree from an accredited college or university in natural sciences, earth science, physical science, environmental science, biology, agronomy, civil engineering, horticulture, or similarly related fields with a minimum of ten (10) years of demonstrated relevant experience with environmental management, including the development, implementation, and monitoring of environmental compliance plans, environmental permitting (federal, state and local), and coordination of environmental compliance functions throughout environmental regulations (federal, state, and local), and current permitting challenges or issues. The environmental specialist should demonstrate relevant experience in the performance of wetland and waterway delineations, developing avoidance and minimization strategies, preparing permits, and providing technical reviews of environmental permit applications.

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. Lead Design Firm Past Performance

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 or Discipline Leads involvement, 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)

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. Submit resumes of the following key construction firm management and staff, highlighting their relevant experience on similar type projects.**
 1. Design–Build Project Manager: This position shall have a minimum of fifteen (15) years experience. Shall demonstrate relevant experience in construction and management on highway and environmental projects with similar size, type of work, and complexity as this PROJECT. Emphasize Design-Build experience and project management experience. Emphasize experience in coordination of multiple work sites, including stream restoration, wetland mitigation and stormwater management projects.

 2. Construction Manager: This position will have a minimum of ten (10) years experience. Shall demonstrate relevant construction experience in civil works projects similar in nature to the PROJECT, and include stormwater management construction, drainage construction, environmental sensitivity, utility coordination and relocation, and

maintenance of traffic. Emphasize experience in coordination of multiple work sites.

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. Lead Construction Firm Past Performance

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 constructor 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)

- 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.
- 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.
- 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 and Discipline Leads (including, but not limited to, Geotechnical Engineer, Landscape Architect, Land Surveyor, and Plat Engineer) 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.

XVIII. 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 Qualification
Stormwater Management Design, Build and Asset Warranty
in District 6
AT0655174
Container ___ of ___

The SOQ must be submitted no later than **September 10, 2013 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

XIX. Protests

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

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

Time for Filing:

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

Any other protest shall be filed 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.

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 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.

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 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 **10%** 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 **5%** 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.

XXII. Proposed Procurement Schedule

Issue RFQ	August 13, 2013
Final Date for Receipt of Proposer's Questions	August 27, 2013
SOQ submittal to MSHA	September 10, 2013
Reduced Candidate List (RCL) Notified	October 2013
Selection of Successful Bidder	January 2014