

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

July 26, 2016

Contract No.: HO1415170  
F.A.P. No.: Not Applicable  
Description: MD 32 – MD 108 to  
North of Linden Church Road Step  
1: Request for Proposals (RFP) –  
Technical Proposals

**ADDENDUM NO. 1**

To All Prospective Proposers:

Please be advised that the Technical Proposal Submittal Date for this contract is still scheduled for **August 24, 2016**.

The attention of prospective proposers is directed to the following revisions, additions and/or deletions to the Step 1: Request for Proposals (RFP).

**STEP 1: REQUEST FOR PROPOSALS**

<u>Page No.</u>	<u>Description</u>
5	REVISED the first bullet under 2. Right-of-Way and Environmental Resources.
12	REVISED Section XII. to include Legal & Financial Information as a Pass/Fail Factor.
19-19A	ADDED D. Legal & Financial Information.

The attention of prospective proposers is directed to the following revisions, additions and/or deletions to the Additional Information on eMaryland Marketplace:

ADDED Draft Step 2: Request for Proposals (RFP) – Price Proposals.

**PROSPECTIVE PROPOSER QUESTIONS**

The following questions were received from prospective proposers as of July 25, 2016. The responses are provided for clarification to all prospective proposers in **bold** after the questions:

Q1: Is a Legal & Financial section required for this Technical Proposal? If not, are teaming agreements required to be included? If teaming agreements are required, in which section of the Technical Proposal should they be placed?

**R1: This has been addressed as part of this Addendum.**

**PROSPECTIVE PROPOSER QUESTIONS (continued)**

Q2: In the RFP for the above referenced project, Section VIII, second paragraph (page 8), states that the requirements for the LOI are found in Section XIV. When we reviewed that section there was no direct instruction for the LOI. There are however requirements for a cover letter.

Please clarify if in addition to our expression of interest, is our LOI to include the requirements listed in Section XIV for the cover letter. If not, can you publish a list of the contents required for the LOI.

**R2: Section XIV. on page 14 describes the Letter of Intent requirements including how and when it is to be submitted, the content, and the required attachments. Note the requirements for the Cover Letter, required as part of the Technical Proposal submittal, is located in Section XVI.**

Q3: Will work completed during planning phase of this project preclude that firm from pursuing the D-B portion of the project? We have reviewed the list of firms who are not allowed to submit a Technical Proposal on pages 10-11 of the RFP, but we wanted to make sure.

**R3: § 13-212.1 of the State Finance & Procurement Article states providing architectural and engineering services for programming, master planning, or other planning services is not considered assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement. Therefore, only working on the MD 32 corridor planning study itself would not preclude a firm from participating as a member of a prospective Design-Build Team on this contract.**

Q4: Has the SHA received any conceptual approvals from PRD on proposed stormwater management design? Will the conceptual SWM report and any SWM calculations performed by SHA be available to prospective proposers?

**R4: A conceptual approval on the proposed stormwater management design has not been provided by PRD. The conceptual stormwater management report and calculations will be provided to the proposers on the reduced candidates list.**

Q5: Will any of the utility relocation services be performed under this project or will the utility owners relocate their impacted utilities concurrently with construction of Phase 1 project?

**R5: Any utilities owned by parties other than SHA would be relocated by the utility owner concurrently with the construction of the project.**

Q6: Please elaborate on the right-of-way acquisition services to be provided by the Design-Builder. Will the Design-Builder be responsible for property appraisals and negotiation services?

**PROSPECTIVE PROPOSER QUESTIONS (continued)**

- R6: The SHA has determined it will plat and acquire the right-of-way needed for the project. The Design-Builder does not need to provide right-of-way services.**
- Q7: If the agreement is not reached between the Design-Builder's right-of-way negotiator and the property owner during the negotiation phase, will SHA proceed into the condemnation process to secure the required right-of-way? What is the time allowed or expected for negotiation before an impasse is assumed?
- R7: The SHA is acquiring the right-of-way needed for the project.**
- Q8: Has the SHA held any public meetings or meetings with the property owners impacted by the preliminary design to discuss the status of the project and timing of right-of-way acquisition?
- R8: A public meeting was held in June; however, no separate meetings have been held with individual property owners.**
- Q9: How recent do the past performance projects (RFP sections XVII.A.ii and XVII.B.ii) have to be to be considered in the technical evaluation of the proposal?
- R9: The project phase (design or construction) for past performance submitted must have been active in the last 10 years.**
- Q10: Will the SHA Office of Real Estate reviews of right-of-way property acquisition services follow the 21 day calendar review period listed in the RFP or will there be a different timeframe for review of right-of-way acquisition services?
- R10: As the Design-Builder will not be providing acquisition services, no reviews will be needed.**
- Q11: Will MD PE's be required for the H&H Engineer and Highway Engineer Key Staff members?
- R11: A MD PE is not required; however, a MD PE is required to sign and seal any plans produced by the Design-Builder.**
- Q12: When was the CLOMR submitted to FEMA? When will that information be available to proposers?
- R12: The CLOMR has not been submitted to FEMA. Information related to the CLOMR submittal will be provided to the proposers on the reduced candidates list.**
- Q13: When was the FEIS reevaluation submitted to FHWA? When will that information be available to proposers?

**PROSPECTIVE PROPOSER QUESTIONS (continued)**

**R13: The draft reevaluation was provided to FHWA in June 2016. The reevaluation will be provided to the proposers on the reduced candidates list.**

Q14: What is the status of utility relocations?

**R14: No utility relocations are underway.**

Q15: What, if any, pre-negotiation meetings did the Administration have with the affected property owners?

**R15: Refer to Response 8.**

Q16: What is the daily delay claim when construction exceeds the schedule?

**R16: Liquidated damages will be \$4,040 per calendar day. The SHA will also include an incentive-disincentive in the contract of \$18,300 per calendar day not to exceed a total of \$549,000 for the Incentive payment of the Disincentive deduction.**

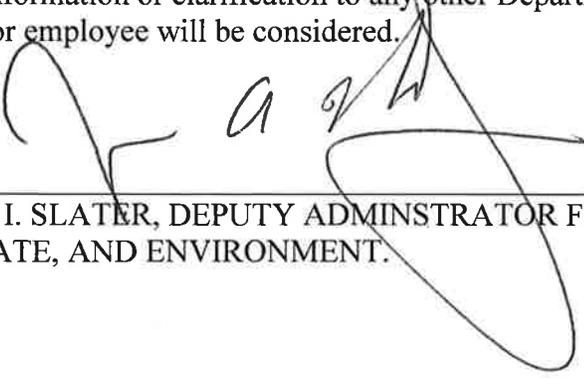
Q17: What is the status of the metes and bounds survey for the project area? When was the property ownership last updated? Will additional metes and bounds survey be required by the DB Team?

**R17: The SHA is in the process of preparing acquisition plats. No metes and bounds survey is required by the Design-Builder.**

Questions relating to this Addendum No. 1 may be directed in writing to:

Jason A. Ridgway, P.E.  
Director, Office of Highway Development  
Maryland Department of Transportation  
State Highway Administration  
e-mail address: HO1415170\_MD\_32@sha.state.md.us

During the Technical Proposal Phase, only e-mailed inquires will be accepted. No requests for additional information or clarification to any other Department or Administration office, consultant, or employee will be considered.

  
GREGORY I. SLATER, DEPUTY ADMINISTRATOR FOR PLANNING, ENGINEERING,  
REAL ESTATE, AND ENVIRONMENT.

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July 26, 2016

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**THIS ADDENDUM IS ISSUED TO CLARIFY, ADD TO, DELETE FROM, CORRECT AND/OR CHANGE THE CONTRACT DOCUMENTS TO THE EXTENT INDICATED AND IS HEREBY MADE PART OF THE SAID CONTRACT DOCUMENTS. COMAR 21.05.02.08 REQUIRES THAT ALL ADDENDA ISSUED BE ACKNOWLEDGED; THEREFORE, PRIOR TO SUBMITTING YOUR PRICE PROPOSAL, ATTACH THE ADDENDUM RECEIPT VERIFICATION FORM TO THE FRONT OF THE PRICE PROPOSAL FORM PACKET. FAILURE TO DO SO MAY RESULT IN THE PRICE PROPOSAL BEING DECLARED NON-RESPONSIVE.**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

**STATE HIGHWAY ADMINISTRATION**

**CONTRACT NO. HO1415170**

**FAP NO. NOT APPLICABLE**

**Competitive Sealed Proposals Procurement**

**Step 1: Request for Proposals (RFP) –**

**Technical Proposals**

**Design-Build**

**June 28, 2016**

Addendum No. 1 – July 26, 2016

**MD 32 – MD 108 TO NORTH OF  
LINDEN CHURCH ROAD**

**Howard County**

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

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## **I. Introduction**

The Maryland Department of Transportation (MDOT) State Highway Administration (SHA) is seeking the services of a qualified Design-Builder for a Design-Build contract as defined in the Code of Maryland Regulations (COMAR) 21.05.11. 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 Technical Proposals (TP) by interested Design-Builders. The Administration is seeking responses to this Step 1: Request for Proposals (RFP) – TPs from Design-Builders who are qualified and prepared in all respects to undertake the design and construction of the MD 32 from MD 108 to north of Linden Church Road.

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 Step 2: RFP – Price Proposals (PP) 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 Price 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 contract generally consists of the design and construction of MD 32 to a four lane divided highway from MD 108 to north of Linden Church Road. The site is located in Howard County. The length of the work is approximately 3.0 miles.

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/interchange lighting, 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. The MD 32 southbound on-ramp and off-ramp at Linden Church Interchange will be reconstructed with full acceleration and deceleration lanes. The pavement for the new roadway may be asphalt or concrete and the existing roadway will be rehabilitated. The design for this project shall accommodate the future widening of MD 32 at the northern limit. The future MD 32

Phase 2 project will continue to improve MD 32 from a two lane highway to a 4 lane divided highway from north of Linden Church Road to I-70.

## B. Project History

The need for improvements to MD 32 corridor has been identified since 1989 by the State and Howard County. Project planning activities began in the 1990's and a Final Environmental Impact Statement (FEIS) was approved by FHWA in 2005. The purpose from the MD 32 planning study is to improve safety and capacity throughout the corridor while attempting to minimize right-of-way impacts and environmental impacts. Project development activities have been phased as cited below due to funding constraints. The phases were prioritized based on crash experience, capacity, and operational issues.

- Burntwoods Road Interchange – construction was completed in 2008.
- Linden Church Road Interchange – construction was completed in 2013.
- Nixon Farm Mitigation Site – construction was completed in 2010.
- Wellworth Way Service Road – currently under construction.
- Phase 1 widening from MD 108 to north of Linden Church Road – An environmental reevaluation of the FEIS for this contract is currently ongoing and is expected to be complete by August 2016.
- Phase 2 widening and safety improvements from Linden Church Road to I-70 – currently in the design phase with a Design-Build contract planned for early-2018. Construction is anticipated to begin by Spring 2019.

## C. Project Goals

1. Schedule – Fully open four lanes to traffic and substantially complete construction as soon as possible.
2. Mobility – Minimize delay during construction, specifically any detours
3. Right-of-Way and Environmental Resources – Minimize impacts to private property and environmental resources.
4. Design Excellence – Provide a project that reflects the practice of good judgment through execution, as well as sound decision making within the project constraints.

## D. Project Key Issues

1. Schedule
  - The Administration desires to provide a usable facility to the public as soon as possible.
  - The Design-Builder will set its completion date. Its Price Proposal will be adjusted by \$18,300/calendar day of construction time as part of the selection

determination.

- The schedule needs to be coordinated with Right-of-Way acquisition phasing and utility relocations.

1. Mobility

- A detour is anticipated for the work to tie the ramp from Linden Church Road to MD 32 southbound. The Administration desires to minimize or eliminate the need for this detour.
- The Design-Builder will set any ramp detour duration for the ramp from Linden Church Road to MD 32 southbound. Its Price Proposal will be adjusted by \$5,100/calendar day for the detour duration as part of the selection determination.

2. Right-of-Way and Environmental Resources

- Right-of-Way impacts are anticipated to multiple properties. The Administration has worked to minimize right-of-way impacts. The Administration will plat and acquire all right-of-way for the project's conceptual limits of disturbance.
- Environmental resources are present within project limits and impacts are anticipated. The Design-Builder shall continue to evaluate avoidance and minimization efforts to these resources.
- Incentives will be provided for reduction of impacts to environmental resources.

3. Design Excellence

- A professional, collaborative, and integrated team that is well trained in Design-Build is needed for successful delivery of this project.
- The Design-Build Team is solely responsible to provide the design and construction of this project in conformance with the Contract Requirements. Providing a project with quality design through integrated and well-documented quality management is needed. This will include the Design-Builder providing a separate Lead Design Firm and Independent Design Quality Management Firm for independent verification that design complies with the Contract Requirements.
- Consideration must be given in the design and construction for how the improvements will be implemented for this project and be compatible with the future construction of the Phase 2 widening.
- The Design-Builder must exhibit good judgment and sound decision making in design and construction to ensure the Project Goals are achieved.

## **I. Rules of Contact**

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

The following rules of contact will apply during the Contract procurement process, which begins upon the submittal of the TP, and will be completed with the execution of the Contract. These rules are designed to promote a fair, unbiased, and legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, electronic-mail (e-mail), or formal written communication.

The specific rules of contact are as follows:

1. Section 11-205 of the State Finance and Procurement Article, Annotated Code of Maryland, prohibits and penalizes collusion in the State procurement process.
2. Unless otherwise specifically authorized by the Procurement Officer, a Proposer may contact the Department or Administration only through the Procurement Officer and only in letter format via e-mail and not orally. The Proposer's contacts with the Department or Administration will be only through a single representative authorized to bind the Proposer.
3. The Procurement Officer normally will contact a Proposer in writing through the Proposer's designated representative.
4. Neither a Proposer nor its agents may contact Department or Administration employees, including Department or Administration heads, members of the evaluation committee(s) and any other person who will evaluate TPs, regarding the project, except through the process identified above.
5. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
6. The Administration will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Procurement Officer.

### **III. Proposer Questions**

The Administration will consider questions submitted in writing by Proposers regarding the Step 1: RFP or additionally supplied information, including requests for clarification and requests to correct errors. Project questions shall be submitted in letter format via e-mail with return confirmation receipt.

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

Jason A. Ridgway, PE  
Director, Office of Highway Development  
State Highway Administration  
e-mail address: HO1415170\_MD\_32@sha.state.md.us

During the Step 1: RFP Phase, only e-mailed inquires will be accepted. No requests for additional information or clarification to any other Department or Administration office,

consultant, or employee will be considered. All responses shall be in writing and will be disseminated only by posting on eMaryland Marketplace (<https://emaryland.buyspeed.com>).

All responses to questions on the Step 1: RFP and addenda to the Step 1: RFP will be posted on this site. Responses to questions and addenda will not be mailed out.

Only requests received by 4:00 p.m. Eastern Time on the date specified in **Section XXII** will be addressed. Questions will not be accepted by phone. Questions, which will only be accepted from the primary or secondary contact, must include the requestor's name, address, telephone number, e-mail address, and the Proposer he/she represents.

A response to questions will be issued without attribution and posted sequentially on eMaryland Marketplace. Multiple responses are anticipated. The last response will be posted not later than 5 calendar days prior to the TP due date.

#### **IV. Step 1: RFP Addenda**

If necessary, the Administration will issue addenda to modify conditions or requirements of this Step 1: RFP. Addenda will be disseminated only by posting on eMaryland Marketplace.

#### **V. Costs and Stipends**

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this Step 1: RFP, including attending briefing(s) and providing supplemental information. The Step 2: RFP will provide for payment of a stipend in the amount of **\$60,000** to each non-selected Proposer meeting the requirements specified in the Step 2: RFP.

#### **VI. Substitutions**

Proposers are advised that, in order for a Proposer to remain qualified to submit a Price Proposal after it has been placed on the Reduced Candidate List, its organization and Key Staff personnel identified in the TP, must remain intact for the duration of the procurement process. A Proposer may propose substitutions for participants after the TP submittal; however, such changes will require written approval by the Administration, which approval may be granted or withheld in the Administration's sole discretion. Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Price Proposals. The Proposer should carefully consider the make-up of its team, prior to submittal of the TP, to reduce the likelihood of occurrence of any such changes during the Price Proposal period and thereafter throughout the term of the Contract.

#### **VII. Compliance with Applicable Laws**

In connection with this Step 1: RFP and the Contract, Proposers will comply with all

applicable laws in all aspects in connection with the procurement process of this project and in the performance of the Contract.

## **VIII. Design-Builder Selection and Award Process**

The project will be awarded using the Competitive Sealed Proposal Method as defined in the Code of Maryland Regulations (COMAR) 21.05.03. The intent of the Administration is to award the Contract to the responsible Proposer from the Reduced Candidate List which submits the lowest Adjusted Price Proposal.

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 Step 1: RFP. In the event that the Administration receives three or less Letters of Interest, the Administration will notify each Proposer that either they will be placed conditionally on the RCL subject to submission of the TP 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 TP 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 TP. 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 Step 1: RFP. Those DB Teams that respond to this Step 1: RFP that meet all respects of 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 TP 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 TP to verify that all requirements of the Step 1: RFP have been met, and to evaluate the TP based on the evaluation factors.

Each TP will be broken down into individual Evaluation Factor sections. Each Evaluation Team will only be given the section or sections for each specific Evaluation Factor or Factors they are rating and not the TP in its entirety. Each Leader of the Evaluation Team will be part of the Evaluation Committee with other appropriate key staff. This Evaluation Committee will review each Evaluation Factor and determine an overall Technical Rating for each TP.

Once the TP evaluations are completed, a Reduced Candidate List (RCL) of those DB Teams considered most highly qualified shall be developed. The RCL will be determined based on an evaluation of the factors set forth herein. In order to be eligible for evaluation, TPs submitted in response to this Step 1: RFP 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 Step

2: 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 Step 2: 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 Step 2: RFP is to allow the Administration to select the Design-Builder. The Step 2: RFP will provide specific instructions on what to submit, the evaluation factors, the requirements for evaluation, and the evaluation rating guidelines for Step 2 of the procurement.

The Price Proposal responses to the Step 2: RFP shall be submitted in sealed packages on the date and time to be specified for the Price Proposal. The proposals shall not be publicly opened, but shall be taken to a secure location to be specified at the time and date indicated in the Step 2: RFP package. The proposals shall be opened in the presence of at least two of the Administration's employees who shall compile a register of received proposals. Responses to the Step 2: RFP not delivered at the location, date and time specified shall be returned unopened.

The Price Proposals shall be evaluated by a team of Administration employees. 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.

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 Price 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 TP, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to the Administration that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the Administration may, at its discretion, cancel the Contract. If the Proposer was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to the Administration, the Administration may terminate the Contract for default.

## **X. Restrictions on Participation in Design-Build Contracts**

An individual or entity that has received monetary compensation as the lead or prime design consultant under a contract with the Administration to develop the concept plan and/or have been retained to perform construction phase services on behalf of the state, or a person or entity that employs such an individual or entity, or regardless of design phase responsibilities has received in excess of \$500,000 for services performed, may not submit a 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:

- Jacobs Engineering

- AD Marble
- AB Consultants
- Brudis & Associates
- AECOM

§ 13-212.1 of the State Finance & Procurement Article contains various restrictions on participating in State procurements. Any questions regarding eligibility must be appealed to the Maryland State Board of Contract Appeals.

No official or employee of the State of Maryland, as defined under General Provisions Article of the Annotated Code of Maryland, whose duties as such official or employee include matters relating to or affecting the subject matter of this contract, shall during the pendency and term of this contract and while serving as an official or employee of the State become or be an employee of the Design-Build Team or an entity that is a subcontractor on this contract.

No Design-Build Team may use any persons meeting the above restrictions in any capacity, key staff or otherwise, on this Design-Build Contract. It is the responsibility of the Design-Build Team to identify any potential ethics issues concerning its former MDOT employees and seek an opinion from the State Ethics Commission regarding any potential conflicts of interest. The Design-Build Team shall provide certification in its cover letter that it is in compliance with State Ethics Laws prohibiting work on a matter in which a former MDOT employee participated significantly as a State Employee for the duration of this contract.

## **XI. Overview of Technical Proposal Submission**

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

This Section describes the following items:

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

The objective of the Step 1 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 Step 1: RFP and will be reflected in the Step 2: RFP.

## **XII. Evaluation Factors for the Technical Proposals**

### Pass/Fail Factors

- The TP is complete and does not deviate from the Step 1: RFP requirements in any material respect.
- Legal & Financial Information

The Administration may allow certain deficiencies in the TPs relating to the above factors 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 TP. The ratings of each of the technical evaluation factors and the overall technical rating for the TP will be through a consensus process.

Numerical scores will not be assigned.

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

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

While some factors and subfactors may have more relative importance than others, all of the Administration's goals are necessary for project success. Proposers are cautioned not to overemphasize an approach of certain goals at the expense of other goals.

Quality ratings for each technical evaluation factor and the overall technical rating for the TP will be based on the following quality rating criteria:

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

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

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

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

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

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

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

### **XIII. Request for Clarification**

The Proposer shall provide accurate and complete information to the Administration. If information is not complete, the Administration will either declare the TP unacceptable or notify the Proposer, who may be allowed to participate further in the procurement of this project if all information required is provided within the timeframe established by the Administration. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Administration with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, the TP may be declared unacceptable. The Administration may waive technical irregularities in the form of the TP of the Proposer that do not alter the quality or quantity of the information provided.

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

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

Jason A. Ridgway, PE  
Director, Office of Highway Development  
Maryland State Highway Administration  
e-mail address: HO1415170\_MD\_32@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 **August 3, 2016 prior to 12 noon** (prevailing local time). The LOI must be delivered to the following email address:

HO1415170\_MD\_32@sha.state.md.us

The LOI 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 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 the upper level of Project Classification H as defined in Maryland's Standard Specifications for Construction and Materials, Section TC 2.01..

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

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 TP 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 Step 1: RFP. Based on evaluation of the TPs, the RCL will consist of the most highly qualified Proposers. The unsuccessful teams shall be notified in writing and provided an opportunity for a debriefing.

## **XV. Challenges**

The decision of the Administration on the Reduced Candidates List and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section XIX of this Step 1: RFP. Persons participating in the Step 1: RFP phase of this procurement shall be deemed to have accepted this condition and the other requirements of this Step 1: RFP.

## **XVI. Contents for Technical Proposal Submission**

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

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

The cover letter must be addressed to the Procurement Officer:

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

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

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

The cover letter shall include the following:

- a. Names, main role and license or certification information of all Major Participant firms and the Lead Construction and Lead Design Firms if not 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 Step 1: RFP phase.
- c. Include an affirmative declaration that indicates to the best knowledge and belief of each Major Participant Firm, including the Lead Design Firm if not a Major Participant firm, the information supplied in the TP is true and accurate.
- d. Include a declaration that each Major Participant firm(s) and the Lead Design and Lead Construction Firm, if not a Major Participant firm, are prepared to provide the necessary financial, material, equipment, labor and staff resources to perform the project.
- e. Include a declaration by the Major Participants that signatories are affirming their intent to enter into a legal organization that shall constitute the Design-Builder.
- f. Include a certification that the Design-Builder is in compliance with the State Ethics Laws prohibiting work on a matter in which a former State employee participated significantly as a State Employee for the duration of this contract.
- g. Include a general authorization for the Administration to confirm all information contained in the TP submittal with third parties, and indicate limitations, if any, to such authorization.
- h. Include a declaration that no portions of the TP Technical Evaluation Factor sections include confidential, proprietary information or trade secrets that should not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Or include a declaration identifying which portions are considered confidential, proprietary information or trade secrets and provide justification why such materials, upon request, should not be disclosed after award of the contract.
- i. Include a declaration that all addenda have been received by the Proposer. The Proposer is alerted to their responsibility to confirm that all team members have received addenda. The Proposer is solely responsible to ensure that their team has the correct information.

## **XVII. Technical Evaluation Factors**

### **A. Lead Design Firm Experience/Qualifications and Past Performance: (Limit 9 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 of experience. Demonstrate relevant experience in managing design for projects of similar scope and complexity as this project. Emphasize Design-Build experience.
- Highway Engineer – Shall be a registered Professional Engineer with a minimum of ten (10) years of experience. Demonstrate relevant experience related to highway geometric design and design requirements for projects of similar scope and complexity as this project.
- Water Resources Engineer – Shall be a registered Professional Engineer with a minimum of ten (10) years of experience. Demonstrate relevant experience related to water resources engineering including hydrology and hydraulic investigations, analysis (including but not limited to FEMA analysis), design, and permitting for 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 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, including any successful methods, approaches, and innovations, on the project is relevant to this contract and why.

**B. Lead Construction Firm Experience/Qualifications, and Past Performance: (Limit 8 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 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, including any successful methods, approaches, and innovations, on the project is relevant to this contract and why.

**C. Project Understanding and Design-Build Approach (Limit 12 Pages) – CRITICAL**

- 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. – **SIGNIFICANT**
- ii. Discuss three unique risks for this Project, focusing on what the Design-Builder considers the most relevant and critical to meeting or exceeding the Project Schedule Goal. Describe why each risk is critical, indicate the impact the risk will have on Schedule, and discuss the mitigation strategies the Design-Builder may implement to address the risk. Discuss the role the Design-Builder expects the Administration or other agencies may have in addressing these Project risks. – **SIGNIFICANT**
- iii. Provide a narrative description of the Design-Builder's approach to ensuring this project meets the Project Goal and Key Issues related to Design Excellence. – **CRITICAL**
- iv. 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 Step 1: RFP and reflect the number of hours per week the Key Staff will be dedicated to this project. The chart shall not exceed one page and may be submitted on an 11" x 17" page. – **IMPORTANT**

**D. Legal & Financial Information (Limit 1 Page Maximum)**

- i. Design-Build Team Organization. Briefly describe the proposed legal structure of the Design-Build Team, and provide copies of underlying teaming agreement(s). Confidential price data may be excluded or eradicated from the organizational legal documents provided. Note: Copies of teaming agreements are excluded from the page count.
- ii. Liability. State whether Major Participant firm(s) who will be party to the prime Design-Build contract with the Administration will have joint and several liability, and how liability is being apportioned between other firms of the Design-Build Team. Provide copies of Professional Liability Insurance for the Lead Design Firm including agreements between participants. Note: Any copies of Professional Liability Insurance and agreements are excluded from the page count.

### **XIII. Technical Proposal Submission Requirements**

One (1) original and eight (8) hard copies of the complete TP shall be submitted as specified in this Section. One (1) electronic copy PDF file on a CD or flash drive shall also be provided.

The TP shall match the organization as outlined in this Step 1: RFP to the maximum extent practicable. Each submittal shall conspicuously reference the Step 1: RFP section number corresponding to the submittal (e.g. Project Understanding and Design-Build Approach). The Design-Build Proposal shall be on 8½" x 11" pages using a minimum font size of 12 point, accompanied by finding tools, such as tables of contents and dividers to make the submittals easily usable.

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

Design-Builder's Name

**Technical Proposal**

Contract NO. HO1415170

Container \_\_\_\_ of \_\_\_\_

The TP must be submitted no later than **August 24, 2016 prior to 12 noon.** (prevailing local time). The TP must be delivered to the following location:

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

**XIX. Protests**

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

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

Time for Filing:

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

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

Content of Written Protest:

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

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

## **XX. Rights and Disclaimers**

The Administration may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this Step 1: RFP. The Administration reserves the right, in its sole and absolute discretion, to:

1. Reject any or all TPs;
2. Issue a new Step 1: RFP;
3. Cancel, modify, or withdraw the Step 1: RFP;
4. Issue addenda, supplements, and modifications to this Step 1: RFP;
5. Modify the Step 1: RFP process (with appropriate notice to Proposers);
6. Appoint an Evaluation Committee and Evaluation Teams to review TPs;
7. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in TPs;
8. Revise and modify, at any time before the TP due date, the factors it will consider in evaluating TPs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the Administration will circulate an addendum to all registered Proposers setting forth the changes to the evaluation criteria or methodology. The Administration may extend the TP due date if such changes are deemed by the Administration, in its sole discretion, to be material and substantive;
9. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the TPs;
10. Waive weaknesses, informalities, and minor irregularities in TPs;
11. Disqualify any team that changes its TP (following submittal) without Administration written approval;
12. Retain ownership of all materials submitted in hard-copy and/or electronic format; and/or
13. Refuse to receive or open an TP, once submitted, or reject an TP if such refusal or rejection is based upon, but not limited to, the following:
  - i. Failure on the part of a Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Administration (or State);
  - ii. Default on the part of a Major Participant or Designer under previous contracts with the Administration (or State);
  - iii. Unsatisfactory performance by the Proposer, a Major Participant, and/or Designer under previous contracts with the Administration (or State);

- iv. Issuance of a notice of debarment or suspension to the Proposer, a Major Participant and/or Designer;
- v. Submittal by the Proposer of more than one TP in response to this Step 1: RFP 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 Step 1: RFP does not commit the Administration to enter into a Contract, nor does it obligate the Administration to pay for any costs incurred in preparation and submission of the TPs or in anticipation of a Contract. By submitting a TP, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to any subsequent Step 2: 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 a TP in response to this Step 1: RFP, the Proposer is specifically acknowledging these disclaimers.

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

A. Policy

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

B. DBE Participation Goal:

By submitting a TP in response to this Step 1: RFP, 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 Step 1: RFP, 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 proposer shall seek commitments from minority business enterprises by subcontracting and/or procurement of materials and/or services, the combined value of which equals or exceeds the established Contract goal of **16%** percent of the total value of the prime Contract. The Administration has further established that, within this Contract goal, there shall be a sub-goal of a minimum of **7%** percent participation by firms classified as African American-owned firms, a sub-goal of **0%** percent participation by firms classified as Woman-owned firms, a sub-goal of a minimum of **0%** percent participation by firms classified as Hispanic American-owned firms, and a sub-goal of a minimum of **0%** percent participation by firms classified as Asian American-owned firms.

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

The Administration has established that there shall be a goal of a minimum of **0.5%** percent participation by firms classified as Veteran-Owned Small Business Enterprise (VSBE) firms. Each Proposer on the RCL will be required to make a good faith effort to achieve the established VSBE 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.

## **XXII. Proposed Procurement Schedule**

Issue Step 1: RFP – TPs	June 28, 2016
Issue Draft Step 2: RFP – PPs	July 26, 2016
Final Date for Step 1 Letter of Interest Submittal	August 3, 2016
Final Date for Step 1: RFP Questions	August 10, 2016

TP submittal to MSHA	August 24, 2016
Reduced Candidate List (RCL) Notified	September 15, 2016
Issue Step 2: RFP – PPs	September 15, 2016
One-on-One Meetings	October 5-6, 2016
One-on-One Meetings	October 20-21, 2016
Last Day to submit ATCs	November 7, 2016
Final Date for Step 2: RFP Questions	November 22, 2016
Final Date for Step 2 Letter of Interest Submittal	November 29, 2016
Price Proposal Submittal	December 6, 2016
Selection of Successful Proposer	December 2016
Notice to Proceed (Anticipated)	March 2017

This is the proposed procurement schedule for this project as of the date of the issuance of this Step 1: RFP. The Administration reserves the right to modify this procurement schedule upon issuance of the Step 2: RFP.