

VDOT

Virginia Department of Transportation

REQUEST FOR QUALIFICATIONS

A DESIGN-BUILD PROJECT

**I-81 Corridor Safety and
Operational Improvements**

**Staunton Truck Climbing Lane Project
MP 195-202 Northbound**

Rockbridge County, Virginia

Project No:

**0081-081-708, P101, R201, C501, B601, B602, B603
NCII-081-2(271)**

Contract ID Number: C00084363DB10

January 22, 2008

ADDENDUM 1 (FEBRUARY 6, 2008)

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SECTION 0.0 ADDENDUM

ADDENDUM No. 1 (February 6, 2008)

A. Changes to Section 3.4.2

B. Changes to Section 3.5.1

C. Changes to Section 3.5.3**

D. Changes to Section 3.6.2

E. Changes to Section 3.9.2

F. Changes to Section 3.9.3

G. Changes to Section 5.2

H. Changes to Section 9.7

I. Changes to Section 11.0

G. Insert New Attachment 2

H. Updated Numbering Attachments 2-6

I. Changes to Attachment 4

**ATSSA Traffic Control Training will not be required at this time for the Design-Build Key Personnel cited in Section 3.5.3

1.0 INTRODUCTION

The Virginia Department of Transportation (“VDOT”) submits this Request for Qualifications (“RFQ”) to solicit Statements of Qualifications (“SOQs”) from those entities (“Offerors”) interested in contracting to serve as the Design-Builder for the completion of the I-81 Truck Climbing Lane Project MP 195-202 in Rockbridge County, Virginia (“Project”). The purpose of this RFQ is to solicit information that will enable VDOT to determine which Offerors: (a) are best qualified to successfully execute the design and construction of the Project; and (b) will be invited to submit proposals in response to VDOT’s Request for Proposals (“RFP”).

2.0 BACKGROUND INFORMATION

2.1 Project Overview

The Project is located in Rockbridge County, Virginia, and includes providing the addition of a Truck Climbing Lane (“TCL”) in the northbound direction of Interstate 81 from approximate Mile Marker 195.8 (approximately 0.3 mile south of Rte 716) to approximate Mile Marker 202.5 (approximately 1.5 miles north of Rte 710 at Exit 200, Fairfield). The total Project length is approximately 6.7 miles including necessary transitions and tapers. However, it is noted that this description and length are approximate only and based on the preliminary layout shown in the RFQ Information Package. The Project includes, among other things, but not limited to: (a) construction of a truck climbing lane, (b) replacement of three bridges located at Rte 716, Rte 712 and Rte 710, (c) improvement of existing I-81 northbound left and right shoulders, (d) upgrading all guardrails, guardrail transitions and end treatments to meet current standards, (e) retaining walls required for bridge structures. A design Public Hearing was completed on November 8, 2007. Based on comments received from the Public Hearing, the preliminary design presented at the Public Hearing will be updated prior to the release of the RFP. VDOT’s current estimated contract value for this project is approximately \$75,000,000.

2.2 Design-Builder’s Scope of Work

The anticipated scope of work to be undertaken by the Offeror under the Design-Build contract for this Project will include, among other things, but not limited to: (a) developing the design, (b) acquiring all environmental permits and approvals, (c) acquiring right-of-way, (d) coordinating and performing, or causing to be performed, required utility relocations and adjustments, (e) performing roadway construction, (f) performing bridge construction, (g) demolishing and removal of existing structures, (h) providing quality assurance and quality control for design and construction, and (i) providing overall project management. Brief descriptions of this anticipated work are set forth below. Offerors should note that VDOT has completed, on August 31, 2007, a Categorical Exclusion (“CE”) in accordance with the requirements of the National Environmental Policy Act (“NEPA”). Brief descriptions of this anticipated work are set forth below. All work performed on this Project shall be completed using English Units.

Design services shall address all items necessary for construction and operation of the completed facility. Design services shall include, but are not limited to, surveying, roadways, interchange ramp modification, bridges, retaining walls, traffic control devices and design of any other necessary elements: maintenance of traffic, signs, guardrail upgrades, pavement markings and marker plans, drainage design, design of stormwater management facilities, geotechnical investigation, borings and analysis, materials analysis, slope stability analysis, hydraulic and hydrologic analysis, and pavement design. A minimum pavement section will be provided by VDOT in the RFP for bidding purposes. The Offeror will be required to validate the suitability of the minimum pavement section, and if deemed inadequate increase the pavement layer thicknesses subject to VDOT approval. The Offeror will be responsible for the final design and construction of the pavement.

The Offeror will be responsible for providing VDOT with any environmental studies in support of the CE caused by Offeror's proposed changes in scope or design that are acceptable to the Department. Offeror should note, however, that they are solely responsible for any costs and schedule delays due to permit acquisition, modifications, environmental studies, and CE re-evaluations associated with Offeror's design and no time extensions will be granted.

The Offeror will also obtain all necessary state and federal water quality permits and wetland/stream compensation (unless otherwise noted herein) required to accomplish the work. This includes, but may not be limited to performing all design and fieldwork to support acquisition of any applicable water quality permits, including any permit modifications, utilizing VDOT's Inter-Agency Coordination Meeting ("IACM") process.

Services for right-of-way acquisition, utility relocations, adjustments and coordination are anticipated to include all work necessary to acquire the right-of-way and to perform the relocations, adjustments and coordination of utilities as detailed by VDOT in the RFP. All right-of-way acquisition costs will be paid by VDOT, and should not be included in the Design-Build price proposal. These costs are specifically payments to the landowner for land, damages, relocation of displaced people and businesses and relocation of utilities and do not include administrative expenses incurred by the Offeror. Access shall be maintained at all times to properties during construction. Offeror's Right-of-Way team shall be a member of the VDOT prequalified contracting consultant list, and include VDOT prequalified Fee Appraiser(s).

Construction services are anticipated to include, but not limited to, roadway, bridge and structures work; and guardrail upgrades; the demolition and removal of the existing roadways and bridges; all necessary foundation work, substructure work, excavation, drainage, utility relocations/adjustments and coordination, monumentation of right of way, erosion and sediment control and all other environmental requirements and commitments including those from state and federal water quality permits, as well as all other environmental commitments from the CE. The Offeror will be responsible for providing quality assurance and quality control testing for all materials manufactured off-site, excluding the items listed below:

- Prestressed Concrete Structural Elements (beams, girders (AASHTO and bulb-T), and piles)
- Structural Steel Elements (beams and girders)
- Pipe (concrete, steel, aluminum and high density polyethylene) for culverts, storm drains and underdrains
- Precast Concrete Structures
- Metal Traffic Signal and Light Poles and Arms
- Asphalt Concrete Mixtures
- Aggregate (dense and open graded mixes)

The Department will provide plant quality assurance and plant testing of these items. The Offeror will also be responsible for providing quality assurance and quality control testing of materials obtained from off-site soil borrow sources. The Offeror will be responsible for providing quality assurance and quality control in accordance with VDOT's Minimum Quality Control and Quality Assurance for Design-Build and Public-Private Partnership Projects dated August 2007.

2.3 Legislative Authority for the Project

§33.1-12(2)(b) of the *Code of Virginia* authorizes VDOT and the Commonwealth Transportation Board ("CTB") to develop and award contracts using the Design-Build contracting method. In accordance with the law, VDOT completed the Finding of Public Interest ("FOPI") dated January 16, 2008. The FOPI is attached hereto as Attachment No. 1.

2.4 Procurement Overview of the Project

VDOT will use a two-phase selection process for the selection of a Design-Builder on the Project. This RFQ represents the first phase in the selection process. VDOT intends to short-list at least three (3) highest-ranked Offerors. Only the short-listed Offerors will receive the RFP and be allowed to submit Proposals.

The second phase of the selection process will entail the submission of Technical Proposals and Sealed Price Proposals from each short-listed Offeror. While the RFP will contain specific requirements for the Technical and Sealed Price Proposals, as well as specific selection criteria process, VDOT anticipates that: (a) Technical Proposals will include, among other things, preliminary plans and a Project schedule; and (b) Sealed Price Proposals will include, among other things, the price of the Project by phase of work. VDOT further anticipates that upon completion of the evaluations of the Technical and Sealed Price Proposals, the Director of Innovative Project Delivery Division will recommend the top-ranked Offeror to the Chief Engineer for an award of a fixed price Design-Build contract by the CTB.

Offerors are on notice that VDOT may, in its sole discretion, negotiate and award a Design-Build contract to an Offeror if, upon a written determination, VDOT determines that such Offeror is the only Offeror fully qualified to perform the proposed Design-Build

contract, or that such Offeror is clearly more highly qualified than the others under consideration.

2.5 Schedule

The current schedule for the Project includes substantial completion of the project in July 2012 . Final completion will take place in September 2012.

VDOT currently anticipates conducting this procurement in accordance with the following list of milestones. This schedule is subject to revision and VDOT reserves the right to modify this schedule as it finds necessary, in its sole discretion.

.1	Advertise RFQ	January 22, 2008
.2	Project Information Meeting (See Section 2.8 below for details)	February 5, 2008 at 9:00 A.M. (prevailing local time)
.3	Deadline to submit questions	February 11, 2008 at 4:00 P.M. (prevailing local time)
.4	VDOT will respond to questions	February 18, 2008
.5	SOQs are due	March 19, 2008 at 4:00 P.M. (prevailing local time)
.6	Evaluation and recommendations complete	April 23, 2008
.7	Notification to Offerors of the short-list	April 23, 2008
.8	Anticipated RFP Release Date	May 5, 2008
.9	Proposals are due	July 14, 2008 at 4:00 P.M. (prevailing local time)
.10	Anticipated Award Date	October 16, 2008

2.6 Proposal Evaluation Team

A Proposal Evaluation Team will be appointed by VDOT to review and evaluate the SOQs. In addition to the appointed Proposal Evaluation Team, VDOT may use any appropriate technical resources to provide assistance in evaluating the submittals.

2.7 VDOT's Point of Contact

VDOT's sole point of contact ("POC") for matters related to the RFQ shall be Mr. Jeffrey A. Roby, P.E. VDOT's POC is the only individual authorized to discuss this RFQ with any interested parties, including Offerors. All communications with VDOT's

POC about the Project or this RFQ shall be in writing, as required by applicable provisions of this RFQ.

Mr. Jeffrey A. Roby, P.E.
Innovative Project Delivery Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Email: jeffrey.robby@vdot.virginia.gov

VDOT disclaims the accuracy of information derived from any source other than VDOT's POC, and the use of any such information is at the sole risk of the Offeror.

An RFQ information package which includes: Scoping Document, Typical Sections, Topographic Survey and DTM, preliminary Plan Title Sheet, Traffic Data, CE, and preliminary Geotechnical Engineering Reports. It is noted that preliminary design is on-going and will be updated prior to the issuance of the RFP.

VDOT has completed a preliminary geotechnical study for this project that includes information from past studies that were performed by a consultant. Past geotechnical reports and studies have been included in the RFQ information package for informational purposes only. Any conclusions, recommendations and interpretations included in these past reports and studies were not rendered for this specific project and therefore should not be relied upon by the Offerors for design and construction of this Project. The Offerors will have sole responsibility of any conclusions, recommendations and interpretations made from the information provided.

The RFQ information package is available to interested Offerors on CD for \$50.00. Interested Offerors should contact VDOT's POC for specific information on how to obtain this information package.

2.8 Project Information Meeting

VDOT will hold a project information meeting for potential Offerors on the date set forth in Section 2.5 above at the

Virginia Department of Transportation
Lexington Residency
275 Alphin Lane,
Lexington, Va. 24450

3.0 CONTENTS OF STATEMENTS OF QUALIFICATIONS

3.1 General

The evaluation and short-list process established by this RFQ is intended to enable Offerors to demonstrate their qualifications to perform the Project, and to enable VDOT to evaluate those qualifications in arriving at a short-list. Offerors are advised that the SOQ should include specific information that will demonstrate the qualifications and experience required by this RFQ. The format for the presentation of such information is described in Section 5.2. Offerors should note that it is not the intention of VDOT to receive Project-specific design or engineering recommendations as part of this RFQ.

Offerors are advised that VDOT reserves the right to conduct an independent investigation of any information, including prior experience, identified in a SOQ by contacting project references, accessing public information, contacting independent parties, or any other means. VDOT further reserves the right to request additional information from an Offeror during the evaluation of the Offeror's SOQ.

3.2 Letter of Submittal

Offerors shall provide a Letter of Submittal on the Offeror's letterhead identifying the official representative and point of contact for the Offeror relative to this RFQ and the SOQ. The letter shall identify such representative's title, address, phone and fax numbers, and e-mail addresses, and be signed by an authorized representative of Offeror's organization. If the Offeror is not yet a legal entity or is a joint venture, all major participants or joint venture members shall sign the letter.

Accompanying the Letter of Submittal shall be the SOQ, wherein the Offeror shall specifically address the following:

3.3 Offeror's Corporate Structure

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the Offeror's Corporate Structure. At a minimum, each Offeror shall respond to the following requirements:

3.3.1 Identify whether the Offeror will be structured as a corporation, limited liability company, general partnership, joint venture, limited partnership or other form of organization. Specifically identify the team members who will undertake financial responsibility for the Project and describe any liability limitations. If the Offeror is a limited liability company, partnership or joint venture, describe the bonding approach that will be used and the members of such organizations who will have joint and several liability for the performance of the work required for the Project.

3.3.2 Identify the name, address and telephone number of each principal officer of the legal entity with whom a Design-Build contract with VDOT would be written (e.g., President, Treasurer, Chairperson of the Board of Directors, etc.).

3.4 Offeror's Team Structure

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the Offeror's Team Structure. At a minimum, each Offeror shall respond to the following requirements:

3.4.1 Identify the Offeror's team, including but not limited to the lead contractor and lead designer. Provide the names, addresses and phone numbers of all such team members.

3.4.2 Provide an organizational chart showing the flow of "chain of command" with lines identifying the participants who are responsible for major functions to be performed and their reporting relationships in submitting the SOQ, managing, designing and constructing the Project. The reporting structure of the Key Personnel shall be as illustrated in Attachment No. 2. If the Offeror intends to use a specific subconsultant or major subcontractor, then it shall identify such entity by name in the organizational chart provided, however that the requirements of Section 10.1 shall apply for such identified parties. This chart should provide the following:

.1 The functional structure of Offeror's project team down to the design discipline leader and construction superintendent level, and identify Key Personnel (as identified in Section 3.5.3 below) by name.

.2 If a corporate officer is listed among the Key Personnel, provide a detailed description of how and where he/she plans to perform project duties including number of hours per week dedicated to this project in their role as "Key Personnel", while also fulfilling corporate obligations.

.3 A brief narrative describing the significant functional relationships among participants for the organizational chart.

.4 Identification of design subconsultants, specialty subconsultants and major subcontractors.

3.4.3 Identify where the Offeror intends to maintain its project office(s) and where the majority of the design work will be performed.

3.5 Experience of Offeror's Team

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the experience of the Offeror's team on similar projects. At a minimum, Offeror shall provide the following requirements:

3.5.1 The lead contractor and lead designer shall each list at least three (3), but no more than five (5), relevant roadway and bridge projects, including any Design-Build projects, performed in the past five (5) years. This information is to be provided on the Work History Form attached hereto as Attachment No. 23. If any Design-Build project is provided as a reference that was not performed together by the lead contractor and lead designer, then Offeror shall identify the design professional or construction entity with whom it contracted for each such project.

3.5.2 Offeror shall specify the identity of any specific subconsultant or major subcontractor that the Offeror considers critical to the success of the Project and intends to use on the Project. If the Offeror identifies any specific subconsultant or major subcontractor, the Offeror shall provide sufficient information to enable VDOT to understand the experience of such subconsultant or subcontractor. In submitting such subconsultants or subcontractors, Offeror will be committing to VDOT that such entities will remain on the Project in accordance with the requirements of Section 10.1 hereof.

3.5.3 Offeror shall provide the identity of and information about the following Key Personnel. This information is to be provided on the Resume Form attached hereto as Attachment Nos. 34A and 4B.

.1 **Design-Build Project Manager**– This individual shall be responsible for the overall Project design, construction quality management and contract administration for the Project. ~~In addition, this individual shall have successfully completed the American Traffic Safety Services Association (“ATSSA”) Virginia Traffic Control Design Specialist training course or an approved VDOT Advanced Work Zone Traffic Control training course by the Anticipated Award Date as set forth in Section 2.5.~~ This individual shall have a minimum ten (10) years experience and expertise as a Project Manager on similar projects.

.2 **Design Manager** – This individual shall be responsible for coordinating the individual design disciplines and ensuring the overall Project design is in conformance with the Contract Documents. The Design Manager shall be responsible for establishing and overseeing a QA/QC program for all pertinent disciplines involved in the design of the Project, including, but not limited to, review of design, working plans, specifications, and constructability for the Project. ~~In addition, this individual shall have successfully completed the ATSSA Virginia Traffic Control Design Specialist training course or an approved VDOT Advanced Work Zone Traffic Control training course by the Anticipated Award Date as set forth in Section 2.5.~~ This individual shall have a minimum ten (10) years experience and expertise as a Design Manager and be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.3 **Construction Manager** – This individual, who will be required to be on the Project site for the duration of construction operations, shall be responsible for managing the construction process and all construction personnel (inclusive of the superintendent(s)), to include all quality control (“QC”) activities to ensure the materials used and work performed meet contract requirements and the “approved for construction” plans and specifications. This individual shall hold a DCR Responsible

Land Disturber (“RLD”) Certification and a VDOT Erosion and Sediment Control Contractor Certification (“ESCCC”) or a statement shall be included indicating this individual will hold these certifications prior to the commencement of construction. ~~In addition, this individual shall have successfully completed the ATSSA Virginia Traffic Control Supervisor training course or an approved VDOT Intermediate Work Zone Traffic Control training course by the Anticipated Award Date as set forth in Section 2.5.~~ This individual shall have a minimum ten (10) years experience and expertise as a Construction Manager on similar projects.

.4 **Quality Assurance Manager (“QAM”)** – This individual, who will be required to be on the Project site for the duration of construction operations, shall be from an independent firm that has no involvement in construction operations for the Project, and shall be responsible for the quality assurance (“QA”) inspection and testing of all materials used and work performed on the Project to include monitoring of the Contractor’s QC program. The QAM will ensure that all work and materials, testing, and sampling are performed in conformance with the contract requirements, and the “approved for construction” plans and specifications. This individual shall have a minimum five (5) years experience and expertise as a QAM and be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.5 **Geotechnical Engineer** – This individual shall be responsible for ensuring all geotechnical investigations, analysis and recommendations necessary for the design and construction of the project are performed and are in accordance with the Contract Documents. The Geotechnical Engineer shall provide written certification (signed and sealed) to the QAM that all geotechnical related work and materials are in conformance with the contract requirements and the “approved for construction” plans and specifications. The Geotechnical Engineer and/or his/her qualified Inspector will inspect the adequacy of the geologic conditions for support of foundations and that the installation of the foundations are in accordance with the plans and specifications prior to construction of the structure. For pavements and areas of engineered fill the Geotechnical Engineer and/or his/her qualified Inspector shall determine the suitability of the subgrade for pavement and embankment support in accordance with the plans and specifications prior to placement of the aggregate base course material and embankment fill. Also to assess rock cuts to assure the conditions conform to those considered during design. This individual shall have a minimum of ten (10) years of experience and expertise working in the region and/or in areas of similar geologic settings and with similar project features for this Project. The Geotechnical Engineer must be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.6 **Project Inspector** - This individual, who shall report directly to the QAM, will be required to be on the Project site for the duration of construction operations and shall be responsible for managing the inspection processes for the entire project to include all QA activities. The Project Inspector will ensure that all work and materials, testing, and sampling are performed in conformance with the contract requirements, and the “approved for construction” plans and specifications. ~~In addition, this individual shall have successfully completed the ATSSA Virginia Traffic Control Supervisor training course or an approved VDOT Intermediate Work Zone Traffic~~

~~Control training course by the Anticipated Award Date as set forth in Section 2.5.~~ This individual will report directly to the QAM and shall have a minimum ten (10) years experience and expertise as a Project Inspector on similar projects.

.7 The Offeror may provide the identity of other individuals on its team that the Offeror considers critical to the success of the Project and intends to use. If such individuals are identified, they shall be deemed Key Personnel. Offeror shall provide resumes for such individuals and will be committing to VDOT that such individuals will remain on the Project in accordance with the requirements of Section 10.1 hereof.

3.5.4 Describe any notable expertise, or other special capabilities, of Offeror's team that Offeror contends: (a) is critical to evaluating its SOQ; or (b) differentiates Offeror's team from the anticipated competition.

3.5.5 Describe quantitatively how this Project would impact the current and anticipated workload of the office(s) which will perform this work. Provide a graph for both the lead designer and lead contractor detailing how this Project would impact the current and anticipated workload of the office(s) which will perform this work. If additional staff is needed, discuss in which areas it will be necessary and how will it be accomplished.

3.6 Experience of Offeror's Team in Working Together

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the experience of Offeror's team in working together. At a minimum, Offeror shall provide the following:

3.6.1 Identify any experience of Offeror's lead contractor (if different from Offeror), and lead designer (if different from Offeror) in working together on the same project, regardless of the contractual relationship between the parties or the project delivery approach used by the owner.

3.6.2 Identify any projects where the lead contractor and the lead designer have worked together, on the same project. If there are any such projects, describe at least one (1), but no more than three (3), such projects performed in the last five (5) years, focusing on those projects the Offeror considers most relevant in demonstrating its qualifications to serve as a Design-Builder for this Project. This information is to be provided on the Work History Form attached hereto as Attachment No. 23.

3.7 Project Understanding and Approach

Offeror shall provide sufficient information to enable VDOT to evaluate the Offeror's understanding of tasks involved and approach to managing, designing, and constructing the Project. At minimum, Offeror shall provide the following requirements:

3.7.1 A general description of the tasks involved in this Project.

3.7.2 Describe the approach Offeror will take in managing the design process and ensuring timely and quality performance of the design team members.

3.7.3 Describe the approach Offeror will take to construction administration, QA/QC and the involvement of the design members of Offeror's team during construction. Specifically, Offeror shall describe a process by which the Offeror implements procedures during the course of the Project, outlining essential elements necessary for proper level of design-construction interface and the collaboration between different stakeholders in the plan development, design and construction processes related to the design and construction anticipated on this Project. Offerors should describe the Offeror's project team of design consultants and construction personnel that will be incorporated into all project activities/phases of design, construction and project development, including interface with Department and other third parties.

3.7.4 Identify potential risk factors, special issues or problems that are likely to be encountered and explain the approach to mitigate those risks, issues or problems.

3.7.5 Discuss how Offeror intends to maximize the benefits of the Design-Build process. Comment on design, construction administration, design integration, construction sequencing, right of way acquisition and quality assurance/quality control. Discuss major issues and conceptual solutions.

3.8 Financial and Legal

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the capability of the Offeror to remain viable for the duration of the Project, that it can be contractually bound to and abide by its contractual obligations to VDOT and that it can meet the required financial commitments associated with the Project. At a minimum, Offeror shall provide the following (in the case of joint ventures the information detailed below should be disclosed for both entities):

3.8.1 The lead contractor shall provide evidence that it is prequalified with VDOT or proof that the Letter Requesting Prequalification has been submitted to VDOT for consideration. If such evidence or proof is not provided by the time of Notification to Offerors of the short-list, the SOQ will be rejected.

3.8.2 If the Offeror is a limited liability company, joint venture or any form of partnership, provide complete copies of the organizational documents that allow, or would allow by the time of contract award, the Offeror to do business in the Commonwealth of Virginia.

3.8.3 Provide evidence from a surety or insurance company (with a Best's Rating of A minus and VIII or better by A.M. Best Co.) stating that the Offeror is capable of obtaining a performance and payment bond based on the current estimated contract value referenced in Section 2.1, which bonds will cover the Project and any warranty periods.

3.8.4 Disclose any outstanding litigation that could materially and adversely affect the financial condition of the lead contractor and the lead designer.

3.8.5 Describe any project that the lead contractor or lead designer were involved in within the past five (5) years that resulted in: (a) the assessment of liquidated damages against one of such parties; (b) claims being submitted by or against one of such parties that involve the project owner; (c) one such parties having received a notice to cure a default due to the party's non-performance or poor performance of the underlying contract; or (d) one of such parties being terminated for cause. For any such situation, explain the circumstances and identify the project owner's representative and its current telephone number.

3.9 Safety

Offeror shall provide sufficient information to enable VDOT to understand and evaluate the capability of the Offeror to provide a safe working environment for all individuals associated or affected by the Project. At a minimum, each Offeror shall respond to the following requirements. In the case of joint ventures the information detailed below should be disclosed for both entities.

3.9.1 Provide the lead contractor's numeric Experience Modification Rating, the rating year and the name of the Insurance Company issuing the rating for each of the past six (6) years.

3.9.2 Provide a list of all OSHA citations for the five (5) calendar years preceding the calendar year of the RFQ release, from calendar years 2003 to 2007, against the lead contractor, the date of each occurrence, a detailed summary of the events surrounding the citations and their dispositions.

3.9.3 Provide the lead contractor's OSHA 200/300A Summary Forms ~~for~~ from calendar years 2002-2003 to present. Also, provide the lead contractor's Recordable Incidence Rates ("RIR") and Lost Time Incidence Rates ("LTIR") for each of the past five (5) years.

3.10 DBE Goal

3.10.1 Provide a written statement from Offeror, signed by an authorized representative of Offeror, that Offeror is committed to achieving an 8 % DBE participation goal during design and construction of the Project.

3.10.2 Describe Offeror's approach to achieve the DBE participation goal set forth in Section 3.10.1 during the design and construction of the Project.

4.0 EVALUATION OF THE STATEMENTS OF QUALIFICATIONS

4.1 Evaluation Criteria and Weightings

VDOT intends to review the SOQs for responsiveness to the requirements of this RFQ and to evaluate all responsive SOQs according to the following criteria and weightings:

Sub-Sections	Rating Weight (%)
3.4 Offeror's Team Structure	15 points
3.5 Experience of Offeror's Team	40 points
3.6 Experience of Offeror's Team in Working Together	5 points
3.7 Project Understanding and Approach	30 points
3.8 Financial and Legal	5 points
3.9 Safety	5 points
3.10 DBE Goal	pass/fail

Maximum Score: 100 points

Each evaluation criterion has an assigned maximum number of points as indicated above. For purposes of determining the pass/fail requirements for the DBE Goal, the only item that will be considered will be Offeror's submission of the written statement required by Section 3.10.1.

4.2 Scoring and Ranking

Each member of the Proposal Evaluation Team will score and rank each SOQ independently, and then the entire Team will meet to discuss and determine the final scores and ranking. Offerors will then be ranked from the highest to the lowest based on their final scores to determine a short-list.

5.0 SOQ SUBMITTAL REQUIREMENTS

This Section 5.0 describes the requirements that all Offerors must satisfy in submitting SOQs. Failure of any Offeror to submit its SOQ in accordance with this RFQ may result in rejection of its SOQ.

5.1 Due Date, Time and Location

All SOQs must be submitted by the due date set forth in Section 2.5 to the following individual at the following address:

Mr. Jeffrey A. Roby, P.E.
Innovative Project Delivery Division
Virginia Department of Transportation
1401 East Broad Street
Old Highway Building, 4th Floor

Each Offeror must provide VDOT with ten (10) copies of the SOQ and a CD containing one continuous electronic copy of the SOQ in PDF format. Each copy must be identified on its front cover, in the upper right-hand corner, as “Copy ___ of 10 Copies.” Neither fax nor email submissions will be accepted. Offerors are responsible for effecting delivery by the deadline above, and late submissions will be rejected without opening, consideration, or evaluation, and will be returned unopened to the sender. VDOT accepts no responsibility for misdirected or lost proposals.

5.2 Format

- The qualifications document shall be no more than fifty (50) pages typed on one side only.
 - Separated by numbered tabs, with sections corresponding to the order set forth in Section 3.0 above. Tabs should not contain project-specific information, or they will be counted against the page limit.
 - Attachment ~~34~~, the Resume Form, will be counted against the above specified page limit. Offeror may use Times New Roman 10 point font for filling out information on Attachment ~~34~~.
 - Neither the Letter of Submittal nor Attachments ~~23~~, ~~45~~, and ~~56~~ shall be counted against the fifty page limit.
- All printing, except for the front cover of the SOQ and Attachment ~~3-4~~ shall be
 - Times New Roman with a font of 12 point
 - Include page number references in the lower right hand corner.
 - Prepared on 8.5” x 11” white paper.
- Only the Work History Form (Attachment ~~23~~) shall be 11” x 17”, but must be folded to 8.5” x 11”.

Please note it is acceptable to insert requested financial/safety data within the body of the SOQ using publishing software. Such insertions will not be subject to the Times New Roman 12 point font formatting restriction (Example cited in Attachment ~~67~~).

NOTE: VDOT will remove pages if the total exceeds the page limit.

6.0 QUESTIONS AND CLARIFICATIONS

6.1 Format

All questions and requests for clarification regarding this RFQ shall be submitted to VDOT in writing by email or written letter to the Point of Contact. No requests for additional information, clarification or any other communication should be directed to any other individual. **NO ORAL REQUESTS FOR INFORMATION WILL BE ACCEPTED.**

6.2 Deadlines

All questions or requests for clarification must be submitted by the due date set forth in Section 2.5. Questions or clarifications requested after such time will not be answered, unless VDOT elects, in its sole discretion, to do so. VDOT's responses to questions and request for clarifications shall be in writing, and will be accomplished by an Addendum to this RFQ. All Addenda will be posted on the VDOT Innovative Project Delivery Web Site as well as eVA. VDOT will not be bound by any oral communications, or written interpretations or clarifications that are not set forth in an Addendum.

6.3 Clarifications

VDOT, at its sole discretion, shall have the right to seek clarifications from any Offeror to fully understand information contained in the SOQ and to help evaluate and rank the Offerors. Offerors may also be requested to make an oral presentation of their qualifications before the qualifications are scored.

7.0 RIGHTS AND OBLIGATIONS OF VDOT

7.1 Reservation of Rights

In connection with this procurement, VDOT reserves to itself all rights (which rights shall be exercisable by VDOT in its sole discretion) available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

7.1.1 The right to cancel, withdraw, postpone or extend this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by VDOT of a Design-Build contract, without incurring any obligations or liabilities.

7.1.2 The right to issue a new RFQ.

7.1.3 The right to reject any and all submittals, responses and proposals received at any time.

7.1.4 The right to modify all dates set or projected in this RFQ.

7.1.5 The right to terminate evaluations of responses received at any time.

7.1.16 The right to use assistance of outside technical and legal experts and consultants in the evaluation process.

7.1.17 The right to waive deficiencies, informalities and irregularities in an SOQ, accept and review a non-conforming SOQ or seek clarifications or supplements to an SOQ.

7.1.18 The right to disqualify any Offeror that changes its submittal without VDOT approval.

7.1.19 The right to change the method of award between the advertisement of the RFQ and the advertisement of the RFP.

7.1.20 The right to respond to all, some, or none of the inquiries, questions and/or requests for clarification received relative to the RFQ.

7.1.21 The right to use all or part of an unsuccessful short-listed Offeror's proposal that accepts a Proposal Payment.

7.1.22 The right to short-list from among the highest ranked Offerors, and to provide an RFP only to those short-listed Offerors. VDOT intends to short-list the three (3) highest ranked Offerors. VDOT may increase or decrease the number of short-listed Offerors, if it is in the best interest of VDOT to do so.

7.2 VDOT Not Obligated for Costs of Proposing

VDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or the subsequent RFP. All of such costs shall be borne solely by each Offeror and its team members. Notwithstanding the above, VDOT intends to provide those short-listed Offerors who submit a responsive Proposal to the RFP, but who are not awarded the Design-Build contract, a Proposal Payment in consideration for ownership of the information provided in the Proposal. The terms for attaining such Proposal Payment will be identified in the RFP.

8.0 PROTESTS

8.1 General

This Section 8.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Offeror, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless the protesting Offeror appeals within ten (10) calendar days of the written decision by instituting legal action as provided for in §2.2-4364, *Code of Virginia*. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Offerors. Such waiver and agreement by each Offeror are also consideration to each other Offeror for making the same waiver and agreement.

8.2 Protests Prior to Submission of SOQ

8.2.1 An Offeror may protest the terms of this RFQ prior to the time for submission of an SOQ on the grounds that: (a) a material provision in this RFQ is wholly ambiguous;

(b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or (c) this RFQ in whole or in part exceeds the authority of VDOT. Protests regarding this RFQ shall be filed only after the Offeror has informally discussed the nature and basis of the protest with the POC identified in the RFQ in an effort to remove the grounds for protest.

8.2.2 Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury.

8.2.3 Protests regarding this RFQ shall be filed by hand delivery or courier to the POC within three (3) business days after the protest has been informally discussed, subject to the protest actually being received no later than ten (10) calendar days before the SOQ submittal due date, provided that protests regarding an Addendum to the RFQ shall be filed and actually received no later than five (5) business days after the Addendum to the RFQ is issued.

8.2.4 VDOT will distribute copies of the protest to the other Offerors and may, but need not, request other Offerors to submit statements or arguments regarding the protest and may, in its sole discretion, discuss the protest with the protesting Offeror. If other Offerors are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven (7) calendar days of the request.

8.2.5 The protesting Offeror shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. VDOT or its designee shall decide the protest on the basis of the written submissions. VDOT shall issue the decision in writing to each Offeror. The decision shall be final and conclusive. If necessary to address the issues raised in the protest, VDOT will make appropriate revisions to this RFQ by issuing Addenda. VDOT may extend the SOQ due date, if necessary, to address any protest issues.

8.2.6 The failure of an Offeror to raise a ground for a protest regarding this RFQ shall preclude consideration of that ground in any protest of qualification of an Offeror unless such ground was not and could not have been known to the Offeror in time to protest prior to the final date for such protests.

8.3 Protests Regarding Responsiveness and Qualification After Submission of SOQs

8.3.1 An Offeror may protest the results of the evaluation and short-listing process by filing a notice of protest by hand delivery or courier to the POC within the time periods specified in this Section 8.3. The protesting Offeror shall concurrently file a copy of its notice of protest with the other Offerors. The notice of protest shall specifically state the grounds of the protest.

8.3.2 Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five (5) business days after the earliest of notification of non-responsiveness, the scheduled date for oral meetings and presentations (if any) or the public announcement of the short-listed Offerors. Notice of protest of the decision on the short-listed Offerors must be filed and actually received by VDOT within five (5) business days after the public announcement of the short-listed Offerors.

8.3.3 Within seven (7) calendar days of the notice of protest the protesting Offeror must file with the POC a detailed statement of the grounds, legal authorities and facts, including all documents and evidentiary statements, in support of the protest. The protesting Offeror shall concurrently deliver a copy of the detailed statement to all other Offerors. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Offeror shall have the burden of proving its protest by clear and convincing evidence.

8.3.4 Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualified process and decisions there under, other than any protest based on facts not reasonably ascertainable as of such date.

8.3.5 Other Offerors may file by hand delivery to the POC a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Offeror files its detailed statement of protest. VDOT will promptly forward copies of any such statements to the protesting Offeror.

8.3.6 Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of VDOT or its designee, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of an Offeror or VDOT. VDOT or its designee shall issue a written decision regarding the protest within thirty (30) calendar days after VDOT receives the detailed statement of protest. Such decision shall be final and conclusive. VDOT or its designee shall deliver the written decision to the protesting Offeror and copies to the other Offerors. Unless necessary for the successful completion of the Project, as determined at the sole discretion of VDOT, the RFP shall not be issued to the short-listed Offerors until VDOT issues its written decision on the protest.

8.3.7 If VDOT or its designee concludes that the Offeror filing the protest has established a basis for protest, VDOT or its designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new RFQ or taking other appropriate actions.

9.0 ADMINISTRATIVE REQUIREMENTS

In addition to the specific submittal requirements set forth in Section 3.0 above, all Offerors shall comply with the following:

9.1 All business entities, except for sole proprietorships, are required to be registered with the Virginia State Corporation Commission (a Business Registration Guide is available on the Internet at <http://www.state.va.us/scc/division/clk/brg.htm>). Foreign Professional Corporations and Foreign Professional Limited Liability Companies must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorship must be registered in the Commonwealth of Virginia with the Department of Professional & Occupational Regulation, Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (<http://www.dpor.virginia.gov/dporweb/dpormainwelcome.cfm>). Board regulations require that all professional corporations and business entities that have branch offices located in Virginia which offer or render any professional services relating to the professions regulated by the Board be registered with the Board. Registration involves completing the required application and submitting the required registration fee for each and every branch office location in the Commonwealth. All branch offices that offer or render any professional service must have at least one full-time resident professional in responsible charge who is licensed in the profession offered or rendered at each branch. All firms involved that are to provide professional services must meet this criteria prior to a contract being executed by VDOT.

9.2 VDOT will not consider for award any Price Proposals submitted by any Offerors and will not consent to subcontracting any portions of the proposed Design-Build Contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

9.3 All Offerors must have internal control systems in place that meet federal requirements for accounting. These systems must comply with requirements of 48 CFR 31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures," and 23 CFR 172, "Administration of Negotiated Contracts."

9.4 VDOT assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) when requested by the Department to respond to the RFP. This requirement applies to all consulting firms with fifteen (15) or more employees.

9.5 VDOT does not discriminate against an Offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment. This requirement includes all applicable VDOT Roads and Bridge Specifications.

9.6 Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly. An

affiliate shall be considered as any business entity which is closely associated to another business entity so that one entity controls or has power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving, are not considered to be affiliates.

9.7 Please indicate, by executing and returning the attached Certification Regarding Debarment Forms, set forth as Attachments ~~4-5~~ and ~~56~~, if Offeror, or any subconsultant, subcontractor, or any other person or entity identified as a member of Offeror's organization in Section 3.0 above associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:

.1 Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.

.2 Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.

.3 Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but will be considered in determining Offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions. For the avoidance of doubt, Attachments 4 and 5 shall be separately completed and executed by Offeror and all subconsultants, subcontractors, and any other person or entity identified as a member of Offeror's organization in Section 3.0 above.

9.8 Offerors shall note and comply with the requirements relative to the eVA Business-to-Government Vendor system. The eVA Internet electronic procurement solution, web site portal (<http://www.eva.state.va.us>), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution through either eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. For more detail information regarding eVA, registrations, fee schedule, and transaction fee, use the website link: <http://www.eva.state.va.us>. All Offerors must register in eVA; failure to register will result in a proposal being rejected.

9.9 It is the policy of VDOT that Disadvantaged Business Enterprises (“DBEs”), as defined in 49 CFR Part 26, shall have every opportunity to participate in the performance of construction/consultant contracts. The DBE participation goal for this procurement is set forth in Section 3.10.1. Offerors are encouraged to take all necessary and reasonable steps to ensure that DBEs have every opportunity to compete for and perform services on contracts, including participation in any subsequent supplemental contracts. If a portion of the work on the Project is to be subcontracted out, Offerors must seek out and consider DBEs as potential subcontractors. DBEs must be contacted to solicit their interest, capability and qualifications. Any agreement between an Offeror and a DBE whereby the DBE promises not to provide services to any other Offeror or other contractors/consultants is prohibited.

9.10 If a DBE is not certified, the DBE must become certified with the Virginia Department of Minority Business Enterprises (“VDMBE”) prior to the Proposal Due Date. If the DBE is a prime, the firm will receive full credit for the planned involvement of their own workforce, as well as the work they commit to be performed by DBE subcontractors. DBE primes are encouraged to make the same outreach. DBE credit will be awarded only for work actually performed by DBEs themselves. When a DBE prime or subcontractor subcontracts work to another firm, the work counts toward DBE goals only if the other firm itself is a DBE. A DBE must perform or exercise responsibility for at least 30% of the total cost of its contract with its own workforce.

9.11 DBE certification entitles a firm to participate in VDOT’s DBE Program. However, it does not guarantee that the firm will obtain VDOT work nor does it attest to the firm’s abilities to perform any particular type of work.

10.0 MISCELLANEOUS

10.1 Obligation to Keep Team Intact

All individuals identified as Key Personnel in this RFQ or an SOQ shall remain on the Offeror’s Team for the duration of the procurement process and, if the Offeror is awarded a Design-Build contract, the duration of the contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to Owner’s POC, who, at his/her sole discretion, will determine whether to authorize a change. Unauthorized changes to the Offeror’s Team at any time during the procurement process may result in elimination of the Offeror from further consideration.

10.2 Conflict of Interest

10.2.1 Each Offeror shall require its proposed team members to identify potential conflicts of interest or a real or perceived competitive advantage relative to this procurement. Offerors are notified that prior or existing contractual obligations between a company and a federal or state agency relative to the Project or VDOT’s Design-Build program may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the Offeror shall submit in writing the pertinent information to VDOT’s POC.

10.2.2 VDOT, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated, shall not be allowed to participate as a Design-Build team member for the Project. Failure to abide by VDOT's determination in this matter may result in a proposal being declared non-responsive.

10.2.3 Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and, for example, may include, but are not limited to the following situations:

.1 An organization or individual hired by VDOT to provide assistance in development of instructions to Offerors or evaluation criteria for the Project.

.2 An organization or individual hired by VDOT to provide assistance in development of instructions to Offerors or evaluation criteria as part of the programmatic guidance or procurement documents for VDOT's Design-Build program, and as a result has a unique competitive advantage relative to the Project.

.3 An organization or individual with a present or former contract with VDOT to prepare planning, environmental, engineering, or technical work product for the Project, and has a potential competitive advantage because such work product is not available to all potential Offerors in a timely manner prior to the procurement process

10.2.4 VDOT reserves the right, in its sole discretion, to make determinations relative to potential conflicts of interest on a project specific basis.

10.2.5 VDOT may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Virginia law, the Offeror will be given the opportunity to waive this protection from disclosure. If Offeror elects not to disclose, Offeror may be declared non-responsive.

10.2.6 Offerors shall note that portions of the documents contained in the RFQ and RFP will include work product developed by Vanhase Hangen Brustlin ("VHB"), Gannet Fleming, Coastal Carolina and Parsons Transportation and the subconsultants, retained under "Supplemental Agreement No. 2 to Agreement for Interstate 81 NEPA Study: Tier 2 Environmental Documentation". The information contained in these studies is for informational purposes only. The interpretation and recommendations contained in these documents were made solely for the purpose of these previous contracts and shall not be relied upon by the Offerors in the design and construction of this project. VHB, Gannet Fleming, Coastal Carolina and Parsons Transportation will not be allowed to participate as a Design-Build team member. Any SOQ received in violation of this requirement will be rejected.

10.3 Ethics in Public Contracting Act

VDOT may, in its sole discretion, disqualify the Offeror from further consideration for the award of the contract if it is found after due notice and examination by VDOT that there is a violation of Ethics in Public Contracting Act, Section 2.2-4367 of the Virginia Code, or any similar statute involving the Offeror in the procurement of the contract.

10.4 Virginia Freedom of Information Act

10.4.1 All SOQs submitted to VDOT become the property of VDOT and are subject to the disclosure requirements of Section 2.2-4342 of the Virginia Public Procurement Act and the Virginia Freedom of Information Act (“FOIA”) (Section 2.2—3700 et seq.). Offerors are advised to familiarize themselves with the provisions of each Act referenced herein to ensure that documents identified as confidential will not be subject to disclosure under FOIA. In no event shall the Commonwealth, the Commonwealth Transportation Commissioner, or VDOT be liable to an Offeror for the disclosure of all or a portion of a SOQ submitted pursuant to this request.

10.4.2 If a responding Offeror has special concerns about information which it desires to make available to VDOT but which it believes constitutes a trade secret, proprietary information, or other confidential information exempted from disclosure, such responding Offeror should specifically and conspicuously designate that information as such in its SOQ and state in writing why protection of that information is needed. The Offeror should make a written request to the Director of the Innovative Project Delivery Division. The written request shall:

- .1 Invoke such exemption upon the submission of the materials for which protection is sought.
- .2 Identify the specific data or other materials for which the protection is sought.
- .3 State the reasons why the protection is necessary.
- .4 Indicate that a similar process with the appropriate officials of the affected local jurisdictions is or will be conducted. Failure to take such precautions prior to submission of a SOQ may subject confidential information to disclosure under the Virginia FOIA.

10.4.3 Blanket designations that do not identify the specific information shall not be acceptable and may be cause for VDOT to treat the entire SOQ as public information. Nothing contained in this provision shall modify or amend requirements and obligations imposed on VDOT by applicable law, and the applicable law(s) shall control in the event of a conflict between the procedures described above and any applicable law(s).

10.4.4 In the event VDOT receives a request for public disclosure of all or any portion of a SOQ identified as confidential, VDOT will attempt to notify the Offeror of the request, providing an opportunity for such Offeror to assert, in writing, claimed exemptions under the FOIA or other Commonwealth law. VDOT will come to its own determination whether or not the requested materials are exempt from disclosure. In the event VDOT elects to disclose the requested materials, it will provide the Offeror advance notice of its intent to disclose.

10.4.5 Because of the confidential nature of the evaluation and negotiation process associated with this Project, and to preserve the propriety of each Offeror’s SOQ, it is VDOT’s intention, subject to applicable law, not to consider a request for disclosure until after VDOT’s issuance of a Notice of Intent to Award. Offerors are on notice that once a Design-Build Contract is executed, some or all of the information submitted through in the SOQ may lose its protection under the applicable laws of the Commonwealth.

11.0 Attachments

The following attachments are specifically made a part of, and incorporated by reference into, this RFQ:

ATTACHMENT 1	--	FINDING OF PUBLIC INTEREST
<u>ATTACHMENT 2</u>	--	<u>EXAMPLE ORG STRUCTURE</u>
ATTACHMENT <u>23</u>	--	WORK HISTORY FORM
ATTACHMENT <u>34A</u>	--	RESUME FORM
<u>ATTACHMENT 4B</u>	--	<u>EXAMPLE RESUME FORM</u>
ATTACHMENT <u>45</u>	--	CERTIFICATION REGARDING DEBARMENT, PRIMARY COVERED TRANSACTIONS
ATTACHMENT <u>56</u>	--	CERTIFICATION REGARDING DEBARMENT, LOWER TIER COVERED TRANSACTIONS
ATTACHMENT <u>67</u>	--	EXAMPLE SOQ PICTURE INSERT

**Finding of Public Interest for the Use of Design-Build Contracting Method
I-81 Corridor Safety and Operational Improvements: Staunton, Virginia
UPC: 84363**

The Virginia Department of Transportation (VDOT) has an urgent need to complete safety and operational improvements to I-81 in Staunton, Virginia. The proposed project includes the addition of an approximate 6.4 mile Truck Climbing Lane (TCL) in the northbound direction of Interstate 81 from approximate Mile Marker 195.8 (approximately 0.3 mile south of Rte 716) to approximate Mile Marker 202.1 (approximately 1.5 miles north of Rte 710 at Exit 200, Fairfield). VDOT has determined that project delivery via design-build contracting will allow for timely allocation of available funding, will afford an opportunity for competition in the project's procurement and expedite completion.

The benefits of design-build delivery satisfy the following transportation needs:

- VDOT anticipated releasing a task order in conjunction with the referenced I-81 Truck Climbing Lanes under a Public Private Partnership Act (PPTA) procurement; however, the procurement under the PPTA has been terminated. In order to continue momentum of the project development process, the Department has determined the Design-Build project delivery methodology is the best option. The proposed Design-Build schedule is as follows:
 - RFQ issued January 2008
 - RFP issued Spring 2008
 - Contract executed Fall 2008
 - Projected completion in Fall 2012
- Timely allocation of available funding. Federal transportation legislation (SAFETEA-LU) includes the following three earmarks totaling \$141.5 million for I-81 in Virginia:
 - \$100 million for "Construction of dedicated truck lanes on additional capacity on I-81" in Section 1302.
 - \$38 million for "Manage freight movement and safety improvements to I-81" in Section 1934.
 - \$3.5 million for "Manage freight movement and safety improvements to I-81" in Section 1702 (Project No. 5050).

Design-build procurement for the I-81 Truck Climbing Lanes in the Staunton District will facilitate the expenditure of earmarked funds, and will facilitate VDOT's commitment to initiate safety and operational improvements to the I-81 Corridor.

I-81 represents a critical component of the transportation network within both the Staunton District and the state of Virginia. The improvements proposed by this project

will ensure compliance with the Commonwealth Transportation Board's October 2006 resolution and provided for a safer and more efficient Interstate system within this region of the Commonwealth.

VDOT has a clear understanding of the project's scope of work. The project has a number of challenges with regard to right-of-way acquisition and coordination with other governmental agencies that pose limited risks to VDOT.

Based on review of this public interest finding and the objective criteria previously adopted by the Commonwealth Transportation Board regarding the use of Design-Build contracts, I find that use of Design-Build contracting for the proposed project is in the best interest of the Commonwealth of Virginia.

Original with signatures on file in the Innovative Project Delivery Division.

Recommended for Approval:

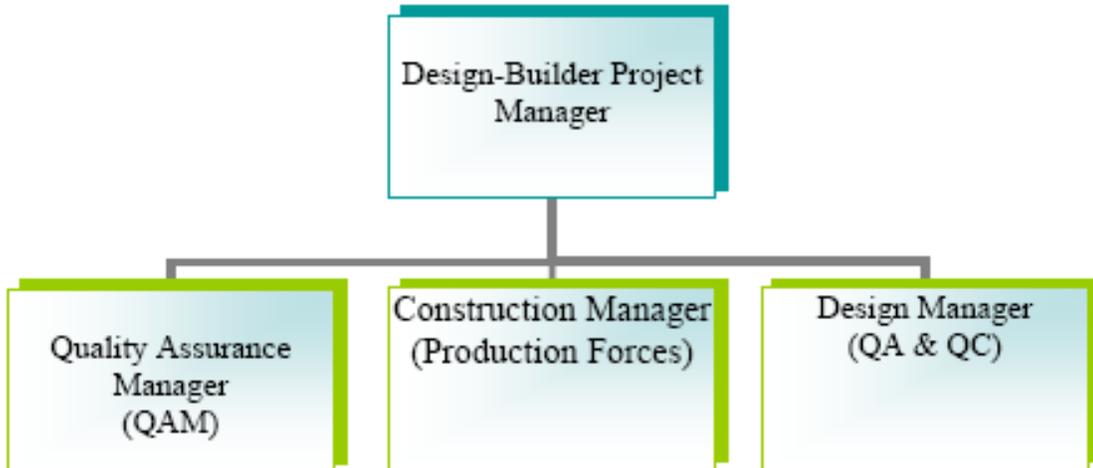
Malcolm T. Kerley, P.E. date
Chief Engineer

Approved:

David S. Ekern, P.E. date
Commonwealth Transportation
Commissioner

ATTACHMENT NO. 2

ORGANIZATIONAL CHART FOR KEY PERSONNEL EXAMPLE



ATTACHMENT NO. 23

WORK HISTORY FORM

Work by Lead Contractor and Lead Designer, which best illustrates current qualifications relevant to this Project.							
a. Project Name & Location	b. Project Owner's Name & Address, Project Manager's Name, Phone & Fax Number	c. Nature of Firm's Responsibilities	d. Contract Completion Date (Original)	e. Contract Completion Date (Actual or Estimated)	f. Estimated Value (in Thousands)		
					Original Contract Value	Final or Estimated Contract Value	Dollar Value of Work for Which Firm Was/Is Responsible
(1)							
(2)							
(3)							
(4)							
(5)							

ATTACHMENT NO. 3

RESUME FORM

~~Brief Resume of Key Persons, specialist, and individual Design-Build team member anticipated for this project. (List at least three (3), but no more than five (5) relevant projects for which you have performed a similar function.)~~

~~a.Name & Title:~~

~~b.Project Assignment:~~

~~c.Name of Firm with which associated:~~

~~d.Years experience: With this Firm _____ Years With Other Firms _____ Years~~

~~e.Education: Educational Institution/Degree(s)/Year/Specialization:~~

~~f.Active Registration: Year First Registered/ Discipline/VA Registration #:~~

~~g.Experience and Qualifications relevant to the proposed project (Note whether experience is with current firm or with other firm. Note your specific responsibilities and authorities, not those of the firm. Note dates and contact information for client/owner who can verify your role and performance):~~

ATTACHMENT NO. 4B

RESUME FORM EXAMPLE

a. NAME & TITLE: <u>Bob Smith, Construction Manager</u>
b. PROJECT ROLE: <u>Construction Manager</u>
c. NAME OF FIRM WITH WHICH ASSOCIATED: <u>XYZ Construction Corporation</u>
d. YEARS EXPERIENCE: <u>With this firm: 25;</u> <u>With other firms: 10;</u> <u>In the role as state in "b" above 15.</u>
e. EDUCATION: Educational Institution: <u>ABC University</u> Degree(s): <u>Construction Management</u> Year: <u>1973</u> Specialization: <u>N/A</u>
f. ACTIVE REGISTRATION: Year First Registered: <u>N/A</u> Discipline: <u>N/A</u> VA Registration #: <u>N/A</u>
g. CERTIFICATIONS: <ul style="list-style-type: none">• <u>Responsible Land Disturber</u>• <u>Erosion and Sediment Control Contractor Certification</u>
h. EXPERIENCE AND QUALIFICATIONS RELEVANT TO THE PROPOSED PROJECT: Project: <u>Route 123 Widening, Chesterfield County, Virginia</u> Name of Firm: <u>XYZ Construction Corporation</u> Start Date: <u>1/1/06</u> Finish Date: <u>1/1/08</u> Project Role: <u>Construction Manager</u> Responsibilities: <u>Responsible for several field crews for this \$75 million design-build project. The project included the construction of five new ramps, two roundabouts and the elimination of two at-grade intersections. Mr. Smith coordinated with various governmental agencies including the Department of Environmental Quality, Federal Highway Administration and Army Corps of Engineers, given the project was constructed through environmentally sensitive areas.</u> Client/Owner Contact: (Name/Title/Phone): <u>VDOT, Mr. Joe Wilson, Area Construction Engineer, 804-333-1111</u> Project: <u>Route 555 West Bound Ramp to US 11, Mechanicsville, Virginia</u> Name of Firm: <u>XYZ Construction Corporation</u> Start Date: <u>1/1/04</u> Finish Date: <u>1/1/06</u> Project Role: <u>Construction Manager</u> Responsibilities: <u>Responsible for XYZ Construction's field personnel as well as subcontractor coordination for phased construction of this project. This \$3 million project consisted of three maintenance of traffic phases, roadway excavation, two box culverts and the relocation of a 36" waterline.</u> Client/Owner Contact: (Name/Title/Phone): <u>VDOT, Ms. Jane Adams, Area Construction Engineer, 804-222-3333</u>

EXPERIENCE AND QUALIFICATIONS RELEVANT TO THE PROPOSED PROJECT:

Project: SC 72 Bridge Replacements and Roadway Reconstruction, Charleston, South Carolina

Name of Firm: XYZ Construction Corporation

Start Date: 3/5/02 **Finish Date:** 12/15/03

Project Role: Construction Manager

Responsibilities: Managed construction activities for replacement of five bridges and eight miles of roadway in Charleston, South Carolina. He worked closely with SCDOT personnel to ensure conformance with plan requirements in addition to coordinating with several suppliers and subcontractors and numerous field personnel.

Client/Owner Contact: (Name/Title/Phone): SCDOT, Mr. Adam Edwards, District Construction Engineer, 323-444-5555

Project: Route 98 Relocation, Fairfax County, Virginia

Name of Firm: XYZ Construction

Start Date: 4/6/97 **FINISH DATE:** 12/1/01

Project Role: Construction Manager

Responsibilities: Maintenance/monthly updates to project schedule. Attended project meetings with various project personnel and community leaders. Responsibilities included effectively communicating with subcontractors, owners and county personnel. Scheduled the order and delivery of materials and supplies. Assisted with the maintenance of various permits. Performed calculations and pricing of information.

Client/Owner Contact: (Name/Title/Phone): VDOT, Mr. Larry Williams, District Construction Engineer, 703-555-6777

Project: Town of Blacksburg, ZZ Redevelopment Site, Salem District, Blacksburg, Virginia

Name of Firm: XYZ Construction

Start Date: 8/8/95 **Finish Date:** 3/23/97

Project Role: Construction Manager

Responsibilities: Served as project manager and environmental monitor. Developed and maintained project schedules and tracked subcontractor pay item quantities. Developed monthly earned value assessments. Attended meetings with owners, subcontractors and decision makers. Corresponded regularly with suppliers regarding the order and delivery of materials. Assisted with obtaining permits with local and state agencies.

Client/Owner Contact: (Name/Title/Firm): VDOT, Mr. John Simpson, Area Construction Engineer, 540-678-9533

ATTACHMENT NO. 45

**CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS**

Project No.: 0081-081-708 P101, R201, C501, B601, B602, B603

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and

d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the Offeror for contracts to be let by the Commonwealth Transportation Board.

Signature

Date

Title

Name of Firm

ATTACHMENT NO. 56

**CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS**

Project No.: 0081-081-708 P101, R201, C501, B601, B602, B603

1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the Offeror for contracts to be let by the Commonwealth Transportation Board.

Signature Date Title

Name of Firm

ATTACHMENT 67

EXAMPLE SOQ PICTURE INSERT (FINANCIAL INFORMATION)

3.8 Financial and Legal

3.8.1 [REDACTED] is one of the largest Virginia-based contractors operating throughout North Carolina, South Carolina, and Virginia. [REDACTED] maintains and operates one of the largest and most diverse fleets of equipment in the Mid-Atlantic States. A closely held company dating to 1909, [REDACTED] has maintained an uninterrupted relationship with both its bonding company (Seaboard Surety) and insurance company (Liberty Mutual) for over 50 years. [REDACTED] and [REDACTED] will be subcontractors to [REDACTED] for this project.



3.8.2 At right, please find a statement from Travelers Casualty & Surety Company regarding [REDACTED] bonding capability.

3.8.3 At right, please find the listing for [REDACTED] evidence that it is pre-qualified with VDOT.

3.8.4 The [REDACTED] Team has no outstanding litigations that could materially and adversely affect the financial condition of this project.



3.8.5 [REDACTED] as the lead contractor and [REDACTED] as the lead designer and [REDACTED] have not been involved in projects within the last five years that resulted in: (a) the assessment of liquidated

damages against one of such parties; (b) claims being submitted by or against one of such parties that involve the project owner; (c) one of such parties having received a notice to cure a default due to the party's non-conformance or poor performance of the underlying contract; or (d) one of such parties being terminated for cause.