VDOT

Virginia Department of Transportation

REQUEST FOR QUALIFICATIONS

A DESIGN-BUILD PROJECT

Interstate 66 Active Traffic Management
(I-66 ATM)

From
District of Columbia/Virginia Border in Arlington County
To
U.S. 29 (Lee Hwy) in Gainesville, Prince William County

Arlington, Fairfax and Prince William Counties, Virginia

State Project No.: 0066-96A-917, P101, N501

Federal Project Nos.: IM-5A01(253) & IM-5A01(274)

Contract ID Number: C00098017DB46

DATE: October 25, 2011

TABLE OF CONTENTS

1.0 INTRODUCTION 3
2.0 BACKGROUND INFORMATION 3
2.1 Project Overview 3
2.2 Offeror's Scope of Work 4
2.3 Legislative Authority for the Project 5
2.4 Procurement Overview of the Project 5
2.5 Schedule 6
2.6 Evaluation Team 7
2.7 VDOT's Point of Contact 7
2.8 RFQ Information Package 7
2.9 RFQ Documents and Addenda 8
2.10 Acknowledgment of Receipt of RFQ, Revisions, and/or Addenda 8
2.11 Project Information Meeting 8
3.0 CONTENTS OF STATEMENTS OF QUALIFICATIONS 8
3.1 General 9
3.2 Letter of Submittal 9
3.3 Offeror's Team Structure 13
3.4 Experience of Offeror's Team 15
3.5 Project Risks 16
4.0 EVALUATION OF THE STATEMENTS OF QUALIFICATIONS 16
4.1 Statement of Qualifications Evaluation Factors 16
5.0 STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS 17
5.1 Due Date, Time and Location 17
5.2 Format 17
6.0 QUESTIONS AND CLARIFICATIONS 18
7.0 RIGHTS AND OBLIGATIONS OF VDOT 19
7.1 Reservation of Rights 19
7.2 VDOT Not Obligated for Costs of Proposing 21
8.0 PROTESTS 21
9.0 ADMINISTRATIVE REQUIREMENTS 22
10.0 DISADVANTAGED BUSINESS ENTERPRISES (DBEs) 23
11.0 MISCELLANEOUS 25
11.1 Requirement to Keep Team Intact 25
11.2 Conflict of Interest 25
11.3 Ethics in Public Contracting Act 27
11.4 Virginia Freedom of Information Act 27
11.5 Compliance with the Law in Virginia 28
12.0 ATTACHMENTS 28

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 Interstate 66 Active Traffic Management (ATM) project (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).

Offeror's SOQs will be rated and scored by a VDOT Evaluation Team based upon the evaluation criteria established in this RFQ and in accordance with the Design-Build Evaluation Guidelines, revised October 2011. (A copy of the same may be found at *http://www.virginiadot.org/business/design-build.asp*) Offerors' SOQs must meet all requirements established by this RFQ. Requirements of this RFQ generally will use the words "shall", "will", or "must" (or equivalent terms) to identify a required item that must be submitted with an Offeror's SOQ. Failure to meet an RFQ requirement will render an Offeror's SOQ non-responsive while the extent to which an Offeror meets or exceeds evaluation criteria will be rated by the VDOT Evaluation Team and be reflective of the VDOT Evaluation Team's scoring (in their sole discretion) of Offerors' SOQs.

2.0 BACKGROUND INFORMATION

2.1 Project Overview

The Project is located along Interstate 66 (I-66) from the District of Columbia and Virginia border in Arlington to U.S. 29 (Lee Highway) in Gainesville, Virginia. The purpose of this Federal Oversight Project is to improve traffic operations along the 32-mile segment of the heavily traveled east/west I-66 commuter corridor. This will be accomplished by installing integrated systems to remotely monitor, verify and quickly implement operational strategies for managing recurring and non-recurring traffic incidents. This Project will enable VDOT to dynamically deploy devices to control traffic and warn motorists through lane usage signals, dynamic message signs, temporary shoulder use, variable speed limit displays, queue warning and emergency pull off areas equipped with surveillance and communication tools. Active Traffic Management will provide tools for expedited deployment of operational strategies. Up to eleven different technologies/treatments will be implemented in various combinations within four defined segments of the Project as shown in Table 1.0 below.

Table 1.0 – Summary of ATM Strategies

Technology/ Treatment	Segment 1	Segment 2	Segment 3	Segment 4
	I-495 to DC Line	US 50 to I-495	US 29 (Centreville) to US 50	US 29 (Gainesville) to US 29 (Centreville)
Continuous CCTV Camera Coverage	✓	✓	✓	✓
Dynamic Message Sign (DMS)	✓	✓		

Technology/ Treatment	Segment 1	Segment 2	Segment 3	Segment 4
	I-495 to DC Line	US 50 to I-495	US 29 (Centreville) to US 50	US 29 (Gainesville) to US 29 (Centreville)
Vehicle Detection	✓	✓	✓	✓
Lane Control System		✓	✓	
Back of Queue Warning System		✓	✓	
Redundant CCTV Camera Coverage		✓	✓	
Auxiliary Lane Monitoring		✓		
Auxiliary Lane Control System		✓		
Enhanced Emergency Pull-Out and Staging Areas		✓	✓	
System Wide Adaptive Dynamic Ramp Metering	✓			
Removal of Bridge Mounted Static Signs, DMS, Lane Control Signals, and Structures	✓	✓	✓	✓

VDOT's current estimated contract value for this Project is approximately $32,000,000.

2.2 Offeror's Scope of Work

The anticipated scope of work to be undertaken by the Design-Builder under the design-build contract for this Project will be identified in the RFP. This work is anticipated to include, among other things, all work required to support the coordination, design and construction of: (a) Intelligent Transportation Systems (ITS); (b) roadway; (c) survey; (d) structures; (e) environmental (f) geotechnical; (g) hydraulics; (h) transportation management plan; (i) utilities; (j) public involvement/relations (k) quality assurance and quality control; (l) railroad; (m) construction engineering and inspection; and (n) overall Project management. Offerors should note that all work performed on this Project shall be completed using English Units.

Software development is excluded from this Design-Build contract. VDOT will address the ATM application software on a separate yet parallel effort using other contracting and funding mechanisms. The Design-Builder will be required to deliver and test new ATM field equipment using vendor device software and to coordinate, support and aid the parallel ATM application software effort. The I-66 ATM – Software Concept of Operation and Implementation Strategy received concurrence of the Federal Highway Administration (FHWA) and a copy of the document will be provided to short-listed Offerors in the RFP.

Environmental work shall address all items necessary for the acquisition of water quality permits in the name of the Design-Builder for the Project. In accordance with the requirements of the National Environmental Policy Act (NEPA) VDOT has completed a Programmatic Categorical Exclusion (PCE) for this Project dated August 31, 2010 (amended to a Blanket Categorical Exclusion on May 9, 2011). The Design-Builder will be required to fulfill all commitments included in the NEPA Document.

Services for right-of-way acquisition are not anticipated, as all work necessary is planned within existing right-of-way. Notwithstanding the foregoing statement, should any right-of-way (whether fee or easements) be required to accommodate Design-Builder's unique solution and/or Design-Builder's means, methods and resources used during construction above and beyond the existing right of way limits depicted on the preliminary drawings included in the RFP Information Package, then all right of way acquisition costs for such additional fee or easements shall be paid by the Design-Builder.

Services for utility additions, relocations, adjustments and coordination are anticipated insofar as utilities affected by the placement of poles, cabinets, overhead sign structures, gantries and other infrastructure for this project. To the extent possible, other utility adjustments and relocations should be avoided.

Railroad work is anticipated to include all items necessary for coordination with the Washington Metropolitan Area Transit Authority (WMATA) Railway and development of a Project work-plan and schedule that incorporates WMATA's availability and schedule requirements.

Construction engineering and inspection work is anticipated to include all items necessary for providing quality assurance and quality control in accordance with VDOT's Minimum Requirements for Quality Assurance and Quality Control on Design-Build and Public-Private Transportation Act Projects, dated August 2008. **All Offerors shall be on notice that VDOT is currently updating this document and that the quality assurance and quality control for the Project shall be in compliance with the revised document. The revised document will be made available prior to the release of the RFP.**

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 June 15, 2011. The FOPI is included in the RFQ Information Package.

2.4 Procurement Overview of the Project

VDOT will use a two-phase selection process for the selection of a Design-Builder for the Project. This RFQ represents the first phase in the selection process. VDOT intends to short-list the 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 Assistant Division Administrator for the Alternate Project Delivery Office 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 is for substantial completion in March 2014. Final completion will take place in May 2014.

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	10/25/11
.2	Project Information Meeting	11/03/11 at 9:00 A.M. (prevailing local time)
.3	Deadline to submit questions	11/22/11 at 4:00 P.M. (prevailing local time)
.4	VDOT will respond to questions	12/09/11
.5	SOQ Submission Date	12/22/11 at 4:00 P.M. (prevailing local time)
.6	Evaluation and recommendations complete	02/17/12
.7	Notification to Offerors of the short-list	02/24/12
.8	Anticipated RFP Release Date	03/02/12
.9	Technical Proposals are due	06/04/12 at 4:00 P.M. (prevailing local time)
.10	Price Proposals are due	07/06/12 at 4:00 P.M. (prevailing local time)

.11 Anticipated Award Date 09/19/12

2.6 Evaluation Team

An Evaluation Team will be appointed by VDOT to rate and score the SOQs. In addition to the appointed 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 Joseph A. Clarke, 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.

Name:	Joseph A. Clarke, P.E.
Address:	Alternate Project Delivery Office Virginia Department of Transportation 1221 East Broad Street Main Building, 4th Floor Richmond, VA 23219
Mailing Address:	1401 East Broad Street Richmond, VA 23219
Phone :	(804) 371-4316
Fax :	(804) 786-7221
Email:	joseph.clarke@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.

All written communications to VDOT from Offerors shall specifically reference the correspondence as being associated with "I-66 ATM, RFQ No.:C00098017DB46."

2.8 RFQ Information Package

An RFQ information package is available to interested Offerors on CD for $50.00. Interested Offerors should complete the RFQ Information Package Order Form included as Attachment 2.8. The instructions for submittal and payment are included on the form.

The RFQ Information Package includes:

- Public Hearing Waiver, dated 07/26/2011
- Right of Way Certification, dated 07/26/2011
- Programmatic Categorical Exclusion, dated 08/31/2010
- I-66 ATM Concept of Operations, Version 1.1, dated 07/01/2011,
- Addendum to the I-66 ATM Concept of Operations, Version 1.1, dated 10/11/2011,
- I-66 ATM Systems Engineering Bridge Document, Version 1.3, dated 9/1/2011,
- I-66 ATM VDOT 940 Checklist, dated 07/01/2011
- I-66 ATM Preliminary Gantry Details, dated 08/01/2011
- I-66 ATM High Level Concept Plan, Version 1.3, dated 10/11/2011
- Finding of Public Interest (FOPI), dated 06/15/2011

2.9 RFQ Documents and Addenda

The RFQ Documents and Addenda, if any, will be posted on the VDOT Project website at *http://www.virginiadot.org/business/request-for-qualifications.asp*. Hardcopies of the RFQ Documents and Addenda on file will be available upon request. If there is any conflict between the electronic format and hard copies of any RFQ Documents or Addendum, the hard copies on file shall control.

2.10 Acknowledgment of Receipt of RFQ, Revisions, and/or Addenda

Offeror shall provide to VDOT the Acknowledgement of RFQ, Revisions, and/or Addenda (Form C-78-RFQ), set forth as Attachment 2.10, with submission of the SOQ, which will serve as acknowledgement that the Offeror has received this RFQ. The Offeror shall include on the form the identity of the Offeror's representative, who shall be the Offeror's single point of contact for the receipt of any documents, notices and addenda associated with this RFQ.

2.11 Project Information Meeting

VDOT will hold a Project information meeting for potential Offerors on the date and time set forth in Section 2.5 above at the Northern Virginia District Office of the Virginia Department of Transportation, 4975 Alliance Drive, Fairfax, Virginia 22030, in the Potomac Conference Room at 9:00 AM.

3.0 CONTENTS OF STATEMENTS OF QUALIFICATIONS

This Section describes specific information that must be included in the Statements of Qualifications. The format for the presentation of such information is described in Section 5.2.

3.1 General

3.1.1 The RFQ phase of the procurement process 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. Offerors should note that it is not the intent of VDOT to receive Project-specific design or engineering recommendations as part of this RFQ.

3.1.2. The SOQ will consist of all information required under this Section. Offerors shall complete the SOQ Checklist, Attachment 3.1.2, and include it in their SOQs. The purpose of the SOQ Checklist is to aid the Offeror in ensuring all submittal requirements have been included in the Offeror's SOQ and to provide a page reference indicating the location of each submittal requirement in the SOQ.

3.1.3. Offerors shall be aware that VDOT reserves the right to conduct an independent investigation of any information, including prior experience, identified in a Statement of Qualifications by contacting project references, accessing public information, contacting independent parties, or any other means. VDOT also reserves the right to request additional information from an Offeror during the evaluation of that Offeror's Statement of Qualifications.

3.1.4. If the Offeror has concerns about information included in its Statement of Qualifications that may be deemed confidential or Proprietary, the Offeror shall adhere to the requirements set forth by Section 11.4.2.

3.2 Letter of Submittal

3.2.1 The Letter of Submittal shall be on the Offeror's letterhead identifying an individual who serves as the point of contact for the Offeror. Include point of contact's title, address, phone and fax numbers, and e-mail address. The Letter of Submittal shall be signed by an authorized representative of Offeror's organization. All signatures shall be original and signed in ink.

3.2.2 Identify the name, address and telephone number of the 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.).

3.2.3 Identify whether the Offeror will be structured as a corporation, limited liability company, general partnership, joint venture, limited partnership or other form of organization. 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. Any co-surety relationship shall be set forth in a single 100% performance bond and a single 100% payment bond.

3.2.4 Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises 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.

If an Offeror has no affiliated and/or subsidiary companies other than the Offeror's legal business entity, the Offeror should include a statement in the Letter of Submittal indicating the same.

If more than one Statement of Qualifications is submitted by an individual, partnership, Corporation, or Joint Venture under the same or different name, then all Statement of Qualifications submitted by that individual, partnership, Corporation or Joint Venture shall be disqualified. A Statement of Qualifications submitted by an Affiliate of an individual, partnership, Corporation or any party of a Joint Venture will be considered as more than one Statement of Qualifications.

3.2.5 Offeror shall indicate, by executing and returning the attached Certification Regarding Debarment Form(s) Primary Covered Transactions, set forth as Attachment 3.2.5(a) and the attached Certification Regarding Debarment Forms(s) Lower Tier Covered Transactions, set forth as Attachment 3.2.5(b), if Offeror, or any affiliated and/or subsidiary companies, or any subconsultant, subcontractor, or any other person or entity identified as a member of Offeror's proposed team or associated therewith in the capacity of owner, partner, director, officer or any other 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 three (3) years.

.3 Has 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 three (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 3.2.5(a) and 3.2.5(b) shall be separately completed and executed by Offeror, any affiliated and/or subsidiary companies, and all subconsultants, subcontractors, and any other person or entity identified as a member of Offeror's proposed team.

3.2.6 Provide an 8.5" x 11" copy of the Offeror's VDOT prequalification certificate or a screen-shot print out from VDOT's on-line Prequalified List (*http://www.virginiadot.org/business/resources/prequalified-list.pdf)* showing that the Offeror is prequalified by the date the SOQ is submitted.

3.2.7 Include a letter from a surety or insurance company (with a Best's Financial Strength Rating of A minus and Financial Size Category 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. The letter of surety shall clearly state the rating categorization noted above and reference the estimated contract value as identified in Section 2.1, in a manner similar to the notation provided below:

"*As surety for [the above named Contractor], [XYZ Company] with A.M. Best Financial Strength Rating [rating] and Financial Size Category [Size Category] is capable of obtaining 100% Performance Bond and 100% Labor and Materials Payment Bond in the amount of the anticipated cost of construction, and said bonds will cover the Project and any warranty periods on behalf of the Contractor, in the event that such firm be the successful bidder and enter into a contract for this project*."

3.2.8 All Offerors and SOQ submittals must comply with the law with regard to their organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature, and nothing herein is intended to contradict, nor to supersede, State and Federal laws and regulations regarding the same. All Offerors shall be eligible at the time of their SOQ submittal, under the law and relevant regulations, to offer and to provide any services proposed or related to the Project. Unless otherwise exempted by § 54.1-401, 54.1-402, or 54.1-402.1, any person, partnership, corporation, or other entity offering or practicing architecture, engineering, or land surveying shall be registered or licensed in accordance with the provision of *Chapter 4, Title 54.1 of the Code of Virginia.* Offerors shall satisfy all commercial and professional registration requirements, including, but not limited to those requirements of the Virginia State Corporation Commission (SCC) and the Virginia Department of Professional and Occupational Regulations (DPOR):

All business entities, except for sole proprietorships, are required to register 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 (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) 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 proprietorships that do not employ other individuals for which licensing is required 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.state.va.us/dpor). Board regulations require that all branch offices of professional corporations and business entities located in Virginia which offer or render any professional services relating to the professions regulated by the Board be registered with the Board. All branch offices which 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 these criteria at the time of submitting a response to the Request for Qualification and/or the Request for Proposal to the Department. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.

Each business entity on the Offeror's proposed team who is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis and landscape architecture, should provide evidence including full size copies of appropriate commercial professional registrations and licenses for all offices proposed for this Project, as well as providing full size copies of appropriate individual registrations/ licenses for those professional occupations listed below (all names of business entities and individual registration/licenses should be included in tabular format in the letter of submittal while all full size copies of SCC and DPOR supporting registration documentation should be included in an Appendix to the SOQ):

.1 The SCC registration information including the name, registration number, type of corporation and status of the business entity.

.2 For this Project, the DPOR registration information for each office practicing or offering to practice any professional services in Virginia. Provide the business name, address, registration type, registration number and expiration date.

.3 For this Project, the DPOR license detailing for each of your Key Personnel practicing or offering to practice professional services in Virginia. Provide the name, the address, type, the registration number, and the expiration date. Provide the office location where each Key Personnel member is offering to practice professional services in Virginia.

.4 For this Project, the DPOR license detailing for those services not regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior

Designers, and Landscape Architects (i.e. real estate appraisal): the business name, the address, the registration type, the registration number, and the expiration date.

Failure to comply with the law with regard to those legal requirements in Virginia (whether federal or state) regarding your organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature may render Proposal, in the sole and reasonable discretion of the Department, non-responsive and in that event Proposal may be returned without any consideration or evaluation.

3.2.9 The Offeror shall provide a written statement within the Letter of Submittal that Offeror is committed to achieving a fifteen percent (15%) DBE participation goal for the entire value of the contract.

3.3 Offeror's Team Structure

The Offeror should provide sufficient information to enable VDOT to understand and evaluate the Offeror's Team. The Offeror should respond to the following:

3.3.1 Provide the identity of and information about the Key Personnel listed below. This information is to be provided on the Key Personnel Resume Form attached hereto as Attachment 3.3.1. Resumes for individuals who are not identified as Key Personnel should not be included in the SOQ.

Evaluation Criteria 3.3.1: Extent to which the qualifications and experience of each of the Key Personnel demonstrates their performance of similar tasks on previous similar projects. These qualifications and experience should provide confidence to VDOT that the Project and risks will be effectively managed through personal competence and accountability.

.1 **Design-Build Project Manager** – This individual should be responsible for the overall Project design, construction quality management and contract administration for the Project.

.2 **Quality Assurance Manager (QAM)** – This individual 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, including ITS and power/communication network, and work performed on the Project, to include monitoring of the contractor's Quality Control (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 be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.3 **Design Manager –** This individual should be responsible for coordinating the individual design disciplines, including ITS, and ensuring the overall Project design is in conformance with the Contract Documents. The Design Manager should be responsible for establishing and overseeing a QA/QC program for all pertinent disciplines involved in the design of the Project including review of design, working plans, shop drawings, specifications, and constructability of the Project. This individual shall be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.4 **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 to include all 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 Virginia Department of Conservation and Recreation (DCR) Responsible Land Disturber (RLD) Certification, a VDOT Erosion and Sediment Control Contractor Certification (ESCCC), and shall successfully complete OSHA training in electrical safety for Arc Flash Protection and Lockout/Tagout, or a statement shall be included indicating this individual will have obtained these certifications and training prior to the commencement of construction.

.5 **Lead Designer –** This individual should serve as the lead designer for the Project, responsible for ITS Architecture, System Engineering and design including device selection, power/communication systems, network diagrams, cable/wiring, fiber optic splicing, configuration/integration plans, implementation sequence, devices/systems acceptance tests, standard operating procedures (SOP), training programs for maintenance/operation before and after Project acceptance, and preparation of working drawings and specifications. This individual shall report directly to the Design Manager and shall be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.6 **Lead Structural Engineer –** This individual should serve as the lead structural engineer for the Project, responsible for structural design of support structures and foundations for ITS devices and overhead signs. The Lead Structural Engineer shall be available to review designs and to verify and modify designs, if necessary, based on field conditions and construction activities related to dismantling and removing portions of existing structures, installing foundation structures, handling and erecting luminaries, poles, cantilevers, overhead spans, gantries, and repairs to existing structures. This individual shall report directly to the Design Manager and shall be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.

.7 **Electrical/ITS Supervising Technician:** This individual should serve as the lead electrical and ITS supervisor during construction and shall be responsible for wiring, splicing, ITS device installation, inspection and testing. The Electrical/ITS Supervisor shall be certified as a Master Electrician, Licensed by

the Virginia Department of Professional and Occupational Regulation Board for Contractors Tradesman and shall successfully complete OSHA training in electrical safety for Arc Flash Protection and Lockout/Tagout. This individual shall report directly to the Construction Manager.

3.3.2 Furnish an organizational chart showing the "chain of command" and identifying major functions to be performed and their reporting relationships in managing, designing and constructing the Project and as required in Section 3.3.1. The organizational chart should show a clear separation between Quality Assurance (QA) and construction. This includes separation between QA and construction Quality Control (QC) inspection and field/laboratory testing. Additionally, furnish a narrative describing the functional relationships and communication among participants, including design and construction team interaction throughout the Project.

Evaluation Criteria 3.3.2: Extent to which the organization includes all pertinent disciplines required for the Project and demonstrates a well integrated organization throughout the design and construction of the Project. Furthermore, the reporting relationships and functional relationships are presented clearly with logical and appropriate reporting lines incorporating all management and Key Personnel, including VDOT and third parties, supporting effective communication and providing confidence to VDOT that the Project will be delivered in accordance with the contract requirements. A clear separation is shown between QA and construction.

3.4 Experience of Offeror's Team

Offeror should provide sufficient information to enable VDOT to understand and evaluate the experience of the Offeror's team on projects of similar scope and complexity. The Offeror should respond to the following:

3.4.1 Identify on the Lead Contractor Work History Form (Attachment 3.4.1(a)) three relevant projects by lead contractor, focusing on what the Offeror considers most relevant in demonstrating its qualifications to serve as the lead contractor for this Project. Identify on the Lead Designer Work History Form (Attachment 3.4.1(b)) three relevant projects by the lead designer, focusing on what the Offeror considers most relevant in demonstrating its qualifications to serve as the lead designer for this Project. For any referenced Design-Build project not jointly performed by the lead contractor and lead designer, identify the design professional or construction entity with whom it contracted. A narrative description should be included on the Work History Form for each project. The narrative should be limited to one page per project.

Evaluation Criteria 3.4.1: Extent to which the Offeror and team members have experience successfully delivering projects with similar scope and complexity and demonstrate the applicability of this work history and lessons learned to the Project. Extent to which the Offeror team members demonstrate a well integrated organization with proven cooperative work history, teaming experience and complementary skills and experience, resulting in relevant and verifiable evidence of good performance.

3.5 Project Risks

The Offeror should provide sufficient information to enable VDOT to understand and evaluate the Offeror's understanding of the Project's risks.

3.5.1 Identify and discuss three critical risks for this Project, focusing on what the Offeror's team considers the most relevant and critical to the success of this Project. Provide a narrative for each risk that describes why the risk is critical, indicates the impact the risk will have on the Project and discusses the mitigation strategies the Offeror's team may implement to address the risk. Describe the role that the Offeror expects VDOT or other agencies may have in addressing these project risks.

Evaluation Criteria 3.5.1: Extent to which Offeror and team members have identified critical project risks, explained the impact of each risk and developed an appropriate mitigation strategy that will ensure the successful delivery of the Project and will minimize the likelihood of additional efforts needed by VDOT or other agencies.

4.0 EVALUATION OF THE STATEMENTS OF QUALIFICATIONS

4.0.1 VDOT's Evaluation Team will rate and score (in their sole discretion) the Offeror's Statements of Qualifications based upon the evaluation criteria found in this RFQ and in accordance with the Design-Build Evaluation Guidelines, revised October 2011. Failure to meet all RFQ requirements may render a Statement of Qualification non-responsive while the extent to which an Offeror meets or exceeds evaluation criteria will be rated by the VDOT Evaluation Team and will be reflective of the VDOT Evaluation Team's scoring (in their sole discretion) of the Statements of Qualifications submitted by Offerors

4.0.2 In its sole discretion, VDOT may hold interviews, ask written questions of the Offerors, seek written clarifications, conduct discussions on the SOQs and solicit updated SOQs during the evaluation and short-listing process.

4.1 Statement of Qualifications Evaluation Factors

4.1.1 The Statements of Qualifications will be evaluated based upon the following:

Section	Weight
3.3 Offeror's Team Structure	40%
3.4 Experience of Offeror's Team	30%
3.5 Project Risks	30%
TOTAL	**100%**

4.1.2 Each evaluation criterion has been assigned a maximum number of points or rating weight that demonstrates its relative importance. The total score will be determined as follows:

(a) For each sub factor the Evaluation Team member will assign a numerical score based on a 1-10 scale in accordance with the Design-Build Evaluation Guidelines, revised October 2011.

(b) The average score for each Section will be multiplied by the associated Weight percentage and rounded to the nearest one hundredth of a point.

(c) The scores for each Section in (b) above will be added together. This score will be the total score of the Statement of Qualifications.

5.0 STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS

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

5.1 Due Date, Time and Location

All submissions, including hand-delivered packages, US Postal Service regular mail, US Postal Service express mail, or private delivery service (FEDEX, UPS, courier etc.) must be delivered to the following individual at the following address by the due date and time set forth in Section 2.5:

Commonwealth of Virginia
Department of Transportation (VDOT)
Central Office Mail Center
Loading Dock Entrance
1401 E. Broad Street
Richmond, Virginia 23219
Attention: Brenda L. Williams

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 Statement of Qualifications format is prescribed below. If VDOT determines that an SOQ does not comply with or satisfy the format of this Section VDOT may find such Statements of Qualifications to be non-responsive.

5.2.1 A sealed parcel containing the Statements of Qualifications shall be submitted on the due date and time set forth in Section 2.5. If the sealed Statements of Qualifications is not submitted on or before the above specified date and time, then the Offeror shall be deemed non-responsive and will be disqualified from participating in the procurement for this Project. Parcels shall be clearly marked to identify the Project and the Offeror, and to identify the contents as the Statement of Qualifications.

5.2.2 Each Offeror shall deliver ten (10) identical paper copies of the Statements of Qualifications, one (1) of which must bear original signatures, and one CD-ROM containing the entire Statement of Qualifications in a single cohesive Adobe PDF file.

Each copy of the Statement of Qualifications shall be securely bound and contained in a single volume if practical, with an identity on its front cover, in the upper right-hand corner, as "Copy __ of 10 Copies." Three ring binders are not permissible.

- The Statement of Qualifications shall be no more than twenty (20) pages **(VDOT will remove and discard all pages in excess of the stipulated page limit)**.
    - Typed on one (1) side only.
    - Separated by numbered tabs with sections corresponding to the order set forth in Section 3.0.
    - The SOQ Checklist, Form C-78-RFQ, Key Personnel Resume Forms, Debarment Forms, Work History Forms, Offeror's VDOT prequalification certificate and SCC and DPOR supporting registration documentation shall be included in appendices and shall not be counted against the above-referenced page limit.
    - The Work History Forms shall not exceed one page per project for each the Lead Contractor and the Lead Designer.

- All printing, except for the front cover of the Statement of Qualifications, must be
    - Times New Roman, with a font of 12-point.
    - Times New Roman 10 point font may be used for filling out information on the Key Personnel Resume Form and the Work History Forms. (Note, the format and appearance of the Key Personnel Resume Form and the Work History Forms should not be modified)
    - Include page number references in the lower right hand corner.
    - Prepared on 8.5" x 11" white paper.
    - The Work History Forms shall be 11" x 17" paper, but must be folded to 8.5" x 11".

6.0 QUESTIONS AND CLARIFICATIONS

6.1 All questions and requests for clarification regarding this RFQ shall be submitted to VDOT's POC in electronic format (submission by email is acceptable). 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 All questions or requests for clarification must be submitted by the due date and time set forth in Section 2.5. Questions or clarifications requested after such date and time will not be answered, unless VDOT elects, in its sole discretion, to do so.

6.3 VDOT's responses to questions or requests for clarification shall be in writing, and may be accomplished by an Addendum to this RFQ. VDOT will not be bound by any oral communications, or written interpretations or clarifications that are not issued in writing or set forth in an Addendum.

6.4 VDOT, in its sole discretion, shall have the right to seek clarifications from any Offeror to fully understand information contained in the Statement of Qualifications and to help rate and score the Offerors.

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.

7.1.6 The right to suspend and terminate the procurement process for the Project, at any time.

7.1.7 The right to revise and modify, at any time prior to the RFP submittal date, factors it will consider in evaluating responses to this RFQ and the subsequent RFP and to otherwise revise its evaluation methodology.

7.1.8 The right to waive or permit corrections to data submitted with any response to this RFQ until such time as VDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.

7.1.9 The right to issue addenda, supplements, and modifications to this RFQ, including but not limited to modifications of evaluation criteria or methodology and weighting of evaluation criteria.

7.1.10 The right to permit submittal of addenda and supplements to data previously provided with any response to this RFQ until such time as VDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.

7.1.11 The right to hold meetings and conduct discussions and correspondence with one or more of the Offerors responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.

7.1.12 The right to seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to the RFQ, including the right to seek clarifications from Offerors.

7.1.13 The right to permit Offerors to add or delete firms and/or key personnel until such time as VDOT declares in writing that a particular stage or phase of its review has been completed and closed.

7.1.14 The right to add or delete Offeror responsibilities from the information contained in this RFQ or the subsequent RFP.

7.1.15 The right to appoint and change appointees of any Evaluation Team.

7.1.16 The right to use assistance of 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 scored 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. VDOT anticipates the value of the Proposal Payment will be thirty thousand dollars ($30,000). The terms for attaining such Proposal Payment will be identified in the RFP.

8.0 PROTESTS

This Section simply summarizes protest remedies available with respect to the provisions of the Code of Virginia that are relevant to protests of awards or decisions to award Design-Build Contracts by VDOT. This Section does not purport to be a complete statement of those provisions and is qualified in its entirety by reference to the actual provisions themselves.

In accordance with §2.2-4360, of the *Code of Virginia*, if an unsuccessful Offeror wishes to protest the award or decision to award a contract, such Offeror must submit a protest in writing to VDOT's POC no later than ten (10) calendar days after the award or the announcement posting the decision to award, whichever occurs first. The written protest shall include the basis for the protest and the relief sought. No protest shall lie for a claim that the selected Offeror is not a responsible bidder.

Public notice of the award or the announcement of the decision to award shall be given by the public body in the manner prescribed in the terms or conditions of the Invitation to Bid or Request for Proposal. However, if the protest of any Offeror depends in whole or in part upon information contained in public records pertaining to the procurement transaction that are subject to inspection under § 2.2-4342, of the *Code of Virginia*, then the time within which the protest must be submitted shall expire ten (10) calendar days after those records are available for inspection by such Offeror under § 2.2-4342, of the *Code of Virginia*.

VDOT shall issue a decision in writing within ten (10) calendar days of the receipt of any protest stating the reasons for the action taken. This decision shall be final unless the Offeror appeals within ten (10) calendar days of receipt of the written decision, by instituting legal action in accordance with § 2.2-4364, of the *Code of Virginia.*

Pursuant to § 2.2-4362, of the *Code of Virginia*, an award need not be delayed for the period allowed a bidder or Offeror to protest, but in the event of a timely protest, no further action to award the Contract will be taken unless there is a written determination by the Commissioner, or his designee, that proceeding without delay is necessary to protect the public interest or unless the Design-Build Proposal would expire. Further, pursuant to §2,2-4361, of the *Code of Virginia*, pending a final determination of a protest or appeal, the validity of the contract awarded and accepted in good faith shall not be affected by the fact that a protest or appeal has been filed.

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 Offerors and Submittals must at the time of their SOQ submittal comply with the law and nothing herein is intended to contradict, nor supersede, any applicable State and Federal laws and regulations. All Offerors shall be eligible at the time of their SOQ submittal, under the law and relevant regulations, to offer and to provide all services proposed and related to the Project. Unless exempted by §§ 54.1-401, 54.1-402, or 54.1-402.1 of the *Code of Virginia*, any person, partnership, corporation, or other entity offering or practicing architecture, engineering, or land surveying shall be registered or licensed in accordance with the provision of *Chapter 4, Title 54.1 of the Code of Virginia.* Offerors shall satisfy at the time of their SOQ submittal all commercial and professional registration requirements, including, but not limited to the requirements of the State Corporation Commission and the Department of Professional and Occupational Regulations.

9.2 VDOT will not consider for award any 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 Engineering and Design Related Service 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.

9.6 Offerors shall note and comply with the requirements relative to the eVA Business-to-Government Vendor system. Virginia's Total e-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 SOQ being rejected**.

10.0 DISADVANTAGED BUSINESS ENTERPRISES (DBEs)

10.1 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 contract goal for this procurement is identified in Section 3.2.9. 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.

10.2 If a DBE is not certified, the DBE must become certified with the Virginia Department of Minority Business Enterprises (VDMBE) prior to the Proposal Submission 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.

10.3 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.

10.4 When preparing bids for projects with DBE goals, VDOT encourages prospective bidders to seek the assistance of the following offices:

Virginia Department of Minority Business Enterprises
111 East Main Street, Suite 300
Richmond, VA 23219

Phone: (804) 786-2260
Toll Free (VA Only) 1-800-223-0671
http://www.dmbe.virginia.gov/

Metropolitan Washington Airports Authority
Equal Opportunity Programs Department
1 Aviation Circle
Washington, DC 20001
Phone: (703) 417-8625
http://www.metwashairports.com/

Contractors are also encouraged to seek help from the VDOT Districts Equal Employment Opportunity (EEO) Offices, Central Office Civil Rights Office and the VDOT Business Opportunity and Workforce Development (BOWD) Center as listed below:

VDOT Central Office
1221 East Broad Street
Richmond, VA 23219
(804) 786-2085

Bristol District
870 Bonham Drive
Bristol, VA 24203
(276) 669-9907

Culpeper District
1601 Orange Road
Culpeper, VA 22701
(540) 829-7523

Fredericksburg District
87 Deacon Road
Fredericksburg, VA 22405
(540) 899-4562

Hampton Roads District
1700 N. Main Street
Suffolk, VA 23434
(757) 925-2519

BOWD
1602 Rolling Hills Drive
Suite 110
Richmond, VA 23229
Phone: (804) 662-9555

Lynchburg District
4219 Campbell Avenue
Lynchburg, VA 24506
(434) 856-8168

Northern Virginia District
4975 Alliance Drive
Fairfax, VA 22030
(703) 259-1775

Richmond District
2430 Pineforest Drive
Colonial Heights, VA 23834
(804) 524-6091

Salem District
731 Harrison Avenue
Salem, VA 24153
(540) 387-5453

Staunton District
811 Commerce Road
Staunton, VA 24401
(540) 332-7888

The following informational websites may also be of assistance:

www.virginiadot.org/business/bu_bizDev.asp

www.virginiadot.org/business/bu-civil-rights-home.asp

10.5 The I-66 ATM Project has federal funding. In accordance with the Governor's Executive Order No. 33, VDOT requires a utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded projects. VDOT also encourages the utilization of SWaM Firms to participate in the performance of federally funded projects. A list of Department of Minority Business Enterprise (DMBE) certified SWaM firms is maintained on the DMBE web site (*http://www.dmbe.state.va.us/*) under the SWaM Vendor Directory link. Offerors are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services in the design-build contract. If the Offeror intends to subcontract a portion of the services on the Project, the Offeror is encouraged to seek out and consider SWaM firms as potential subconsultants. The Offeror is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between an Offeror and a SWaM firm whereby the SWaM firm promises not to provide services to other Offerors is prohibited.

11.0 MISCELLANEOUS

11.1 Requirement to Keep Team Intact

The team proposed by Offeror, including but not limited to the lead contractor, the lead designer, Key Personnel, subconsultant and/or major subcontractor and other individuals identified pursuant to Section 3.3, shall remain on the Offeror's team for the duration of the procurement process and, if the Offeror is awarded the Design-Build Contract, the duration of the Design-Build Contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to VDOT's POC, who, in 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 the elimination of the Offeror from further consideration.

11.2 Conflict of Interest

11.2.1 Implementation guidelines for VDOT's policy on organizational conflicts of interest relating to Design-Build procurement are documented in the Innovative Project Delivery Division Memorandum IPD 07-02.0 dated August 1, 2007 (*http://www.virginiadot.org/business/resources/IPD_07_02_0.pdf*)

11.2.2 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.

11.2.3 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.

11.2.4 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.

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

11.2.6 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 an Offeror elects not to disclose, then the Offeror may be declared non-responsive.

11.2.7 The firms listed below will not be allowed to participate as a Design-Build team member due to a conflict of interest.

- Kimley-Horn and Associates, Inc,
- Rummel, Klepper, & Kahl, LLP (RK&K)
- Telvent USA Corporation and the subconsultant

- Travesky & Associates, Ltd.

Any SOQs received in violation of this requirement will be rejected.

11.3 Ethics in Public Contracting Act

VDOT may, in its sole discretion, disqualify the Offeror from further consideration for the award of the Design-Build Contract if it is found after due notice and examination by VDOT that there is a violation of the 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.

11.4 Virginia Freedom of Information Act

11.4.1 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. of the *Code of Virginia*). 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 not properly identified as confidential.

11.4.2 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 Assistant Division Administrator for the Alternate Project Delivery Office. 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.

11.4.3 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).

11.4.4 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 Virginia 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.

11.4.5 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 in the SOQ may lose its protection under the applicable Virginia law.

11.5 Compliance with the Law in Virginia

Failure to comply with the law with regard to those legal requirements in Virginia (whether federal or state) regarding your ability to lawfully offer and perform any services proposed or related to the Project may render your SOQ submittal or RFP submittal, in the sole and reasonable discretion of VDOT, non-responsive and/or non-responsible, and in that event your SOQ submittal or RFP submittal may be returned without any consideration or evaluation for selection of contract award.

12.0 ATTACHMENTS

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

ATTACHMENT 2.8	--	RFQ INFORMATION PACKAGE ORDER FORM
ATTACHMENT 2.10	--	FORM C-78-RFQ (ACKNOWLEDGEMENT OF REVISIONS)
ATTACHMENT 3.1.2	--	SOQ CHECKLIST
ATTACHMENT 3.2.5(a)	--	CERTIFICATION REGARDING DEBARMENT PRIMARY COVERED TRANSACTIONS
ATTACHMENT 3.2.5(b)	--	CERTIFICATION REGARDING DEBARMENT LOWER TIER COVERED TRANSACTIONS
ATTACHMENT 3.3.1	--	KEY PERSONNEL RESUME FORM
ATTACHMENT 3.4.1(a)	--	WORK HISTORY FORM/LEAD CONTRACTOR
ATTACHMENT 3.4.1(b)	--	WORK HISTORY FORM/LEAD DESIGNER