

**MARYLAND DEPARTMENT OF
TRANSPORTATION**

STATE HIGHWAY ADMINISTRATION

**PROJECT NUMBER – WO6345270
FAP NUMBER - N/A**

**Competitive Sealed Proposal Procurement
Step 1: Request for Qualifications (RFQ)
September 16, 2008**

**US 113 From North of Goody Hill Road to South of
Massey Branch (Phase 2B)**

Worcester County

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

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A. INTRODUCTION AND PRELIMINARIES

a. PROJECT DESCRIPTION

This Contract is a Stipulated Sum, 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 teams of designers and builders (DB Teams) whose Proposal is determined to be the best overall value for the Administration and the citizens of Maryland for the stipulated sum 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 Submittal of Qualifications (SOQ) by interested DB Teams. The Administration is seeking responses to this RFQ from DB Teams who are qualified and prepared in all respects to undertake the design and construction of improvements to US 113 from North of Goody Hill Road to South of Massey Branch located in Worcester County, Maryland.

The project consists of the design and construction of two additional lanes along the existing US 113 alignment to create a dual divided highway. The project begins north of Goody Hill Road and continues to south of Massey Branch. The project consist of design and construction of two additional lanes on the west side of existing US 113 for 0.95 miles and on the east side of existing US 113 for approximately 1.47 miles. The project also includes design and construction of new service roads to maintain access to residential and commercial properties. Roadway improvements include new full depth construction, wedge and leveling, resurfacing of existing roadways and shoulders, reforestation, closed/open drainage systems, stormwater management quality and quantity facilities, signing, lighting, pavement markings, culvert replacement and culvert extensions.

Once the SOQ evaluations are completed a reduced candidate list (RCL) of those DB Teams considered reasonably susceptible of award shall be developed. If there is sufficient interest by qualified DB Teams and the Administration is satisfied that there will be an acceptable level of response then a Request for Technical and Price Proposal (RFP) shall be made to only the RCL.

The RFP will include a stipulate sum for the project. This stipulate sum shall be on a lump sum basis, and shall include all engineering, design, construction, labor, equipment and materials, and all incidentals necessary to complete the design and construction of this project. Price Proposal received with a price less than or greater than this amount will be considered nonresponsive.

The Maryland State Highway Administration has set a minimum responsible limits and a maximum limit of full project construction. 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, describe proposed project limits and what usable project improvements will be developed between the minimum responsible limits and the maximum limit.

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 delay's 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.

b. RULES OF CONTACT

The Procurement Officer's Designatee 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 shall 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 writing (mail or facsimile) or by e-mail and not orally. The Proposer's contacts with the Administration shall 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.

c. PROPOSER QUESTIONS

The Administration will consider questions submitted in writing by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted to:

***Mr. Kirk G. McClelland**
(Attn: David Phillips)
Director, Office of Highway Development
State Highway Administration
707 North Calvert Street
Mail Stop C-102
Baltimore, MD 21202
e-mail address: dphillips@sha.state.md.us*

Only e-mailed inquires (confirmed by mail by the requester) 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.marylandroads.com under Contracts, Bids & Proposals. 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. EST on the date specified in Section H will be addressed. Questions will not be accepted by phone. Questions, only 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 7 days prior to the SOQ due date.

d. 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.

e. COSTS/STIPEND

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 \$20,500 to each non-selected Proposer meeting the requirements specified in the RFP.

f. 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, Specialty Subcontractors, and key management 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.

g. COMPLIANCE WITH APPLICABLE LAW

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

B. DESIGN-BUILD TEAM SELECTION AND AWARD PROCESS

The project shall 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 and shall be listed in descending order of importance.

Once the SOQ evaluations are completed a reduced candidate list (RCL) of those DB Teams considered reasonably susceptible of award 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 Request for Technical and Price Proposal (RFP) shall be made 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 RFP will be posted in DRAFT form at the following website, www.marylandroads.com

The technical and price proposal responses to 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 in descending order of importance. The evaluation of the price proposal shall be based on lump sum. The technical proposal shall be based on a variety of criteria to be described in the RFP. For the purpose of the RFP evaluation, the technical proposal shall determine award of the contract.

Upon completion of the evaluation of the technical proposal, the Administration may elect to conduct discussions with each DB Team. The purpose of these discussions shall be two fold; first so that the MSHA fully understands what is being offered by the DB Team. Second, the MSHA will have an opportunity to identify any critical weakness (inconsistency w/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 shall be in writing after the completion of all technical discussions. The BAFOs shall be evaluated and will be part of the final determination when

recommending a DB Team for award. The selected team shall be notified of the recommendation.

The unsuccessful teams shall also be notified in writing and provided an 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 does reserve the right to use the knowledge of good ideas of one team in discussions with the successful Team.

a. **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 B.b.

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.

b. 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, 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 or has been retained by the Administration to perform construction phase services on the behalf of the state for this procurement. SHA makes no representations regarding the completeness of the list:

- A. Whitman, Requardt & Associates, LLP
- B. The Constellation Design Group Incorporated
- C. Parsons Brinckerhoff Quade & Douglas Incorporated
- D. Mahan Rykiel & Associates
- E. HNTB

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 pendancy 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.

c. CONTENT FOR 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.

EVALUATION FACTORS FOR THE RFQ/SOQ

Pass/Fail Factors

The pass/fail evaluation factors are:

Legal: The Proposer has presented evidence showing its organization has the legal ability to enter into and perform the Contract to design, and build the PROJECT and comply with state licensing requirements.

Financial: The Proposer has demonstrated its ability to provide required bonds, acceptable guaranties (if required as set forth below or if requested by the Administration) and meet other financial requirements of undertaking and completing the Work.

Responsiveness to RFQ: The SOQ does not deviate from the RFQ requirements in any material respect.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for technical rating. If a Proposal fails any single pass/fail requirement, the SOQ will be rated as Unacceptable, the technical factors will not be rated and the Proposer will not be included on the Reduced Candidate List. The Administration may allow certain deficiencies in the SOQs relating to the above factors to be corrected through clarifications, as described below, but shall have no obligation to do so.

TECHNICAL EVALUATION FACTORS

The technical evaluation factors are:

- **Team Experience/Qualifications and Past Performance**

Demonstrated experience relevant to the size, complexity, and composition of the anticipated PROJECT and the experience of Principal Participants, Designer, and other subcontractors and consultants with emphasis on design-build, environmental and highway projects, and reconstruction using innovative designs,

- **Team Organization**

The proposed organization for the PROJECT, including the percent share for Principal Participants, with emphasis on lead design firm(s) and specialty subconsultants.

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 arrived at 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:

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.

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.

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 and can be corrected.

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 and 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 are 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 Team Experience/Qualifications and Past Performance and Team Organization are of equal importance.

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

d. REQUESTS 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 writing by e-mail (and confirmed by priority mail/express delivery service). 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. Kirk G. McClelland
Director, Office of Highway Development
(Attn: David Phillips)
State Highway Administration
707 North Calvert Street
Mail Stop C-102
Baltimore, MD 21202
e-mail address: dphillips@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.

e. 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. Neither the overall ratings nor the ranking of the Proposers on the RCL will be disclosed to Proposers during the procurement process.

f. 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 E 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.

C. CONTENTS FOR SOQ SUBMISSION

a. 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:

Maryland State Highway Administration (SHA)
Attention: Mr. Robert Gay, Director
Office of Procurement and Contracts
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 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 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, fax 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 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.

b. EVALUATION FACTORS

I. Team Experience and Past Performance (Page limits by subsection)

The Design-Builder must demonstrate their experience on comparable projects with detailed descriptions. Information that is not detailed or relevant will be considered below average. The information for each staff member should 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.

A. Lead Design firm experience: (11 pages max)

a. 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 - Shall be a Maryland-registered Professional Engineer who is an owner or employee of the lead design firm and shall have a minimum of fifteen (15) years demonstrated experience in managing design for projects of similar scope and complexity as this PROJECT. Emphasize experience with highway design, design in drainage structures, and projects of similar size and type. Emphasize Design-Build experience;

2. Hydrological/Hydraulics Design Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience related to water resources engineering including hydrology and hydraulic investigations, analysis and design. The Engineer shall have documented experience with the Maryland Department of the Environment and US Corps of Engineers permitting and design requirements.

3. Geotechnical Design Engineer - Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience in geotechnical investigations and design on highway projects that included work of similar scope and size.

4. Landscape Architect - Shall be a Maryland Licensed Landscape Architect with a minimum of ten (10) years of demonstrated landscape architectural design experience related to highway corridor design and construction. The Landscape Architecture must have a working knowledge and experience with the implementation process of Context Sensitive Design/Solutions; native vegetation of the Mid-Atlantic Region; Maryland Reforestation Law and the Maryland Forest Conservation Act; and stormwater management/bioretention planting.

5. Highway Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience in the design for highway projects with a similar scope, nature and complexity as this project. The Highway Engineer shall have strong experience in the selection and application of AASHTO roadway design guidelines and experience coordination the multi-disciplinary elements of the roadway typical section.

6. Structural Engineer – Shall be a Maryland registered Professional Engineer with a minimum of ten (10) years experience in the design of structures.

Resumes shall be a maximum of **one (1) page** each and shall follow attached Form A-1.

- ii. Using attached Form A-2, past Project Description, provide a listing of at least three (3) projects that highlight design experience relevant to this project, which the lead design firm performed over the last ten (10) years. Design-build experience is preferred, but not required. Use **one (1) form** per project.

B. Lead Constructor firm experience: (8 pages max)

a. 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. Design-Build Project Manager - Shall have a minimum of fifteen (15) years demonstrated experience in construction and management of construction on highway projects with similar size, type of work, and complexity as this PROJECT, emphasize Design-Build experience and extensive project management experience;

2. Construction Manager - Shall have a minimum of ten (10) years demonstrated construction experience in civil works projects similar in nature to the PROJECT, and should include highway construction, drainage construction, environmental sensitivity, utility coordination, and maintenance of traffic;

Resumes shall be a maximum of **one (1) page** each and shall follow attached Form A-1.

- ii. Using attached Form A-2, past Project Description, provide a listing of at least three (3) projects that highlight construction experience relevant to this project, which the lead constructor firm performed over the last ten (10) years. Design-build experience is preferred, but not required. Use **one (1) form** per project.

a. Erosion and Sediment Control Quality Assurance rating: (Note: the following information shall be excluded from the maximum page requirement set for this Section B.)

Provide record of Erosion and Sediment Control ratings for all projects ongoing or completed within the last 4 years, using the attached Erosion Sediment Control Quality Assurance Ratings – Past Performance Form. The Administration will evaluate past performance on the Quality Assurance ratings on projects where the Lead Constructor Firm was the prime contractor. Past

performance will be evaluated for any project ongoing or completed within the last 4 years. Lead Constructor Firms that do not have previous experience with the Administration shall provide evidence of satisfactorily implementing erosions and sediment on any project ongoing or completed within the last 4 years.

- b. Environmental violations:** Describe the circumstances surrounding any environmental violations received in the last five (5) years for which your firm received a fine or a stop work order imposed by either the Owner or a Regulatory agency.

II. Team Organization and Qualifications (4 pages maximum)

- A. Organization chart:** Organization chart: Provide organizational chart(s) showing the functional structure of the Design-Builder. Indicate on said chart(s) the person's names, position titles, and firm affiliations in various organization functions. Chart(s) shall indicate the key staff positions as defined above, including additional positions, but not limited to, Environmental Compliance Manager, Project Utilities Coordinator and Public Relations Coordinator. Chart(s) shall also reflect procurement, project controls, and field construction functions, including, design discipline leads, construction management & supervision leads and other key organizational functions, especially interfaces with 3rd parties.
- B. Organization structure:** Explain how this Design-Builder team structure facilitates the involvement of construction expertise during the design activities and involvement of design staff during construction activities. Indicate what activities will be performed by construction staff that relate to the design performance, and what activities will be performed by design staff that relate to procurement and construction performance.
- C. Special capabilities and/or resources:** (1 page maximum) Provide a brief description of any special capabilities and/or resources that your design-build team can provide to increase your capacity to perform this project.

III. Legal Structure and Financial Capability (5 pages max)

- A. Legal structure:** Identify and provide a brief description of the proposed legal structure of the design-build contracting entity who will be party to the prime design-build contract with the Administration.
- B. Legal relationships:** Describe the proposed legal relationship(s) between the design-build entity, the lead designer, the lead constructor, and all other design-build team firms.
 - a. Does an existing teaming agreement or contract exist between the parties of the design-build contracting entity, and between the lead designer and lead

constructor, that confirms your intended teaming arrangement? If so, a copy of the contract should be included.

b. Confirm that all Major Participant firm(s) who will be party to the prime design–build contract with the Administration will have joint and several liability, and how liability is being apportioned between other firms of the design-build team.

C. Insurance :

a. Professional Liability (Error & Omission) Insurance - Describe the approach to meet the requirements for professional liability insurance including agreements between participants. Provide evidence that insurance will be obtained in an amount of not less than \$ 2 million in aggregate. This policy shall cover errors and omissions arising out of the performance of, or failure to perform, professional services.

b. Other insurance requirements - Provide evidence of workers' compensation, commercial general liability, and comprehensive automobile liability insurance.

D. Performance and payment bonds: Provide evidence that the design–build entity is capable of obtaining a Performance Bond and a Payment Bond in accordance with the requirements in Maryland's January 2001 Standard Specifications for Construction and Materials, GP – Section 3 and appropriate for the upper range of a **Project Classification H** as defined in Maryland's Standard Specifications for Construction and Materials, Section TC 2.01. (See Special Provision Insert dated 12/03/2004).

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.

D. SOQ SUBMISSION REQUIREMENTS

One original and five (5) copies of the complete SOQ shall be submitted as specified in this Section.

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., I. Team Experience). 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. Loose leaf binders are allowable as long as all pages are numbered consecutively. Each container shall be clearly marked as follows:

Design-Build Team's Name
Statement of Qualification
US 113 From North of Goody Hill Road to South of Massey
Branch
WO6345270
Container ___ of ___

The location and deadline for this RFQ must be submitted no later than **October 7, 2008 prior to 12 noon** (prevailing local time). The SOQ must be delivered to the following location:

Mr. Robert Gay, Director
Office of Procurement and Contracts
Fourth Floor, C-405
707 N. Calvert Street
Baltimore, Maryland 21202

E. 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.

a. 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.

b. 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.

F. RIGHTS AND DISCLAIMERS

a. ADMINISTRATION RIGHTS

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.

b. 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.

G. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY

a. POLICY

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

b. DBE PARTICIPATION GOAL

By submitting a 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

Based on preliminary estimates, it is anticipated that the overall DBE participation goal will be 20% of the total Contract price. The final goals will be in the RFP. Additionally, because of the MDOT certification requirement for DBE's, firms are encouraged to submit paperwork for certification as soon as possible.

Additionally, the Design-Builder's shall make a good faith effort to achieve MBE participation in professional services for this contract of no less than 2% percent of the total contract value. 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 MBE 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.

H. PROPOSED PROCURMENT SCHEDULE

Issue RFQ (including DRAFT RFP)	September 16, 2008
Post DRAFT RFP on SHA Website	September 16, 2008
Final Date for Receipt of Proposer's Questions	September 28, 2008
SOQ submittal to MSHA	October 7, 2008
Reduced Candidate List (RCL) Notified	October 14, 2008
Issue Final RFP to RCL	October 21, 2008
Receive Technical & Price Proposals	January 9, 2008
Request Best and Final Offers (BAFO) if required	January 10 to January 29, 2009
Selection/Award	January 30, 2009

Contract Number: WO6345270

Project Description: US 113 From North of Goody Hill Road to South of Massey Branch

FORM A-1

PROPOSED KEY STAFF INFORMATION

Name of Proposer: _____

Position	Name	Years of Experience¹	Education/ Registrations	Name of Employer
Design-Build Project Manager				
Project Design Manager				
Project Construction Manager				
Hydrological/Hydraulics Design Engineer				
Geotechnical Design Engineer				
Landscape Architect				
Highway Design Engineer				
Structural Design Engineer				

¹ Present Firm/Total

Contract Number: WO6345270

Project Description: US 113 From North of Goody Hill Road to South of Massey Branch

FORM A-2

PROJECT DESCRIPTION

Name of Proposer: _____

Name of Firm:	
Project Role: _____	
Designer:___ Contractor:___ Other (Describe): _____	
Years of Experience: Roads/Streets: _____ Bridges/Structures: _____ Environmental: _____	
Project Name, Location, Description and Specific Nature of Work for which Company was responsible:	
List any awards and/or commendations received for the project:	
Name of Client (Owner/Agency, Contractor, etc.):	
Address:	
Contact Name:	Telephone:
Owner's Project or Contract No.:	Fax No.:
Contract Value (US\$):	Final Value (US \$):
Percent of Total Work Performed by Company:	
Commencement Date:	Planned Completion Date:
Actual Completion Date:	
Any disputes taken to arbitration or litigation? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Contract Number: WO6345270

**Project Description: US 113 From North of Goody Hill Road to South of Massey
Branch**

Contract Number: WO6345270

Project Description: US 113 From North of Goody Hill Road to South of Massey Branch

Erosion Sediment Control Quality Assurance Ratings - Past Performance Form

Project Name	Contract #	# of Ratings	Inspectors Name	A	B	C	D	F	Status Completed (year)/Ongoing