Alternative Technical Concepts
Process and Procedures

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Alternative Technical Concepts (ATCs)
An ATC is a confidential pre-proposal submission by an Offeror to modify a contract requirement, specifically for that Offeror, prior to the Proposal due date. The purpose of the ATC process is to allow for technical innovation, creativity and flexibility to achieve the project’s goals and objectives at equal to or higher quality and performance, and which will provide a greater value to the public as determined by the Department. A proposed concept does not meet the definition of an ATC if the concept is contemplated by the RFP. ATCs may address, but are not limited to, specifications, materials, products, design standards, design solutions, staging or traffic control. After review, the Department, in their sole discretion, reserves the right to reject or approve a submitted ATC prior to submittal of Proposals. An Offeror may elect to, but is not obligated to, include approved ATCs as part of their Proposal and adjust their bid price and/or schedule as applicable.

The formal ATC process will be described in the Request for Proposal (RFP), including a specific schedule outlining deadlines for ATC submittals and Proprietary meetings. Offerors are expected to present conceptual ATCs to the Department during the Proprietary meetings.

The Department will determine whether an ATC Process be will included in a particular project procurement on a case-by-case basis. In some instances, an ATC-Light process may be utilized where the RFP would be modified, through an addendum based on accepted ideas in the Proprietary meeting(s).

ATC Limitations
1. The Department may outline certain items or elements that will not be accepted as ATCs in the RFP and are non-negotiable during procurement. If after discussions with proposers the Department determines that these elements could be changed, the Department will issue an addendum to the RFP detailing any modifications that will be allowed. Examples of these types
of items could be: pavement design, utility coordination responsibility, and right-of-way acquisition responsibility.

2. The Department may determine to limit the amount of ATC submittals as they deem necessary.
3. Offerors need to submit each concept as a separate ATC. A concept may include multiple interrelated parts but an ATC with multiple unrelated parts shall be rejected.

ATC Process and Steps (Exhibit A)

In effort to better facilitate the discussion and review of Offeror ATC concepts, VDOT will require that any potential ATC concept be conceptually vetted with the Department during a Proprietary meeting prior to its formal submission for review and potential approval. VDOT may choose to dismiss certain concepts or make determination that a concept is not in conflict with the RFP and is therefore not an ATC during the one-on-one ATC meeting. If no determination is made during the meeting, Offeror’s are strongly urged to submit their concepts through the formal review and approval process. The process and steps for the ATCs will be detailed in the RFP but will generally follow the following steps:

1. VDOT releases RFP to shortlisted Offerors.
2. VDOT holds a pre-proposal meeting with shortlisted Offerors.
   
   *This meeting will occur generally 1 week after the RFP release date. The purpose of this meeting is for the Department to convey the scope and schedule of the project as well as the Departments expectations for the project’s goals and objectives.*

3. Proprietary Meeting #1

   *Each Offeror will meet separately and confidentially with the Department. Offerors will present their conceptual ATCs to VDOT personnel and collect initial feedback that will allow them to determine how best to formulate each formal ATC submission document.*

   *Proposers may be required to provide a listing of preliminary ATC concepts that will be discussed in advance of the Proprietary Meeting to ensure that meeting attendees are in alignment with the discussion topics of the Offeror, promoting active communication.*

4. Deadline to formally submit ATCs for VDOT review.

   *This date will be set between one and two weeks after Proprietary Meeting #1. Offerors shall address all items in Exhibit B.*

5. VDOT performs review of ATC submission.

   *VDOT will initially issue preliminary responses to all submitted ATCs. Department responses will be finalized before the ATC Response Deadline, defined in the RFP. The Department will make every effort to maintain the same disposition for all ATCs from preliminary response to final response.*

   *If at any time after formal ATC submission it is determined that clarifications or additional information are needed, VDOT will request the information from the Offeror prior to completing the ATC review. It will be VDOT’s sole discretion how much time to allot the Offeror to provide the additional information or clarification prior to rejecting the ATC. This response timeframe may be shortened in cases where clarifications are needed on outstanding ATCs and the Department’s final response deadline is quickly approaching.*
It is in the Offeror’s best interests to submit ATC(s) as early as possible to allow the greatest amount of time for review, clarification, and potential approval in advance of the Proposal due date.

6. Proprietary Meeting #2.
A second Proprietary Meeting will be held approximately two weeks after the initial submission deadline for formal ATC submittals. This meeting will be utilized by VDOT to seek clarifications on previously submitted ATC concepts as well as provide time for Offerors to present additional conceptual ATCs for consideration.

The Department reserves the right to schedule subsequent proprietary meetings on a case-by-case basis.

7. Deadline to formally submit ATCs for VDOT review.
   This date will be set between one and two weeks after Proprietary Meeting #2. Offerors shall address all items in Exhibit B.

8. Final ATC response deadline.
   VDOT will issue final responses in writing to the Offeror for all ATCs submitted on or before the final ATC submission deadline as indicated in the RFP. The response will follow Exhibit C. This final response deadline will generally fall three weeks prior to the Technical Proposal submission date.

9. Offeror includes approved ATC into their Proposal.
   Offerors have the option of whether or not to include approved ATCs into their Proposal. The Proposal will need to identify where each ATC has been incorporated and confirm by incorporation of the ATCs into their Proposal they are agreeing to all conditions that may have accompanied the ATC approval(s).

10. Technical Proposal submission date.

   ATCs will not be evaluated separately but rather will be considered to be part of the overall Proposal and graded/ranked accordingly to the evaluation criteria and project goals and objectives as established with the RFP.

12. ATCs incorporated into Design-Builder’s contract.
   The RFP will provide details of incorporating the approved ATCs into the contract that the winning proposer had included in their Proposal.

13. Unsuccessful Offerors will be offered a stipend as outlined in the RFP.

Confidentiality of the ATC Process
ATC confidentiality is of the utmost importance to VDOT recognizing that Offerors invest a tremendous amount of effort into developing their ideas. ATC submissions are considered proprietary until the contract is awarded and unsuccessful Offerors have been paid stipends. The Department understands the importance of maintaining tight restrictions on the review and approval process during procurement and will adhere to the policies outlined in the Design-Build Evaluation Guidelines to ensure confidentiality is maintained. The Guidelines document may be updated to include specific language regarding confidentiality of the ATC process. VDOT will require all individuals involved in the ATC review and approval process to sign non-conflict of interest and confidentiality agreements.
Exhibit A
ATC Submittal/Approval Process

1. Offeror notifies VDOT of concept ATC topic(s)
2. VDOT and Offeror participate in Proprietary meeting(s)*
3. Offeror formally submits ATC for VDOT review
4. VDOT formal ATC review process
5. Offeror provides requested clarification
   - Yes: VDOT issues clarification to Offeror
   - No: ATC determination
     - ATC Denied
     - Approved
       - ATC included in Proposal (at Offeror’s option)
         - VDOT evaluation of Proposals
           - Winner selected
             - Selected Offeror ATCs incorporated into contract
               - Contract Execution

* Additional Proprietary meetings may be scheduled at the discretion of the VDOT PM-APD.
Exhibit B
ATC Submittal Template Form
ALTERNATIVE TECHNICAL CONCEPT (ATC) SUBMITTAL FORM

ATC ID Number: ________________________________

ATC Name-Description: ___________________________________________

OFFEROR: ______________________________________________________

DATE ATC SUBMITTED: ________________________________

NOTE: Formal ATC Submission Form shall be limited to four pages, 12pt font, single spaced, excluding preliminary drawings or supporting documentation.

A) Provide justification as to how the proposed ATC meets or exceeds the project goals and objectives as stated in the RFP.

       Offeror to complete

B) All references to requirements of the RFP that are inconsistent with the proposed ATC and explanation of the nature of the deviations from said requirements.

       Offeror to complete

C) The locations where, and an explanation of how, the proposed ATC will be used on the Project;

       Offeror to complete

D) Any reduction in the time period necessary to design and construct the Project resulting from implementing the ATC, including, as appropriate, a description of method and commitments

       Offeror to complete

E) If additional right-of-way is required, identify the limits of this ROW and define the impacts, if any, this additional right-of-way has on the NEPA process;

       Offeror to complete
F) Any changes in maintenance requirements associated with the ATC;

   Offeror to complete

G) Any changes in the anticipated useful life of the item(s) comprising the ATC;

   Offeror to complete

H) Preliminary analysis and quantitative discussion of potential impacts on vehicular traffic (both during and after construction);

   Offeror to complete

I) A preliminary analysis on environmental permitting, community impact, and safety;

   Offeror to complete

J) If Applicable, a description of other projects on which the ATC has been used, degree of success or failure of such usage, and contact information, including name, phone number and e-mail address, for an owner representative that can confirm such statements;

   Offeror to complete

K) Preliminary drawings of the configuration of the ATC or other appropriate descriptive information, including a traffic operational analysis, if appropriate.

   Offeror to complete (include graphical attachment(s), if needed)
Exhibit C
ATC Response Template Form
EXHIBIT C: ATC Response Form Template

ALTERNATIVE TECHNICAL CONCEPT (ATC) RESPONSE FORM

ATC ID Number: Click here to enter text.

ATC Name-Description: ____________________________________________________________

OFFEROR: ______________________________________________________________________

DATE ATC SUBMITTED: Click here to enter a date.

☐ PRELIMINARY RESPONSE:

☐ FINAL RESPONSE:

☐ (A) The proposed ATC is acceptable for inclusion in the Proposal with such
    conditions, modifications and/or requirements as identified by VDOT in
    Attachment 1 of this response.

☐ (B) The ATC is not acceptable for inclusion in the Proposal.

☐ (C) The submittal does not qualify as an ATC but may be included in the
    Offeror’s Proposal because it appears to be within the requirements of the
    RFP.

Signed: _________________________

[Insert name of Project Manager]

Project Manager

DATE OF ATC RESPONSE: Click here to enter a date.
ALTERNATIVE TECHNICAL CONCEPT (ATC) RESPONSE FORM

ATC ID Number: Click here to enter text.

ATC Name-Description: 

OFFEROR: 

DATE ATC SUBMITTED: Click here to enter a date.

ATTACHMENT 1

Click here to enter text.