



CONTRACT NO. HO7565370

F.A.P. NO. AC-NHPP-G-118-1(69)N

**Competitive Sealed Proposals Procurement
Phase One – Request for Qualifications
Design-Build**

January 9, 2018

**MD 32 – SOUTH OF LINDEN CHURCH
ROAD TO I-70**

Howard County

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

Table of Contents

I.	INTRODUCTION.....	3
II.	RULES OF CONTACT	5
III.	PROPOSER QUESTIONS.....	6
IV.	RFQ ADDENDA	7
V.	COSTS AND STIPENDS	7
VI.	SUBSTITUTIONS	7
VII.	COMPLIANCE WITH APPLICABLE LAWS	7
VIII.	DESIGN-BUILDER SELECTION AND AWARD PROCESS	7
IX.	ORGANIZATIONAL CONFLICTS OF INTEREST	9
X.	RESTRICTIONS ON PARTICIPATION IN DESIGN-BUILD CONTRACTS	9
XI.	OVERVIEW OF STATEMENT OF QUALIFICATIONS SUBMISSION.....	11
XII.	EVALUATION FACTORS FOR THE STATEMENT OF QUALIFICATIONS	11
XIII.	REQUEST FOR CLARIFICATION.....	12
XIV.	DETERMINATION OF THE REDUCED CANDIDATE LIST	13
XV.	CHALLENGES.....	13
XVI.	CONTENTS FOR STATEMENT OF QUALIFICATIONS SUBMISSION	13
XVII.	EVALUATION FACTORS	15
XVIII.	STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS.....	18
XIX.	PROTESTS	19
XX.	RIGHTS AND DISCLAIMERS	19
XXI.	DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY.....	21
XXII.	PROCUREMENT SCHEDULE	22

I. Introduction

The Maryland Department of Transportation State Highway Administration (MDOT 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 and Title 23, Code of Federal Regulations (CFR), Part 636. This contract will be procured using the “Competitive Sealed Proposals” procurement method as defined in COMAR 21.05.03.

This “Competitive Sealed Proposals” procurement is a two-phase process. Phase One of this procurement is the Request for Qualifications (RFQ) from interested Design-Build Teams. MDOT SHA is seeking responses to this RFQ from Design-Build Teams who are qualified and prepared in all respects to undertake the design and construction of the MD 32 – South of Linden Church Road to I-70 project.

The most highly qualified Design-Build Teams will be considered reasonably susceptible for award and placed on the Reduced Candidate List (RCL). If there is sufficient interest by qualified Design-Build Teams and MDOT SHA is satisfied that there will be an acceptable level of response, then Phase Two – Request for Proposals (RFP) will be issued only to the RCL.

After issuance of the RFP, MDOT SHA will hold One-on-One meetings with the RCL. The purpose of these meetings is to discuss issues and clarifications regarding the RFP and/or the Proposer’s potential Alternative Technical Concepts (ATC). Each meeting will be held independently with each Proposer on the RCL. Further details on the One-on-One meetings will be provided in the RFP; however, no aspect of these meetings is intended to provide any Proposer with access to information that is not similarly available to other Proposers, and no part of the evaluation of Proposals will be based on the conduct or discussions that occur during these meetings.

An ATC is a request by a Proposer to modify a contract requirement, specifically for that Proposer’s use in the Proposal process. The ATC must provide a solution that is equal to or better than the requirements in the RFP. ATCs may be submitted by Proposers after placement on the RCL. Approval of ATCs is at MDOT SHA’s sole discretion. MDOT SHA will use this ATC process during Phase Two of the procurement process to allow innovation and flexibility to be incorporated into the Proposals and to 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 to ultimately obtain the Best Value for the State. The ATC process will be further defined in the RFP.

A. Project Overview

This is a Fixed Price/Best Design Design-Build contract. The contract price is fixed at \$85,250,000. The contract will be awarded as a best value selection to the Proposer from the RCL that provides the best combination of qualifications in Phase One and technical solutions in Phase Two addressing the evaluation criteria established in the RFP. The general scope of the work is the design and construction of MD 32 from a two lane arterial to a four lane divided highway from south of Linden Church Road to I-70. The Design-Builder will be responsible for all work required to deliver the improvements that it proposes in its Technical Proposal for the fixed price of \$85,250,000.

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 the Federal Highway Administration approved the Final Environmental Impact Statement (FEIS) by a Record of Decision on November 18, 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.
- Nixon Farm Mitigation Site – construction was completed in 2010.
- Linden Church Road Interchange – construction was completed in 2013.
- Wellworth Way Service Road – construction was completed in 2016.
- Phase 1 widening from MD 108 to north of Linden Church Road – construction is ongoing and expected to be complete by the end of 2018.
- Phase 2 widening and safety and operational improvements from south of Linden Church Road to I-70 is the scope of this contract.
- Interchanges at the MDOT SHA Dayton Shop, Rosemary Lane, MD 144, and I-70 are future planned phases per the FEIS.

A reevaluation of the FEIS based on the Phase II concept was approved by FHWA on October 24, 2017.

C. Project Goals

1. Provide a project that maximizes the project elements to improve corridor traffic operations and safety while being compatible with the future planned corridor improvements.
2. Provide a project that minimizes inconvenience to the community and the traveling public.

3. Provide a project that minimizes overall impacts (utilities, environmental resources, etc.) and provides proactive coordination.

D. Project Key Issues

1. MDOT SHA desires for the project to provide efficient and safe flow of traffic along MD 32 and the nearby roadway network. MDOT SHA's objectives are:
 - to reduce network delay for both the AM and PM peak periods for the 2040 design year when compared to the no build condition,
 - to ensure the signalized intersections, along with the basic, merge, diverge, and weaving sections, operate at a Level of Service E or better in the 2040 design year,
 - to reduce the crash rate for rear-end collisions, reduce the crash rate between MD 144 and the I-70 interchange, and reduce the overall corridor-wide crash rate,
 - and to be compatible to the maximum extent practical with the future planned corridor improvements.
2. MDOT SHA desires a project that is completed in a timely and efficient manner while minimizing the disruptions to the community and the traveling public.
3. Minimization of impacts and proactive coordination will be required to ensure this project is successfully completed. The Design-Build Team must have a well thought out and well executed plan.

II. Rules of Contact

The Procurement Officer is the MDOT SHA'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 Statement of Qualifications (SOQ), and will be completed with the execution of the Contract. These rules are designed to promote a fair, unbiased, and legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, electronic-mail (e-mail), or formal written communication.

The specific rules of contact are as follows:

1. Section 11-205 of the State Finance and Procurement Article, Annotated Code of Maryland, prohibits and penalizes collusion in the State procurement process.
2. Unless otherwise specifically authorized by the Procurement Officer, a Proposer may contact the 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 any MDOT employees, including Department or Administration heads, members of the evaluation committee(s) and any other person who will evaluate SOQs, regarding the project, except through the process identified above.
5. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
6. MDOT SHA 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

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

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

Eric E. Marabello, P.E.
Director, Office of Highway Development
MDOT State Highway Administration
e-mail address: HO7565370_MD_32@sha.state.md.us

During the RFQ phase, only e-mailed inquires will be accepted. No requests for additional information or clarification to any other MDOT 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 RFQ will be posted on this site. Responses to questions and addenda will not be mailed out.

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

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

IV. RFQ Addenda

If necessary, MDOT SHA will issue addenda to modify conditions or requirements of this RFQ. 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 RFQ, including attending briefing(s) and providing supplemental information. The RFP will provide for payment of a stipend in the amount of **\$185,000** to each non-selected Proposer meeting the requirements specified in the RFP.

VI. Substitutions

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after it has been placed on the Reduced Candidate List, its organization, including all firms identified in its SOQ, and Key Staff personnel identified in the SOQ must remain intact for the duration of the procurement process. A Proposer may propose substitutions for participants after the SOQ submittal; however, such changes will require written approval by MDOT SHA, which approval may be granted or withheld in the MDOT SHA'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 Phase Two of the procurement process and thereafter throughout the term of the Contract.

VII. Compliance with Applicable Laws

In connection with this RFQ, 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 MDOT SHA is to award the Contract to the responsible Proposer from the Reduced Candidate List whose proposal is determined to most advantageous to the State, considering the evaluation factors set forth in the RFQ and the RFP and the price.

MDOT SHA will assemble Evaluation Teams and an Evaluation Committee consisting of key staff from appropriate offices within MDOT SHA. The Evaluation Teams and Evaluation Committee will review the SOQ to verify that all requirements of the RFQ have been met, and to evaluate the SOQ based on the evaluation factors.

Each SOQ will be broken down into individual Evaluation Factor sections. Each Evaluation Team will only be given the section or sections for each specific Evaluation

Factor or Factors they are rating and not the SOQ in its entirety. Each Leader of the Evaluation Team will be part of the Evaluation Committee with other appropriate key staff. This Evaluation Committee will review each Evaluation Factor and determine an overall Technical Rating for each SOQ.

Once the SOQ evaluations are complete, a Reduced Candidate List (RCL) of those DB Teams considered most highly qualified shall be developed. The RCL will be determined based on an evaluation of the factors set forth herein. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include a response to each pass/fail and technical evaluation factor. If there is sufficient interest by qualified DB Teams and MDOT SHA is satisfied that there will be an acceptable level of response, then a RFP shall be issued to only the RCL.

Those DB Teams who have made the RCL shall be notified in writing and shall be supplied the RFP package. This package shall include all materials necessary for DB Teams to fully understand the legal, technical and price requirements for this project. Those DB Teams that do not make the RCL shall be notified in writing and will be provided the opportunity for a debriefing.

The Technical Proposal and Price Proposal responses, including any incorporated ATCs, to the RFP shall be submitted in separate, sealed packages on the date and time to be specified in the RFP. 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. The proposals shall be opened in the presence of at least two of MDOT SHA's employees who shall compile a register of received proposals. Responses to the RFP not delivered at the location, date, and time specified shall be returned unopened.

The Technical Proposals and Price Proposals, including any incorporated ATCs, shall be reviewed by independent teams of MDOT SHA employees. The technical factors to be evaluated will be listed in the RFP. The evaluation of the Price Proposal shall be based on the total contract scope proposed by the Design-Builder, including any incorporated ATCs, and shall include all work to deliver the contract scope including, but not limited to, engineering, design, permitting, construction, labor, equipment and materials.

Once the Technical Proposal ratings have been completed by the Evaluation Committee, the Evaluation Committee will determine an overall technical rating considering the SOQ rating from Phase One of the procurement and the Technical Proposal rating from Phase Two of the procurement. The Technical Proposal will be approximately three times the relative importance of the SOQ. Once the overall technical rating is determined, the Evaluation Committee will consider the price and perform a trade off analysis to determine the most advantageous to the State. **When determining which Proposer's submittal is most advantageous to the State, the relative importance of the overall technical rating is substantially greater than the price.**

Upon completion of the evaluations, MDOT SHA may elect to conduct discussions with each Proposer considered reasonably susceptible for award. These discussions have two purposes:

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

MDOT SHA reserves the right to award the contract without holding discussions.

Upon completion of the discussions, the Proposers 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 Proposer 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 awarded to the successful Design-Builder.

IX. Organizational Conflicts of Interest

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

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

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

By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to MDOT SHA 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, MDOT SHA 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 MDOT SHA, MDOT SHA 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 MDOT SHA 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 Proposal or assist or represent others who are submitting a Proposal in response to this RFP. If a Proposer utilizes such individual or entity for its Proposal, the Proposer is not a responsible offeror under COMAR 21.06.01.01. The SOQ, Technical Proposal or Price Proposal including 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 MDOT SHA as the prime consultant to develop the concept plan, have been retained by MDOT SHA to perform construction phase services on the behalf of the state for this procurement, or has received payment more than \$500,000. SHA makes no representations regarding the completeness of the list:

- RK&K
- Prime AE
- Floura Teeter
- NMP Engineering
- Daniel Consultants
- Wilson T. Ballard
- ESD Associates

§ 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 SHA 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 SHA employee participated significantly as a State Employee for the duration of this contract.

XI. Overview of Statement of Qualifications Submission

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

This Section describes the following items:

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

The objective of the Phase One of the procurement is to create a Reduced Candidate List of the most highly qualified Proposers with the general capability, capacity, experience, and approach 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. MDOT SHA has set high responsibility standards for the Design-Builder that are reflected in the technical evaluation factors of this RFQ.

XII. Evaluation Factors for the Statement of Qualifications

Pass/Fail Factors

- The SOQ is complete and does not deviate from the RFQ requirements in any material respect.

MDOT SHA may allow certain deficiencies in the SOQs relating to the above factor to be corrected through clarifications, as described below, but shall have no obligation to do so.

Technical Evaluation Factors:

- Design-Builder Capability
- Project Understanding and Design-Build Approach

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

Numerical scores will not be assigned.

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

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

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

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

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

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

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

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

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

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

XIII. Request for Clarification

The Proposer shall provide accurate and complete information to MDOT SHA. If information is not complete, MDOT SHA will either declare the SOQ unacceptable or

notify the Proposer, who may be allowed to participate further in the procurement of this project if all information required is provided within the timeframe established by MDOT SHA. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by MDOT SHA with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, the SOQ may be declared unacceptable. MDOT SHA 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.

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

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

Eric E. Marabello, P.E.
Director, Office of Highway Development
MDOT State Highway Administration
e-mail address: HO7565370_MD_32@sha.state.md.us

XIV. Determination of the Reduced Candidate List

MDOT SHA will establish a Reduced Candidate List (RCL). Based on evaluation of the SOQs, the RCL will consist only of the most highly qualified Proposers as determined by MDOT SHA. The unsuccessful teams shall be notified in writing and provided an opportunity for a debriefing.

XV. Challenges

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

XVI. Contents for Statement of Qualifications 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:

Eric E. Marabello, P.E.
Director, Office of Highway Development

The SOQ submittal cover letter must be signed by individual(s) authorized to represent the Major Participant firm(s) and the Lead Construction firm(s). A Major Participant is defined as the legal entity, firm or company, individually or as a party in a joint venture or limited liability company or some other legal entity, that will be signatory to the Design-Build Contract with MDOT SHA. 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 Major Participant firms, 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 MDOT SHA should be directed for this RFQ phase.
- c. Include an affirmative declaration that indicates to the best knowledge and belief of each Major Participant Firm, including the Lead Design Firm if not a Major Participant firm, the information supplied in the SOQ is true and accurate.
- d. Include a declaration that each Major Participant firm(s) and the Lead Design and Lead Construction Firm, if not a Major Participant firm, are prepared to provide the necessary financial, material, equipment, labor and staff resources to perform the project.
- e. Include a declaration by the Major Participants that signatories are affirming their intent to enter into a legal organization that shall constitute the Design-Builder.
- f. Include a certification that the Design-Builder is in compliance with the State Ethics Laws prohibiting work on a matter in which a former State employee participated significantly as a State Employee for the duration of this contract.
- g. Include a general authorization for MDOT SHA to confirm all information contained in the SOQ submittal with third parties, and indicate limitations, if any, to such authorization.
- h. Include a declaration that no portions of the SOQ Technical Evaluation Factor sections include confidential, proprietary information or trade secrets that should

not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Or include a declaration identifying which portions are considered confidential, proprietary information or trade secrets and provide justification why such materials, upon request, should not be disclosed after award of the contract.

- i. Include a declaration that all addenda have been received by the Proposer. The Proposer is alerted to their responsibility to confirm that all team members have received addenda. The Proposer is solely responsible to ensure that their team has the correct information.

XVII. Evaluation Factors

A. Design-Builder Capability: (Limit 18 Pages) – SIGNIFICANT

The Design-Builder must demonstrate their past performance 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.** MDOT SHA recommends that the primary and secondary contacts are key staff members.

- i. **Key Staff – Submit resumes of the following Key Staff, highlighting their relevant performance on similar type projects. Discuss any licenses or certifications that are relevant to the Key Staff successfully completing their role on this project. – CRITICAL**
 - Design-Build Project Manager – This position will be responsible for the overall design, construction, management, and coordination of the project. Shall have a minimum of fifteen (15) years of experience. Demonstrate relevant experience in the construction and project management of highway construction projects of similar scope and complexity as this project.
 - Design Manager – This position will be responsible for ensuring the overall design is completed utilizing good engineering judgment and design requirements are met. 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.
 - Construction Manager – This position will be responsible for ensuring that the construction is completed in accordance with the project requirements. Shall have a minimum of ten (10) years of experience. Demonstrate relevant experience in managing construction activities, schedules and coordination of highway construction projects of similar scope and complexity as this project.

- Highway Engineer – This position will be responsible for ensuring that the roadway design is completed utilizing good engineering judgment and design requirements are met. 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 – This position will be responsible for ensuring that the water resources design is completed utilizing good engineering judgment and design requirements are met. 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, 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 or years of experience will not be factored into the quality rating for each Key Staff; however, any Key Staff not meeting these requirements will automatically receive an **Unacceptable** rating.

ii. Firm Past Performance – SIGNIFICANT

Provide descriptions of up to six relevant projects with major highway construction elements that members of your Design-Build Team have completed. Projects should be of similar scope and complexity as this project and demonstrate the Design-Build Team’s ability to be successful in delivering this project. Provide, at a minimum, the following:

- Project name and location
- Firm completing the work
- 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.

The design of the design projects must be complete or, if a Design-Build project, the design must be demonstrated to be significantly complete. Construction projects must be open for the beneficial use of traffic. The design or construction must have been completed within the last 10 years.

- iii. Provide an organizational chart showing the lines of communication and identifying participants who are responsible for major functions to be performed, and their reporting relationships in managing, designing, and building the Project. Identify the critical supporting elements and relationships of project management, Independent Design Quality Management firm, project administration, construction management, quality control, quality assurance, safety, environmental compliance and interfaces with third parties. The organizational chart shall reflect all Key Staff as identified in the RFQ 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**

B. Project Understanding and Design-Build Approach (Limit 14 Pages) – CRITICAL

- i. Provide a narrative describing the Design-Builder's understanding of the Project Goals and scope. – **IMPORTANT**
- ii. Discuss the Proposer's understanding of the most relevant and critical risks facing the selected Proposer and MDOT SHA in achieving the Project Goals. Describe why each risk is critical, indicate the impact the risk may have in achieving the Project Goals, and discuss the mitigation strategies the Design-Builder will implement to address the risk. Discuss the role the Design-Builder expects MDOT SHA or others may have in addressing these Project risks. – **SIGNIFICANT**
- iii. Discuss the Proposer's approach to Design-Build from design initiation through construction completion. Discussion should include, but not be limited to, design and construction development; coordination and decision making; design quality management; and change management. – **CRITICAL**

C. Legal and Financial Information (Limit 2 Pages)

- 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 MDOT SHA 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.
- iii. Bonding Capability. 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 upper level of Project Classification K 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.

- iv. Describe the conditions surrounding any contract (or portion thereof) entered into by a Major Participant that has been terminated by cause or convenience or which required completion by another party within the last ten years. Describe the reasons for termination and the amounts involved. Describe any debarment or suspension from performing work for the federal government or any state or local government against a Major Participant in the last ten years. Identify the owner's representative and contact information for any contracts the above applies. Indicate "None" to the any and all of the above that does not apply to the Major Participants.

XVIII. Statement of Qualifications Submission Requirements

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

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

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

Design-Builder's Name
Statement of Qualifications
Contract NO. HO7565370
Container ____ of ____

The SOQ must be submitted no later than **March 2, 2018 prior to 12 noon.** (prevailing local time). The SOQ must be delivered to the following location:

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

XIX. Protests

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

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

Time for Filing:

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

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

Content of Written Protest:

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

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

XX. Rights and Disclaimers

MDOT SHA 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. MDOT SHA 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, MDOT SHA will circulate an addendum to all registered Proposers setting forth the changes to the evaluation criteria or methodology. MDOT SHA may extend the SOQ due date if such changes are deemed by MDOT SHA, in its sole discretion, to be material and substantive;
9. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
10. Waive weaknesses, informalities, and minor irregularities in SOQs;
11. Disqualify any team that changes its SOQ (following submittal) without Administration written approval;
12. Retain ownership of all materials submitted in hard-copy and/or electronic format; and/or
13. Refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - i.** Failure on the part of a Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with MDOT SHA (or State);
 - ii.** Default on the part of a Major Participant or Designer under previous contracts with MDOT SHA (or State);
 - iii.** Unsatisfactory performance by the Proposer, a Major Participant, and/or Designer under previous contracts with MDOT SHA (or State);
 - iv.** Issuance of a notice of debarment or suspension to the Proposer, a Major Participant and/or Designer;
 - v.** Submittal by the Proposer of more than one SOQ in response to this RFQ under the Proposer's own name or under a different name;
 - vi.** Existence of an organizational conflict of interest under or evidence of collusion in the preparation of a proposal or bid for any Administration design or construction contract by (a) the Proposer, Major Participant or

- Designer and (b) other proposers or bidders for that contract; and/or
- vii. Uncompleted work or default on a contract in another jurisdiction for which the Proposer or a Major Participant is responsible.

Administration Disclaimers:

The RFQ does not commit MDOT SHA to enter into a Contract, nor does it obligate MDOT SHA to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting a 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 MDOT SHA.

In no event shall MDOT SHA 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 MDOT SHA, has been executed and authorized by MDOT SHA and approved by all required authorities and, then, only to the extent set forth in a written Notice to Proceed. In submitting a SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

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

A. Policy

MDOT SHA 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 MDOT SHA 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. The overall DBE participation goal will be 16 percent of the total Contract price. Additionally, because of the MDOT certification requirement for DBE's, firms are encouraged to submit paperwork for certification as soon as possible.

The Design-Builder's good faith efforts to achieve the overall contract goal shall include a good faith effort to achieve DBE participation in professional services (including design, supplemental geotechnical investigations, surveying and other preliminary engineering; quality control as defined in the Contract; environmental compliance activities; utility coordination; permitting; and public information) for this contract of no less than 25 percent of the portion of the contract price allocable to professional services.

C. Small Business Enterprise

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

XXII. Procurement Schedule

Issue RFQ	January 9, 2018
Issue Draft RFP	February 6, 2018
Final Date for RFQ Questions	February 16, 2018
SOQ submittal	March 2, 2018
Reduced Candidate List (RCL) Notified	March 30, 2018
Issue RFP	March 30, 2018
One-on-One Meetings	April 18-19, 2018
One-on-One Meetings	May 9-10, 2018
One-on-One Meetings	June 6-7, 2018
Last Day to submit ATCs	June 28, 2018
Final Date for RFP Questions	July 26, 2018
Final Date for RFP Letter of Interest Submittal	August 2, 2018
Technical and Price Proposal Submittal	August 9, 2018
Selection of Successful Proposer	September 2018
Notice to Proceed (Anticipated)	November 2018

This is the proposed procurement schedule for this project as of the date of the issuance of this RFQ. MDOT SHA reserves the right to modify this procurement schedule.