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Areawide Total Maximum Daily  
Load (TMDL) Design-Build

# Areawide TMDL Design-Build

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# Areawide TMDL Design-Build

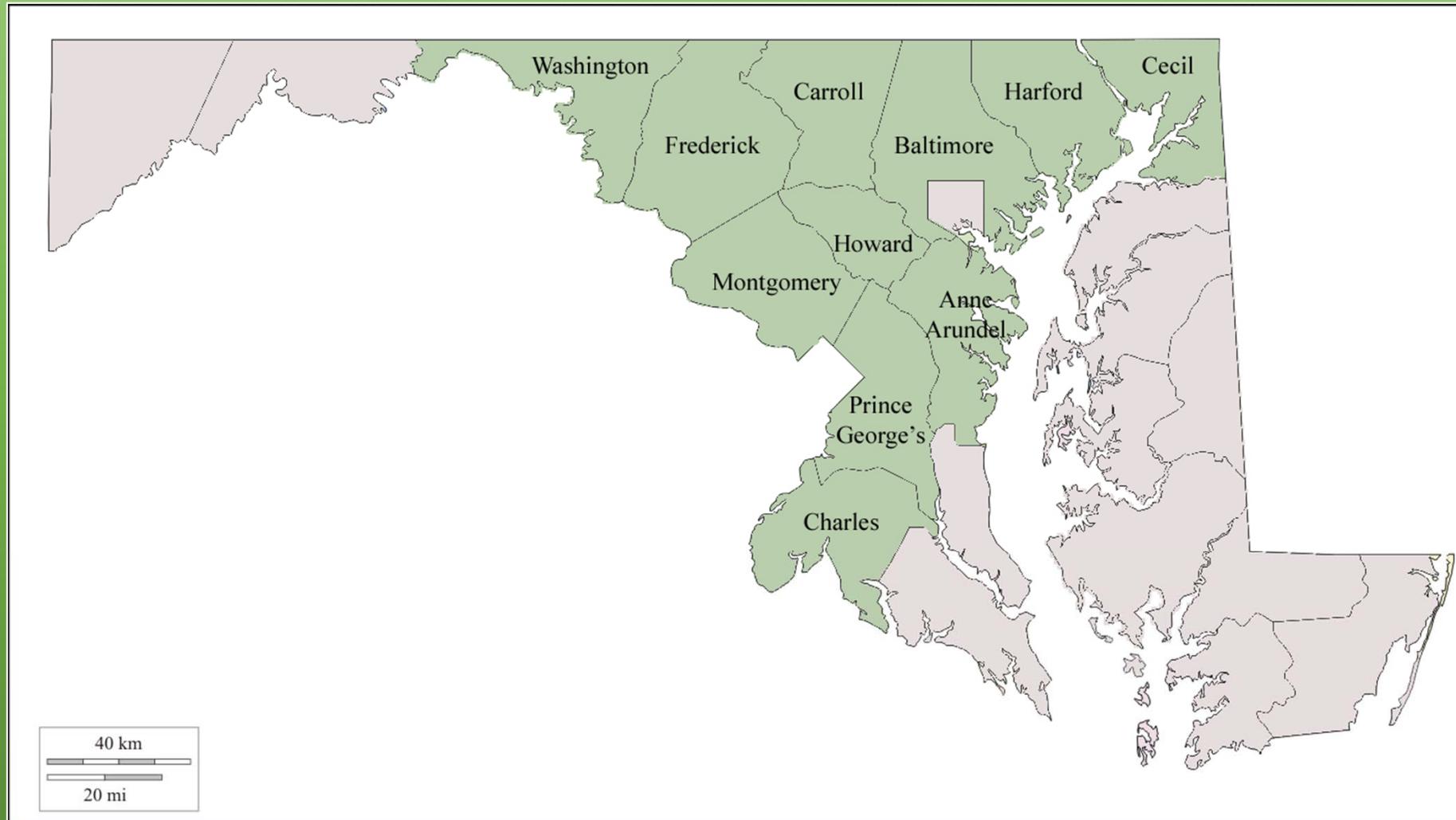
## **Presentation Overview**

- Project Overview
- Procurement Overview
- Post Award Overview
- Procurement Schedule
- Questions

# Areawide TMDL Design-Build

## Project Overview

# Areawide TMDL Design-Build - Overview



Project Area will be 11 TMDL Eligible Counties

# Areawide TMDL Design-Build - Overview

- The contract generally consists of the design and construction of Existing Outfalls and SWM Facilities to maintain existing needs while maximizing the achievement of TMDL Credits
- The scope of improvements is anticipated to include, but is not limited to, topographic survey, earthwork, drainage, stormwater management (SWM), erosion and sediment control (ESC), landscaping, maintenance of traffic, utility coordination, Plats Development, Right-of-way acquisition and environmental permit acquisition.

# Areawide TMDL Design-Build - Overview

- MDOT SHA will be providing a Menu of :
  - Approximately 2,000 to 3,000 Failing Outfall Locations throughout the 11 Counties
  - Approximately 150 to 200 SWM Retrofit Locations throughout the 11 Counties
  - SWM Locations throughout the 11 Counties that do not require Retrofitting or Remediation for the Design-Builder to achieve TMDL credit through Innovation

# Areawide TMDL Design-Build - Overview

- The Administration will require a minimum of no less than 500 TMDL Credits for the Fixed Price

# Areawide TMDL Design-Build - Overview

## TMDL Credit Determination

- Outfalls: Stabilization or repair of localized areas of erosion below a storm drain outfall.
  - Impervious acre credit of 1.0 acre per 100 linear feet of the project
  - Max credit is 2 acres per project for outfall stabilization
- Outfall Stream/Channel Restoration: Stabilization or repair of eroded outfall channel
  - Impervious acre credit of 1.0 acre per 100 linear feet of stream channel

# Areawide TMDL Design-Build - Overview

## TMDL Credit Determination - Continued

- Alternative Headwater Channel and Outfall Crediting Protocol
  - Another method used to get TMDL credit for Outfall Stabilization by evaluating the source of sediment
  - Compares existing condition versus future equilibrium state to determine volume of material expected to be eroded and transported out of the headwater channel
  - Methods provided in Stream Restoration Design NRCS 2007 for finding equilibrium bank and bed slope are used in conjunction with field data for base level control and equilibrium bottom width
  - Requires additional field data; survey, soil borings, laboratory testing
  - Credit up to total amount of impervious area in watershed

# Areawide TMDL Design-Build - Overview

## **TMDL Credit Determination - Continued**

- To obtain credit the Design-Builder can use either the Outfall Stabilization and Stream/Channel Restoration Methods or the Alternative Headwater Channel and Outfall Crediting Protocol can be used

# Areawide TMDL Design-Build - Overview

## TMDL Credit Determination - Continued

- Stormwater Management Retrofits:
  - An acre for acre impervious credit will be given when a BMP provides treatment for the WQv above the original facilities WQv up to a treatment of 1-inch.
  - The credit will increase by 0.1 acres for every 0.4-inches treated above 1-inch

# Areawide TMDL Design-Build - Overview

## NEPA

- The Request for Proposal (RFP) will include a condition stating that final engineering/design, Right-of-way acquisition and construction cannot occur without obtaining site specific NEPA PCE approval
- The Design-Builder will have no decision making responsibility with respect to the NEPA process but will provide information needed about the project and possible mitigation actions.
- The Design-Builder will provide documentation and services to support the Administration's coordination in obtaining site specific NEPA PCE approval

# Areawide TMDL Design-Build - Overview

## **Topographic Survey**

- No Topographic Survey is being provided by Administration
- The Design-Builder will be responsible for obtaining any required topographic survey needed.

# Areawide TMDL Design-Build - Overview

## **Geotechnical**

- The Administration has obtained no soils borings and no preliminary geotechnical survey was performed
- The Design-Build Team will need to perform any geotechnical testing and analysis to complete the project

# Areawide TMDL Design-Build - Overview

## Utilities

- The Administration has done no utility designation to locate underground or aerial utilities
- The Design-Build Team will need to perform any utility designation to locate underground utilities or locate any aerial utilities as required for their project.
- The Administration will not entertain any utility relocations as part of this project.

# Areawide TMDL Design-Build - Overview

## Permitting

- All SWM and ESC Permitting will be obtained by Design-Builder.
- All Wetland and Waterways Permitting will be obtained by Design-Builder as the Permittee.
  - Design-Builder will be responsible for any mitigation or permit conditions required for Wetland and Waterways impacts.
  - Design-Builder will be responsible for a Permit modification to transfer the Permit to MDOT SHA prior to MDOT SHA accepting for maintenance.
  - Both MDE Wetland/Waterways and ACOE have concurred in this approach
- Design-Builder will be responsible for obtaining any required permitting for tree impacts and tree mitigation

# Areawide TMDL Design-Build - Overview

## **Right-of-Way**

- It is anticipated that the Design-Builder will identify any temporary and permanent Right-of-way needs outside of MDOT SHA existing Right-of-way.
- It is anticipated that the Design-Builder will be responsible to prepare Plats for any needed acquisitions
- It is anticipated that the he Design-Builder will be responsible for acquiring any needed acquisitions as an independent contractors.

# Areawide TMDL Design-Build - Overview

## Right-of-Way - Continued

- It is anticipated that the Design Builder's major activities with respect to the acquisition of the Project ROW are anticipated to include but are not limited to:
  - Project ROW budget estimates and updates
  - Title services
  - Appraisal services
  - Appraisal review
  - Closing services
  - Making Offers and Good Faith Negotiations
  - Preparation of settlement requests and justifications
  - Relocation assistance
  - Preparation of Assembly to request State Roads Commission authorization to acquire property by condemnation that cannot be acquired through good faith negotiations
  - Condemnation support services
  - Clearance and demolition of Project ROW
  - Environmental due diligence
  - Documentation and document control
  - Progress reports
  - Project ROW administration and management
  - Project ROW quality management
  - Letter from the Design Builder's design engineer certifying that the required Project ROW acquisition is necessary
  - Obtaining rights of entry, as necessary

# Areawide TMDL Design-Build - Overview

## Right-of-Way - Continued

- It is anticipated that the Design Builder would complete all administrative activities and prepare all documentation sufficient for the Design Builder to acquire the Project ROW in the name of the State.
- All Project ROW activities must be completed and documented in compliance with all applicable Laws, including the Uniform Act, and the rules and regulations implementing the Uniform Act and Maryland Law.

# Areawide TMDL Design-Build - Overview

## Innovation

- MDOT SHA is looking to maximize the benefit to the environment through Innovative:
  - Techniques
  - Materials
  - Products
- MDOT SHA will not be specifying the use of an proprietary items. However we expect that Proposers may propose to use products or materials that are proprietary

# Areawide TMDL Design-Build - Overview

## **Innovation - Continued**

- Suggest Checking MDE's website and on their Maryland's Stormwater Management Program page they have a listing of MDE's Alternative/Innovative Technology List of Approved Stormwater Practices
- MDOT SHA's Alternative Technical Concept (ATC) Process will be included to allow Proposers to propose their innovation during procurement

# Areawide TMDL Design-Build

## Procurement Overview

# Areawide TMDL Design-Build - Procurement

- Total Project Classification “I/J” - \$30,000,001 to \$75,000,000
- Competitive Sealed Proposals (COMAR 21.05.03) Best Value Selection
- **Letter of Interest will be Required to Propose**
- One-Step Procurement Process
  - Request for Proposals (Technical Proposal & Price Proposal)
- Stipends currently anticipated around \$100,000
- Fixed End Date that all projects must be completed by. Currently October 2020

# Areawide TMDL Design-Build - Procurement

## **Addition Information**

- As part of the Advertisement MDOT SHA will be providing additional Information on ProjectWise that is anticipated to include:
  - GIS Layers
    - Outfall Locations
    - Stormwater Management Locations
    - Environmental Resource Conceptual Layer of Previous Delineations
  - Available Existing Plat images Georeferenced
  - Available Outfall Site Photographs
  - Available Stormwater Management Reports
  - Available Stormwater Management as-built plans

# Areawide TMDL Design-Build - Procurement

## Letter of Interest

- A Letter of Interest (LOI), on official letterhead of the Design-Build Team, notifying the Administration whether or not the DB Team intends to submit a Technical Proposal and Price Proposal must be delivered no later than July 3, 2018 prior to 12 noon (EST).
- The LOI shall include the primary and secondary individual contacts for the Major Participant firm(s) with address, phone number, and E-mail address where all communications from MDOT SHA should be directed for this RFP phase

# Areawide TMDL Design-Build - Procurement

## Letter of Interest - Continued

- As an attachment to LOI provide evidence that the Design-Build Team is capable of obtaining a Performance Bond and a Payment Bond in accordance with the requirements in Maryland's 2017 Standard Specifications for Construction and Materials, GP – Section 3 and appropriate for the lower level of Project Classification J as defined in Maryland's Standard Specifications for Construction and Materials, Section TC 2.01.
- MDOT SHA will only hold One on One Meetings with Proposers who have met these requirements

# Areawide TMDL Design-Build - Procurement

## Letter of Interest - Continued

- Communications during Proposal Preparation will only be accepted by the Administration from those Proposers who have met these requirements
- All Responses to questions during Proposal Preparation and any addenda to the RFP will be disseminated by email to the primary contact for those firms as outlined in the LOI and who have met these requirements

# Areawide TMDL Design-Build - Procurement

## One on One Meetings

- Only for those who submit a Letter of Interest and met the Bonding requirement
- They are CONFIDENTIAL
- Proposers may:
  - Ask Questions related to the RFP (Proprietary or Clarifications)
  - Identify Concerns/Conflicts in RFP
  - Discuss solutions to address project goals
  - Present Potential ATCs
- Agenda is set by Proposer +/- 1 week prior

# Areawide TMDL Design-Build - Procurement

## Alternative Technical Concepts

- Only for those who submit a Letter of Interest and met the Bonding requirement
- CONFIDENTIAL
- Pre-approval of alternatives to RFP requirements
- Confirm Design-Builder solutions meet or exceed RFP requirements
- “Practical” Design solutions to advance project goals without compromising safety

# Areawide TMDL Design-Build - Procurement

## **Alternative Technical Concepts - Continued**

- Approval of an ATC will be for the Proposer who submitted it.
- Must demonstrate that the ATC will meet/exceed/advance the project goals and/or be equal to or better than RFP requirements
- One-on-One Meetings for ATC may be requested

# Areawide TMDL Design-Build - Procurement

## Technical Proposal Evaluations Factors

- Design-Builder Capability
  - Key Staff Identification and Qualifications
  - Firm Past Performance
  - Organizational Chart
- Project Understanding and Design-Build Approach

# Areawide TMDL Design-Build - Procurement

## Design-Builder Capability

- Key Staff (at a minimum)
  - Design-Build Manager
  - Project Design Manager
  - Water Resources Engineer
  - Geotechnical Design Engineer
  - Construction Manager

# Areawide TMDL Design-Build - Procurement

## Design-Builder Capability - Continued

- Firm Past Performance
  - Up to six relevant similar projects
  - Similar scope
  - Similar complexity
  - Demonstrate the Design-Build Team's ability to deliver this project successfully
  - Must be completed by committed members of the Design-Build Team

# Areawide TMDL Design-Build - Procurement

## Design-Builder Capability - Continued

- Organizational Chart
  - Identify participants who are responsible for the major project functions
  - Depict lines of communication
  - Identify reporting relationships in managing, designing, and building the project
  - At a minimum, the chart shall reflect all Key Staff identified and the number of hours per week the Key Staff will dedicate to the project

# Areawide TMDL Design-Build - Procurement

## Project Understanding and Design-Build Approach

- Project Scope
- Risk Identification and Mitigation
- Design-Build Approach

# Areawide TMDL Design-Build - Procurement

## Technical Proposal Evaluations

- Separate Evaluation Teams for a specific factor or factors
- Adjectival Rating Process
- Relative Importance of factors – Critical, Significant, Important

# Areawide TMDL Design-Build - Procurement

## Price Proposal

- The Price Proposal will include 3 Lump Sum Items to be provided by Proposers as part of their Price Proposal:
  - Lump Sum for Right-of-way Acquisition
  - Lump Sum for TMDL Credit Design
  - Lump Sum for TMDL Credit
- The 3 Lump Sum Items shall add up to the Fixed Price. Currently estimated at \$ 50-Million

# Areawide TMDL Design-Build - Procurement

## Price Proposal - Continued

- Lump Sum for Right-of-way Acquisition shall include all services and preparation of all documentation for all Project ROW acquisition, easement acquisition, and related relocation assistance for the Project. Just compensation paid to property owners for any needed Right-of-way are included in this Lump Sum.
- Lump Sum for TMDL Design shall include all engineering, design, research investigation, labor, equipment and materials, and all incidentals necessary to complete the design and permitting/approvals of this project.

# Areawide TMDL Design-Build - Procurement

## Price Proposal - Continued

- Lump Sum for TMDL Credit shall include all construction, labor, equipment and materials, and all incidentals necessary to complete the construction of this project.

# Areawide TMDL Design-Build - Procurement

## Price Proposal - Continued

- The Proposer will provide the Number of TMDL Credits they will achieve as part of this project
- The Number of TMDL Credits must be equal to or greater than 500 TMDL Credits
- An Evaluated Price will be determined based on the Fixed Price and the number of credits provided.

# Areawide TMDL Design-Build - Procurement

## Selection

- In accordance with COMAR 21.05.03.03(F), award of the Contract will be to the responsible offeror whose proposal is determined to be the most advantageous to the State, considering evaluated price and the evaluation factors set forth in the Request for Proposals
- When determining which Proposer's submittal is most advantageous to the State, the relative importance of the Evaluated Price is anticipated to be substantially greater than the Technical Proposal

# Areawide TMDL Design-Build

## Post Award Overview

# Areawide TMDL Design-Build – Post Award

- The Awarded Design-Builder must achieve the TMDL Credits the Design-Builder includes in the Technical and Price Proposals for the Fixed Price.
- The Design-Builder will be allowed to select any of the locations in the Menu provided to achieve the credits
- It is anticipated that the payment of Lump Sum for TMDL Design will be a percentage to be paid 30 days after NTP with the remainder of the lump sum prorated over the life of the project and will be paid monthly.
- It is anticipated that the payment of the Lump Sum for TMDL Credit will be per site based on the number of credits for that site.

# Areawide TMDL Design-Build – Post Award

- The payment of Lump Sum for TMDL Credit per site is anticipated to be paid in 2 installments:
  - A percentage of a site's payment is anticipated to be paid when all Permits, Approvals, and NEPA are obtained, R/W is cleared and the site is ready to proceed toward construction.
  - Remainder of the site payment is anticipated to be paid after achievement of the credit and acceptance of the site for maintenance.

# Areawide TMDL Design-Build

## Procurement Schedule

# Areawide TMDL Design-Build Anticipated Schedule

<b>Event</b>	<b>Date</b>
Advertise RFP	June 26, 2018
<b>Letter of Interest</b>	<b>July 3, 2018</b>
One-on-One Meetings	July 23-31, 2018
Last day to submit ATCs	September 18, 2018
Final date for RFP Questions	October 16, 2018
Technical and Price Proposal Submittal Due	October 30, 2018
Selection of Successful Proposer	November/December 2018
Notice to Proceed	January 2019

# Areawide TMDL Design-Build

Statement of Qualifications and Technical Proposals from previous projects are available at the following: [www.roads.maryland.gov](http://www.roads.maryland.gov) under Business Center, Contracts, Bids & Proposals, Design-Build Projects.

This presentation and the meeting sign-in sheet(s) will be available at the following: [www.roads.maryland.gov](http://www.roads.maryland.gov) under Business Center, Contracts, Bids & Proposals, Design-Build Projects.

# Areawide TMDL Design-Build

QUESTIONS?

## Areawide TMDL Design-Build

**Please submit any follow-up suggestions or concerns to the following email address:**

**[AX766D\\_TMDL@sha.state.md.us](mailto:AX766D_TMDL@sha.state.md.us)**