

MARYLAND STATE HIGHWAY ADMINISTRATION  
OFFICE OF HIGHWAY DEVELOPMENT  
707 NORTH CALVERT STREET  
BALTIMORE, MARYLAND 21202

October 23, 2015

Contract No. AW8965170  
F.A.P. No. AC-NHPP-G-300-1(53)N  
Description: MD 404 – US 50 to East of  
Holly Road Design-Build

**ADDENDUM NO. 1**

**To All Prospective Proposers:**

Please be advised that the Statement of Qualifications submission date is still scheduled for **November 23, 2015**.

The attention of prospective proposers is directed to the following revisions, additions and/or deletions to the Request for Qualifications (RFQ) document:

**REQUEST FOR QUALIFICATIONS**

<u>Page No.</u>	<u>Description</u>
1	ADDED note for Addendum No. 1.
3	REVISED the third paragraph to remove, "Once the SOQ evaluations are completed,".
8-8A	REVISED Section VIII. to add information related to Letter of Intent and to modify language related to the determination of the Reduced Candidates List.
14-14A	REVISED Section XIV. to add information related to the Letter of Intent and to modify language related to the determination of the Reduced Candidates List.
24	REVISED Section XXIII. to update the Proposed Procurement Schedule.

Questions regarding this Addendum No. 1 or the project in general may be directed in writing to:

Mr. Jason A. Ridgway  
Director, Office of Highway Development  
State Highway Administration  
e-mail address: AW8965170\_MD\_404@sha.state.md.us

  
DAVID J. COYNE, DEPUTY ADMINISTRATOR/CHIEF ENGINEER FOR OPERATIONS.

**MARYLAND DEPARTMENT OF TRANSPORTATION**

**STATE HIGHWAY ADMINISTRATION**

**CONTRACT NO. AW8965170**

**FAP NO. AC-NHPP-G-300-1(53)N**

**Competitive Sealed Proposals Procurement Step 1:  
Request for Qualifications (RFQ)  
Design-Build**

**October 20, 2015**

Addendum No. 1 October 23, 2015

**MD 404 – US 50 TO EAST OF HOLLY  
ROAD**

**Caroline, Queen Anne's, and Talbot Counties**

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

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## **I. Introduction**

The Maryland State Highway Administration (SHA) is seeking the services of a qualified Design-Builder for a Design-Build contract as defined in the Code of Maryland Regulations (COMAR) 21.05.11. This contract will be procured using the “Competitive Sealed Proposals” procurement method as defined in COMAR 21.05.03.

This “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-Builders. The Administration is seeking responses to this Request for Qualification (RFQ) from Design-Builders who are qualified and prepared in all respects to undertake the design and construction of the MD 404 from US 50 to east of Holly Road project.

A reduced candidate list (RCL) of those Design-Builders considered most highly qualified shall be developed. If there is sufficient interest by qualified Design-Builders and the Administration is satisfied that there will be an acceptable level of response, then the Request for Proposals (RFP) shall be issued to only the RCL.

The Administration will use the Alternative Technical Concept (ATC) process to allow innovation and flexibility to be incorporated into the Proposals and be considered in making the selection decision. This is intended to avoid delays and potential conflicts in the design associated with deferring of technical concept reviews to the post-award period and ultimately to obtain the Best Value for the State.

### **A. Project Overview**

The project generally consists of the design and construction of MD 404 to a four lane divided highway from US 50 to east of Holly Road. The project is located in Talbot, Queen Anne’s, and Caroline Counties. The length of the project is approximately 9.0 miles and consists of the following segments:

- MD 404 from US 50 to West of MD 309
- MD 404 from East of MD 480 to East of Holly Road

The scope of improvements is anticipated to include, but not limited to, earthwork, new pavement construction, existing pavement rehabilitation, drainage, stormwater management, erosion & sediment control, reforestation, landscaping, signing and marking, intersection lighting, ITS devices, construction of a new bridge over Norwich Creek, construction of small structures such as culverts, utility coordination, and environmental permit acquisition.

The proposed roadway will generally be a 4 lane divided highway with 12 foot lanes, 4 foot paved inside shoulders, and 10 foot paved outside shoulders. It includes a 34 foot median with traffic barrier protection. Partial acceleration and deceleration lanes will

be provided at intersections and through movements and unprotected left turns will be eliminated from side streets with “J” Turns and Maryland “T” intersections. Access roads will be provided throughout the corridor to minimize access and conflict points. The pavement for the new roadway may be asphalt or concrete and the existing roadway will be rehabilitated.

## B. Project History

Improvements were made to MD 404 in the 1950’s which included the acquisition of right-of-way for the future dualization. Project planning activities began in the 1980’s and a Finding of No Significant Impact (FONSI) was approved in 1991. Project development activities were phased due to funding constraints. The phases were prioritized based on crash experience, capacity, and operational problems. Phase 1A, from east of Tuckahoe Creek to east of MD 480, has been completed and Phase 1B, from west of MD 309 to east of Tuckahoe Creek is under construction. All additional phases are now funded as part of this single Design-Build contract. An environmental reevaluation of the FONSI for this contract is currently ongoing and is expected to be complete by March 2016.

## C. Project Goals

1. Schedule – Fully open four lanes to traffic and substantially complete construction by Thanksgiving 2017.
2. Cost – Deliver a cost efficient project at or below budget.
3. Safety – Safe roadway with zero fatalities and serious injuries during and after construction.
4. Customer Satisfaction – Receive 100% satisfaction from travelers along MD 404.
5. Mobility – Minimize delay during and after construction.

## D. Project Key Issues

1. Schedule
  - The Administration intends to include an Incentive/Disincentive and/or “No Excuse” Bonus for substantial completion as part of the contract. While substantial completion will be defined in detail in the RFP, it generally means that the 4 lane divided highway is open to full and unrestricted use and benefit of the facility both from the operational and safety standpoint.
  - In stream work will be restricted from February 15 – June 15.
  - No work is permitted within the greater of the 25 feet of the stream bank or the 2 year floodplain at Norwich Creek. Work in the 10 year floodplain must occur from July 1 – November 15. This period may be extended with additional coordination with the United States Fish and Wildlife Service.
  - Utility relocations by Choptank Electric, Delmarva Power, Verizon, Comcast,

and Maryland Broadband Cooperative will occur concurrently with construction.

- Right-of-way acquisition for the corridor will be phased with clearance dates between June and October 2016.
- The Administration intends to utilize a design audit process for all Design-Builder design packages. Under this approach, the Design-Builder will be required to utilize a separate engineering firm with no contractual relationship to the Lead Design Firm to review and certify that all design packages are in compliance with the contract documents. The Administration would not approve design packages prior to construction being undertaken, with the exception of permit submissions, and would audit packages for compliance.
- The Administration intends to follow its typical inspection policies and procedures, including quality control and quality assurance as defined in the 2008 SHA Standard Specifications for Construction and Materials.

## 2. Cost

- The Project Classification is in the high “K”/ low “L” range. The Administration desires to deliver the project as cost efficiently as possible while meeting or exceeding the substantial completion date.
- Alternative Technical Concepts (ATCs) are encouraged to be submitted including practical design alternatives which advance the project goals without compromising safety.
- The Administration intends to utilize an adjusted price proposal for the determination of the Best Value. The total aggregate amount of the price proposal will be increased by \$4,000,000 if asphalt pavement is utilized for the new roadway. No increase will be applied to the price proposal if concrete pavement is utilized for the new roadway. The \$4,000,000 is the estimated life cycle cost difference to the Administration to preserve and maintain an asphalt roadway after completion by the Design-Builder.

## 3. Safety

- Maintenance of traffic should be implemented to ensure safe passage of all roadway users including motor vehicles, truck traffic, farm equipment, and bicycles.
- Access points should be minimized and intersection controls put in place to minimize potential conflicts and improve safety.

## 4. Customer Satisfaction

- A robust outreach plan will be needed to communicate with the various roadway users.
- Property owner coordination will be important to ensure access is maintained to properties and for farm access.

## 5. Mobility

- Increase in delay needs to be minimized for roadway users during construction. Delays should be generally no more than a five minute increase.
- Increase in delay to roadway users in the build condition due to intersection controls and spacing needs to be minimized and balanced with safety.

- Consideration needs to be given to farm access to and from MD 404 and the movement of farm vehicles along the corridor.
6. Permits
- Stormwater Management/Erosion and Sediment Control Permits will be acquired by the Design-Builder and issued by SHA through its Plan Review Division.
  - Joint Maryland Department of the Environment/United States Army Corp of Engineers Permit will be acquired by SHA with modifications by the Design-Builder.
  - Maryland Reforestation Law Approval will be acquired by SHA with modifications by the Design-Builder.
  - Maryland Department of the Environment Water Appropriations Permit will be acquired by SHA.

## **II. Rules of Contact**

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

The following rules of contact will apply during the Contract procurement process, which begins upon the submittal of the 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. 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.
3. The Procurement Officer normally will contact a Proposer in writing through the Proposer's designated representative.
4. Neither a Proposer nor its agents may contact 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.
5. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
6. The Administration will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the

official communication process specified herein, unless confirmed in writing by the Procurement Officer.

### **III. Proposer Questions**

The Administration will consider questions submitted in writing by Proposers regarding the RFQ or additionally supplied information, including requests for clarification and requests to correct errors. Project questions shall be submitted in letter format via e-mail with return confirmation receipt.

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

Mr. Jason A. Ridgway  
Director, Office of Highway Development  
State Highway Administration  
e-mail address: AW896\_MD\_404@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 XXIII** 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 **\$200,000** 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 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.

## **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-Builder Selection and Award Process**

The project will be awarded using the Competitive Sealed Proposal Method as defined in the Code of Maryland Regulations (COMAR) 21.05.03. The intent of the Administration is to award the Contract to the 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 RFP and the price.

Letters of Interest will be required from any DB Team desiring to be placed on the Reduced Candidate List (RCL) for this project. Requirements of the Letter of Interest are found in Section XIV of this RFQ. In the event that the Administration receives three or less Letters of Interest, the Administration will notify each Proposer immediately that either they will be placed conditionally on the RCL subject to submission of the Statement of Qualifications (SOQ) or that, pursuant to COMAR 21.06.02.02 B, the procurement will not continue as the Administration will not be able to establish a competitive range. In the event all Proposers are conditionally placed on the RCL, the SOQ will still be required to be submitted as required in Sections XVI through XVIII. The Administration will review for completeness and reserves the right to review to ensure the DB Team has met the requirements of an Acceptable quality rating in all aspects of the SOQ. Clarifications may be utilized to address any areas not determined Acceptable.

In the event that more than three Proposers submit a Letter of Interest, the procurement process will continue as described within this RFQ. Those DB Teams that respond to this RFQ that meet all respects the conditions for this request shall be evaluated. 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 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 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 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 DB Teams submittal is the most advantageous to the State, **the Price Proposal will have a higher relative importance than the Technical Proposal.**

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

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

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

Upon completion of the discussions, the Design-Builders 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 Design-Builder for award. The selected team will be notified of the recommendation.

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

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

## **IX. Organizational Conflicts of Interest**

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

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

The Proposer is prohibited from receiving any advice or discussing any aspect relating to the project or the procurement of the Contract with any Person with an organizational conflict of interest, including, but not limited to, the Persons identified in Section X.

By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to 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 offeror 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:

- AB Consultants
- AECOM
- Applied Research Associates (ARA)
- Brudis Associates
- Chesapeake Environmental Management
- Endesco
- Infrastructure Technologies
- Jacobs
- Mahan Rykiel Associates
- McCormick Taylor
- Pennoni Associates
- TRC
- Wilson T. Ballard

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 Design-Builder 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-Builder 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-Builder shall provide certification in its cover letter that it is in compliance with State Ethics Laws prohibiting work on a matter in which a former MDOT employee participated significantly as a State Employee for the duration of this

contract.

## **XI. Overview of 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–Builder. The Design-Builder may also include other parties as subconsultants, subcontractors and suppliers in their SOQ submittal that they are committing at this time. At least the Lead Design Firm and Lead Construction Firm must be included at this time.

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.

## **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:

- Lead Design Firm Experience/Qualifications and Past Performance
- Lead Construction Firm Experience/Qualifications and Past Performance
- Project Understanding and Design-Build Approach

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

Numerical scores will not be assigned.

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

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

While some factors and subfactors may have more relative importance than others, all of 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:

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

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

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

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

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

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

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 unacceptable or notify the Proposer, who may be allowed to participate further in the procurement of this project if all information required is provided within the timeframe established by the Administration. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Administration with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, the SOQ may be declared unacceptable. 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 to inquiries by the Administration shall be submitted to the address indicated below or as otherwise specified in writing by the Administration. Responses shall be submitted to:

Mr. Jason A. Ridgway  
Director, Office of Highway Development  
Maryland State Highway Administration  
e-mail address: AW896\_MD\_404@sha.state.md.us

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

The Administration will establish a Reduced Candidate List (RCL).

A Letter of Interest (LOI) will be required from any DB Team desiring to be placed on the Reduced Candidate List (RCL) for this project. The LOI notifying the Administration of the DB Team's desire to be placed on the RCL shall be on official letterhead and be delivered no later than **November 9, 2015 prior to 12 noon** (prevailing local time). The LOI must be delivered to the following email address:

AW896\_MD\_404@sha.state.md.us

The LOI 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 liability 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 LOI.

As an attachment to the LOI, the DB Team shall provide evidence that the it is capable of obtaining a Performance Bond and a Payment Bond in accordance with the requirements in Maryland’s July 2008 Standard Specifications for Construction and Materials, GP – Section 3 and appropriate for a Project Classification L as defined in Maryland’s Standard Specifications for Construction and Materials, Section TC 2.01 for a minimum value of \$125,000,000.

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

In the event that the Administration receives three or less Letters of Interest, the Administration will notify each Proposer immediately that either they will placed conditionally on the RCL subject to submission of the Statement of Qualifications (SOQ) or that, pursuant to COMAR 21.06.02.02 B, the procurement will not continue as the Administration will not be able to establish a competitive range.

In the event that more than three Proposers submit a Letter of Interest, the procurement process will continue as described within this RFQ. Based on evaluation of the SOQs, the RCL will consist of the most highly qualified Proposers. The unsuccessful teams shall be notified in writing and provided an opportunity for a debriefing.

## **XV. Challenges**

The decision of the Administration on the Reduced Candidates List and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section XIX of this 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**

### **A. Cover Letter (Limit 2 Pages)**

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

The cover letter must be addressed to the Procurement Officer:

Mr. Jason A. Ridgway  
Director, Office of Highway Development

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

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

The cover letter shall include the following:

- a. Names, main role and license or certification information of all Major Participant firms and the Lead Construction and Lead Design Firms if not a Major Participant firm, and other firms that are now being committed to the Design-Builder. You must include at least your Lead Design Firm and your Lead Construction Firm in the Design-Builder at this time.
- b. The primary and secondary individual contacts for the Major Participant firm(s) with address, phone number, and E-mail address where all communications from the Administration should be directed for this RFQ phase.
- c. Include an affirmative declaration that indicates to the best knowledge and belief of each Major Participant Firm, including the Lead Design Firm if not a Major Participant firm, the information supplied in the SOQ is true and accurate.
- d. Include a declaration that each Major Participant firm(s) and the Lead Design and Lead Construction Firm, if not a Major Participant firm, are prepared to provide the necessary financial, material, equipment, labor and staff resources to perform the project.
- e. Include a declaration by the Major Participants that signatories are affirming their intent to enter into a legal organization that shall constitute the Design-Builder.

- f. Include a certification that the Design-Builder is in compliance with the State Ethics Laws prohibiting work on a matter in which a former State employee participated significantly as a State Employee for the duration of this contract.
- g. Include a general authorization for the Administration to confirm all information contained in the SOQ submittal with third parties, and indicate limitations, if any, to such authorization.
- h. Include a declaration that no portions of the SOQ Technical Evaluation Factor sections include confidential, proprietary information or trade secrets that should not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Or include a declaration identifying which portions are considered confidential, proprietary information or trade secrets and provide justification why such materials, upon request, should not be disclosed after award of the contract.
- i. Include a declaration that all addenda have been received by the Proposer. The Proposer is alerted to their responsibility to confirm that all team members have received addenda. The Proposer is solely responsible to ensure that their team has the correct information.

## **XVII. Technical Evaluation Factors**

### **A. Lead Design Firm Experience/Qualifications and Past Performance: (Limit 13 Pages) – 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 Key Staff member shall be relevant to the role and function they will perform on this project. **The resumes for Key Staff must identify the function the staff member will fulfill on this project and include their role or function on relevant projects.** The Administration recommends that the primary and secondary contacts are key staff members.

- i. **Key Staff – Submit resumes of the following key design firm management and staff, highlighting their relevant experience on similar type projects. – CRITICAL**
  - 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 experience. Demonstrate relevant experience in managing design for projects of similar scope and complexity as this project. Emphasize Design-Build experience.
  - Hydrological/Hydraulics Design Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience. Demonstrate relevant experience related to water resources engineering including hydrology and hydraulic investigations, analysis, design, and permitting for projects of similar scope and complexity as this project.

- Geotechnical Design Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience. Demonstrate relevant experience in geotechnical investigations and design on highway projects that included work of similar scope and complexity as this project.
- Landscape Architect – Shall be a Maryland Licensed Landscape Architect with a minimum of ten (10) years experience. Demonstrate relevant experience related to landscape architectural design and permitting for projects of similar scope and complexity as this project.
- Highway Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience. Demonstrate relevant experience related to highway geometric design and design requirements for projects of similar scope and complexity as this project.
- Traffic Engineer – Shall be a Maryland registered Professional Engineer and a Professional Traffic Operations Engineer with a minimum of ten (10) years experience. Demonstrate relevant experience related to traffic analysis and design for projects that included work similar scope and complexity as this project.
- Structural Engineer – Shall be a Maryland registered Professional Engineer with a minimum of fifteen (15) years experience. Demonstrate relevant experience related to structural design and design requirements for projects of a similar scope and complexity as this project.

Resumes shall be a maximum of **one (1) page** each. 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

Provide descriptions of three relevant projects for which the firm was the Lead Design Firm that demonstrate its ability to be successful on this project. Provide, at a minimum, the following:

- Project name and location
- Owner/client including specific point of contact with telephone numbers
- Project delivery method (Design-Bid-Build, Design-Build, Construction Management at Risk, or other)
- Overall construction cost of project, as applicable, including initial contract value, final contract value, and specific reasons for difference
- Overall schedule performance, as applicable, including initial completion date, final completion date, and specific reasons for the difference

- Brief project description
- Discussion of what work on the project is relevant to this contract and why. Include any successful methods, approaches and innovations implemented on the project

**B. Lead Construction Firm Experience/Qualifications, and Past Performance:  
(Limit 8 Pages) – CRITICAL**

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 Key Staff member shall be relevant to the role and function they will perform on this project. **The resumes for Key Staff must identify the function the staff member will fulfill on this project and include their role or function on relevant projects.** The Administration recommends that the primary and secondary contacts are key staff members.

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

- Design-Build Project Manager – Shall have a minimum of fifteen (15) years experience. Demonstrate relevant experience in the construction and project management of highway construction projects of similar scope and complexity as this project. Emphasize Design-Build experience.
- Construction Manager – Shall have a minimum of ten (10) years experience. Demonstrate relevant experience in managing construction activities, schedules and coordination of highway construction projects of similar scope and complexity as this project.

Resumes shall be a maximum of **one (1) page** each. 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 – CRITICAL**

Provide descriptions of three relevant projects for which the firm was the Lead Construction Firm that demonstrate its ability to be successful on this project. Provide, at a minimum, the following:

- Project name and location
- Owner/client including specific point of contact with telephone numbers
- Project delivery method (Design-Bid-Build, Design-Build, Construction Management at Risk, or other)
- Overall construction cost of project, as applicable, including initial contract value, final contract value, and specific reasons for difference

- Overall schedule performance, as applicable, including initial completion date, final completion date, and specific reasons for the difference
- Brief project description
- Discussion of what work on the project is relevant to this contract and why. Include any successful methods, approaches and innovations implemented on the project

**C. Project Understanding and Design-Build Approach (Limit 6 Pages) – IMPORTANT**

- i. Provide a narrative describing the Design-Builder's understanding of the Project Goals and 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 Design-Builder's approach to Design-Build contracting including how you will build a professional, collaborative, and integrated project team. – **SIGNIFICANT**
- iii. Provide an organizational chart showing the lines of communication and identifying participants who are responsible for major functions to be performed, and their reporting relationships in managing, designing, and building the Project. Identify the critical supporting elements and relationships of project management, project administration, construction management, quality control, quality assurance, safety, environmental compliance and interfaces with third parties. The organizational chart shall reflect all Key Staff as identified in the RFQ. 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**

**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 Design-Build Approach). The Design-Build Proposal shall be on 8½" x 11" pages using a minimum font size of 12 point, accompanied by finding tools, such as tables of contents and dividers to make the submittals easily usable.

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

Design-Builder's Name  
**Statement of Qualifications**  
Contract NO. AW8965170  
Container \_\_\_\_ of \_\_\_\_

The SOQ must be submitted no later than **November 23, 2015 prior to 12 noon.**  
(prevailing local time). The SOQ must be delivered to the following location:

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

## **XIX. Protests**

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

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

Time for Filing:

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

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

Content of Written Protest:

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

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

## **XX. Rights and Disclaimers**

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 Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Administration (or State);
  - ii. Default on the part of a Major Participant or Designer under previous contracts with the Administration (or State);
  - iii. Unsatisfactory performance by the Proposer, a Major Participant, and/or Designer under previous contracts with the Administration (or State);
  - iv. Issuance of a notice of debarment or suspension to the Proposer, a



Major Participant and/or Designer;

- v. Submittal by the Proposer of more than one SOQ in response to this RFQ under the Proposer's own name or under a different name;
- vi. Existence of an organizational conflict of interest under or evidence of collusion in the preparation of a proposal or bid for any Administration design or construction contract by (a) the Proposer, Major Participant or Designer and (b) other proposers or bidders for that contract; and/or
- vii. Uncompleted work or default on a contract in another jurisdiction for which the Proposer or a Major Participant is responsible.

#### Administration Disclaimers:

The RFQ does not commit 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 18 percent of the total Contract price. Additionally, because of the MDOT certification requirement for DBE's, firms are encouraged to submit paperwork for certification as soon as possible.

The Design-Builder's good faith efforts to achieve the overall contract goal shall include a good faith effort to achieve DBE participation in professional services (including design, supplemental geotechnical investigations, surveying and other preliminary engineering; quality control as defined in the Contract; environmental compliance activities; utility coordination; permitting; and public information) for this contract of no less than 30 percent of the portion of the contract price allocable to professional services.

#### C. Small Business Enterprise

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

## **XXII. Liquidated Damages**

The Proposer is hereby advised that liquidated damages in the amount of \$4,040.00 per calendar day will be assessed for unauthorized extensions beyond the contracted time of completion.

### **XXIII. Proposed Procurement Schedule**

Issue RFQ	October 20, 2015
Final Date for Letter of Interest submittal	November 9, 2015
Final Date for RFQ Questions	November 9, 2015
SOQ submittal to MSHA	November 23, 2015
Reduced Candidate List (RCL) Notified	December 17, 2015
Issue Request for Proposals (RFP)	January 7, 2016
One-on-One Meetings	January 20-21, 2016
Last Day to submit ATCs	February 9, 2016
Final Date for RFP Questions	February 17, 2016
Technical Proposal Submittal	March 2, 2016
Price Proposal Submittal	March 9, 2016
Selection of Successful Proposer	April 2016
Notice to Proceed (Anticipated)	May 16, 2016

This is the proposed procurement schedule for this project as of the date of the issuance of this RFQ. The Administration reserves the right to reduce or modify this procurement schedule upon Letter of Interest submittal, determination of the (conditional) RCL or issuance of the RFP. In the event a conditional RCL is determined from the Letters of Interest, the Administration intends to hold One-on-One Meetings on December 3-4, 2015