



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, 23219-2000

GREGORY A. WHIRLEY
COMMISSIONER

May 15, 2012

Mr. Stephen Davis
Skanska USA Civil Southeast Inc.
295 Bendix Road, Suite 400
Virginia Beach, VA 23452

**Subject: Price Proposal Clarification Request
Route 29/Charlottesville Bypass Project
Albemarle County, Virginia
Project No: 0029-002-844
Contract ID No: C00102419DB44**

Dear Mr. Davis:

VDOT is in the process of reviewing your Price Proposal that was submitted by your team for the Route 29/ Charlottesville Bypass Project (Project). During the course of our review, VDOT has discovered the items listed below that require additional clarification to ensure your proposal's compliance with RFP requirements. Please provide the requested clarification in writing by **Thursday, May 17, 2012**.

1. Please provide Form C-112 for the Ace Steel Co.
2. In accordance with the Adjustment for Asphalt Special Provision (Attachment 4.6.5(a)), please provide the pay items and the associated quantities you choose to have asphalt price adjustment applied to in your work packages.
3. In accordance with the Adjustment for Fuel Special Provision (Attachment 4.6.5(c)), please provide the pay items and the associated quantities you choose to have fuel adjustment applied to in your work packages.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff A. Roby', written over a horizontal line.

Jeffrey A. Roby, P.E.
Design-Build Program Manager
VDOT Alternate Project Delivery Office

Roby, Jeffrey A., P.E. (VDOT)

From: Roby, Jeffrey A., P.E. (VDOT)
Sent: Thursday, May 17, 2012 4:20 PM
To: Davis, Stephen
Cc: Bryson, Donald
Subject: Route 29/Charlottesville Bypass - C-104 and C-105 Clarification

Importance: High

Route 29/Charlottesville Bypass
Albemarle County, Virginia
Project No: 0029-002-844
Contract ID No: C00102419DB44
Date: 5/17/2012

Mr. Davis,

A C-104 (Bidder's Statement) and C-105 (Bidder's Certification) is required from each principal of your joint venture. You have submitted a C-104 and C-105 with the firm name "Skanska-Branch A Joint Venture". Please re-submit a C-104 and C-105 with the name of firm as "Skanska USA Civil Southeast, Inc."

Sincerely,
Jeffrey A. Roby, P.E.
Design-Build Program Manager
VDOT Alternate Project Delivery Office
540-786-1103

Route 29 / Charlottesville By-Pass Project
 Project 0029-002-844
 Contract ID No: C00102419DB44

Skanska-Branch a Joint Venture
 295 Bendix Rd.
 Virginia Beach, VA 23452

Fuel Price Adjustment - Bid Item & Associated Quantities

ITEM	ITEM DESCRIPTION		FUEL FACTOR gal/unit	ITEM UNIT	FUEL FACTOR liters/unit	ITEM UNIT
120	REGULAR EXCAVATION	2,934,628	0.290	CY	1.436	CU M
128	EXTRA EXCAVATION	25,576	0.290	CY	1.436	CU M
150	EMBANKMENT	377,789	0.290	CY	1.436	CU M
10113	AGGR. BASE MATL. TY. I NO. 21A OR 21B	302,986	0.600	TON	2.500	MTON
10607	ASPHALT CONCRETE TY. SM-12.5A	19,429	3.500	TON	14.600	MTON
10608	ASPHALT CONCRETE TY. SM-12.5D	26,106	3.500	TON	14.600	MTON
10610	ASPHALT CONCRETE TY. IM-19.0A	15,530	3.500	TON	14.600	MTON
10611	ASPHALT CONCRETE TY. IM-19.0D	26,106	3.500	TON	14.600	MTON
10642	ASPHALT CONCRETE TY. BM-25.0A	77,279	3.500	TON	14.600	MTON
24260	CR. RUN AGGR. NO. 25 OR 26	52	0.600	TON	2.500	MTON
24430	DEMOLITION OF PAVEMENT (FLEXIBLE)	80,624	0.200	SY	0.905	SQ M
26117	DRY RIPRAP CL. AI	9,665	0.400	TON	1.665	MTON
64011	STRUCTURE EXCAVATION	40,037	0.290	CY	1.436	CU M
65013	CONCRETE CLASS A3	17,849	1.892	CY	9.366	CU M
65014	CONCRETE CLASS A4	8,666	1.892	CY	9.366	CU M

Route 29 / Charlottesville By-Pass Project
 Project 0029-002-844
 Contract ID No: C00102419DB44

Skanska-Branch a Joint Venture
 295 Bendix Rd.
 Virginia Beach, VA 23452

Asphalt Price Adjustment - Bid Item & Associated Quantities

Item	Description	Quantity	Unit
10607	ASPHALT CONCRETE TY. SM-12.5A	19,429.30	TON
10609	ASPHALT CONC.TY. SM-12.5E(76-22)	26,106.10	TON
10610	ASPHALT CONCRETE TY. IM-19.0A	15,530.34	TON
10611	ASPHALT CONCRETE TY. IM-19.0D	26,106.61	TON
10642	ASPHALT CONCRETE TY. BM-25.0A	77,278.26	TON
		164,450.61	

Attachment 4.6.4(a)
Form C-104 (BIDDER'S STATEMENT)

ORDER NO.:
CONTRACT ID. NO.: C00102419DB44

Form C-104
Rev. 12-9-99

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION



PROJECT: Route 29/Charlottesville Bypass

FHWA: 5104(195)

This form must be completed, signed and returned with bid; and failure to do so may result in the rejection of your bid. **THE CONTRACTOR SHALL AFFIRM THE FOLLOWING STATEMENT EITHER BY SIGNING THE AFFIDAVIT AND HAVING IT NOTARIZED OR BY SIGNING THE UNSWORN DECLARATION UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES. A SEPARATE FORM MUST BE SUBMITTED BY EACH PRINCIPAL OF A JOINT VENTURE BID.**

STATEMENT. In preparation and submission of this bid, I, the firm, corporation or officers, agents or employees thereof did not, either directly or indirectly, enter into any combination or arrangement with any persons, firm or corporation or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free, competitive bidding in violation of the Sherman Act (15 U.S.C. Section 1) or Article 1.1 or Chapter 12 of Title 18.2 (Virginia Governmental Frauds Act), Sections 59.1-9.1 through 59.1-9.17 or Sections 59.1-68.6 through 59.1-68.8 of the Code of Virginia.

AFFIDAVIT

The undersigned is duly authorized by the bidder to make the foregoing statement to be filed with bids submitted on behalf of the bidder for contracts to be let by the Commonwealth Transportation Board.

Signed at Virginia Beach, VA, this 9th day of May, 20 12
County (City), STATE

By: Stephen Davis Assistant Secretary
(Name of Firm) (Signature) Title (print)

STATE of Virginia COUNTY (CITY) of Virginia Beach

To-wit:

I Heather Rowland, a Notary Public in and for the State and County(City) aforesaid, hereby certify that this day Stephen Davis

personally appeared before me and made oath that he is duly authorized to make the above statements and that such statements are true and correct.

Subscribed and sworn to before me this 9th day of May, 20 12

Heather M. Rowland Commission expires December 31, 2013
Notary Public



The undersigned is duly authorized by the bidder to make the foregoing statement to be filed with bids submitted on behalf of the bidder for contracts to be let by the Commonwealth Transportation Board.

Signed at _____ this _____ day of _____, 20 _____
County (City), STATE

By: _____ Title (print)
(Name of Firm) (Signature)

Attachment 4.6.4(b)
FORM C-105 (BIDDER'S CERTIFICATION)

ORDER NO.:
CONTRACT ID. NO.: 00102419DB44

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
AFFIDAVIT

Form C-105
Rev. 12-9-99



PROJECT: Route 29/Charlottesville Bypass

FHWA: 5104(195)

This form must be completed, signed, notarized and returned with bid; and failure to do so, may result in the rejection of your bid. A separate form must be submitted by each principal of a joint venture bid.

1. I, the firm, corporation or officers, agents or employees thereof have neither directly nor indirectly entered into any combination or arrangement with any person, firm or corporation or entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract, the effect of which is to prevent competition or increase the cost of construction or maintenance of roads or bridges.

During the preceding twelve months, I (we) have been a member of the following Highway Contractor's Associations, as defined in Section 33.1-336 of the Code of Virginia (1970). (If none, so state).

NAME	Location of Principal Office
<u>none</u>	_____
_____	_____
_____	_____

2. I (we) have X, have not _____, participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that I/We have X, have not _____, filed with the joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor [41 CFR 60-1.7(b)(1)], and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contract or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contract and subcontract unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

(Continued)

Attachment 4.6.4(b)
FORM C-105 (BIDDER'S CERTIFICATION)

ORDER NO.:
CONTRACT ID. NO.: 00102419DB44

Form C-105
Page 2

3. The bidder 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 judgement rendered against them for commission of fraud or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation 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 above; and
 - (d) Where the bidders is unable to certify to any of the statements in this certification, the bidder shall show an explanation below.

Explanations will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any explanation noted, indicate below to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administration sanctions. The bidder shall provide immediate written notice to the Department if at any time the bidder learns that its certification was erroneous when submitted or has become erroneous by reason of change circumstances.

The undersigned is duly authorized by the bidder to make the foregoing statements to be filed with bids submitted on behalf of the bidder for contracts to be let by the Commonwealth Transportation Board.

Signed at Virginia Beach, VA, this 9th day of May, 20 12
County (City), STATE

Skanska USA Civil Southeast Inc (Name of Firm) By: Stephen Davis Assistant Secretary
(Signature) Title (print)

STATE of Virginia COUNTY (CITY) of Virginia Beach
To-wit:

I Heather Rowland, a Notary Public in and for the State and County(City) aforesaid, hereby certify that this day Stephen Davis

personally appeared before me and made oath that he is duly authorized to make the above statements and that such statements are true and correct.

Subscribed and sworn to before me this 9th day of May, 20 12

Heather M. Rowland My Commission expires December 31, 2013
Notary Public



Form C-112
Rev. 12/12/05

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
CERTIFICATION OF BINDING AGREEMENT

Project No.: 0029-002-844

Federal Project No.: 5104(195)

It is hereby certified by the below signed Contractors that there exists a written quote acceptable to both parties preliminary to a binding subcontract agreement stating the details concerning the work to be performed and the price which will be paid for the aforementioned work. A copy of the fully executed subcontract agreement shall be submitted to the Engineer within fourteen (14) working days after contract execution.

It is further certified that the aforementioned mutually acceptable quote and fully executed subcontract agreement represent the entire agreement between the two parties and that no conversations, verbal agreements, or other forms of non-written representations shall serve to add to, delete, or modify the terms as stated.

The prime Contractor further represents that the aforementioned mutually acceptable quote and fully executed subcontract agreement shall remain on file for a period of not less than one year following completion of the prime's contract with the Department or for such longer period as provisions of governing Federal or State law or regulations may require.

Contractors further jointly and severally represent that said binding agreement is for the performance of a "commercially useful function" as that term is employed in 49 C.F.R. Part 26.55 (c), (d).

DBE/WBE Contractor

Ace Steel
By: [Signature] Signature President Title
Date: April 27, 2012

Prime Contractor:

Skanska-Branch A Joint Venture
By: [Signature] Signature Assistant Secretary Title
Date: May 3, 2012

Note: This document is not intended to, nor should it be construed to, contain the entire text of the agreement between the contracting parties. This document does not take the place of, nor may it be substituted for, an official subcontracting agreement in those situations that may require such an agreement.

Attachment 4.6.6(a)

FORM C-111 MINIMUM DBE REQUIREMENTS

Form C-111
Rev. 7-13-05

**COMMONWEALTH OF TRANSPORTATION
VIRGINIA DEPARTMENT OF TRANSPORTATION
MINIMUM DBE REQUIREMENTS**

PROJECT NO: 0029-002-844

FHWA NO: 5104(195)

*****INSTRUCTIONS*****

SECTION II OF THIS FORM IS TO BE USED BY THE CONTRACTOR TO SUBMIT THE NAMES OF DBE FIRMS TO BE UTILIZED ON THE PROJECT. ADDITIONAL SHEETS TO SHOW THE ALLOWABLE CREDIT PER ITEM MAY BE ATTACHED IF NECESSARY. **NOTE:** IF 100% OF AN ITEM IS NOT TO BE PERFORMED OR FURNISHED BY THE DBE, DESCRIBE THE PORTION AND PERCENTAGE TO BE PERFORMED OR FURNISHED BY THE DBE.

SECTION I:

DBE REQUIREMENT 11 %

SECTION II:

PERCENT ATTAINED BY BIDDER 11.02 %

NAME(s) AND CERTIFICATION NO. OF DBE(s) TO BE USED	TYPE OF WORK & ITEM NO(s)	PERCENT OF WORK	AMT. OF ALLOWABLE CREDIT PER ITEM
<u>Ace Steel Co.</u>	<u>Furnish & Install Reinforcing Steel</u>	<u>100%</u>	<u>\$4,040,000</u>
<u>Nickelston Industries</u>	<u>Furnish & Install Guardrail</u>	<u>100%</u>	<u>\$2,100,000</u>
<u>Ace Steel Co</u>	<u>Furnish & Install Metal Deck</u>	<u>100%</u>	<u>\$ 568,000</u>
<u>D&W Fence, Inc.</u>	<u>Furnish & Install Bridge Rail</u>	<u>100%</u>	<u>\$ 427,000</u>

List continues on additional pages

TOTAL: \$ 14,982,950

Total Contract Value \$ 135,988,092 X Required DBE 11 % = \$ 14,958,690

I/WE CERTIFY THAT THE PROPOSED DBE (S) SUBMITTED WILL BE USED ON THIS CONTRACT AS STATED HEREON AND ASSURE THAT DURING THE LIFE OF THE CONTRACT, I/WE WILL MEET OR EXCEED THE PARTICIPATION ESTABLISHED HEREON BY THE DEPARTMENT.

Skanska-Branch A Joint Venture By Stephen Davis
BIDDER SIGNATURE

Assistant Secretary By May 22, 2012
TITLE DATE

Attachment 4.6.6(a)

FORM C-111 MINIMUM DBE REQUIREMENTS

Form C-111
Rev. 7-13-05

COMMONWEALTH OF TRANSPORTATION
VIRGINIA DEPARTMENT OF TRANSPORTATION
MINIMUM DBE REQUIREMENTS

PROJECT NO: 0029-002-844

FHWA NO: 5104(195)

INSTRUCTIONS

SECTION II OF THIS FORM IS TO BE USED BY THE CONTRACTOR TO SUBMIT THE NAMES OF DBE FIRMS TO BE UTILIZED ON THE PROJECT. ADDITIONAL SHEETS TO SHOW THE ALLOWABLE CREDIT PER ITEM MAY BE ATTACHED IF NECESSARY. NOTE: IF 100% OF AN ITEM IS NOT TO BE PERFORMED OR FURNISHED BY THE DBE, DESCRIBE THE PORTION AND PERCENTAGE TO BE PERFORMED OR FURNISHED BY THE DBE.

SECTION I:

DBE REQUIREMENT 11 %

SECTION II:

PERCENT ATTAINED BY BIDDER 11.02 %

NAME(s) AND CERTIFICATION NO. OF DBE(s) TO BE USED	TYPE OF WORK & ITEM NO(s)	PERCENT OF WORK	AMT. OF ALLOWABLE CREDIT PER ITEM
<u>Devcon Contracting</u>	<u>Trucking-Dirt & Aggregate</u>	<u>100%</u>	<u>\$3,850,000</u>
<u>Morgan Oil</u>	<u>Furnish & Haul Liquid AC</u>	<u>60%</u>	<u>\$2,634,000</u>
<u>Metro Petroleum</u>	<u>Furnish & Haul Fuel for Asphalt</u>	<u>60%</u>	<u>\$ 420,900</u>
<u>New Vision Hauling</u>	<u>Trucking Asphalt</u>	<u>18.2%</u>	<u>\$ 340,000</u>

List continues on additional pages

TOTAL: \$ See page 1

Total Contract Value \$ 135,988,092 X Required DBE 11 % = \$ 14,958,690

I/WE CERTIFY THAT THE PROPOSED DBE (S) SUBMITTED WILL BE USED ON THIS CONTRACT AS STATED HEREON AND ASSURE THAT DURING THE LIFE OF THE CONTRACT, I/WE WILL MEET OR EXCEED THE PARTICIPATION ESTABLISHED HEREON BY THE DEPARTMENT.

Skanska-Branch A Joint Venture By Stephen Davis
BIDDER SIGNATURE

Assistant Secretary By May 22, 2012
TITLE DATE

Attachment 4.6.6(a)

FORM C-111 MINIMUM DBE REQUIREMENTS

Form C-111
Rev. 7-13-05

COMMONWEALTH OF TRANSPORTATION
VIRGINIA DEPARTMENT OF TRANSPORTATION
MINIMUM DBE REQUIREMENTS

PROJECT NO: 0029-002-844

FHWA NO: 5104(195)

INSTRUCTIONS

SECTION II OF THIS FORM IS TO BE USED BY THE CONTRACTOR TO SUBMIT THE NAMES OF DBE FIRMS TO BE UTILIZED ON THE PROJECT. ADDITIONAL SHEETS TO SHOW THE ALLOWABLE CREDIT PER ITEM MAY BE ATTACHED IF NECESSARY. NOTE: IF 100% OF AN ITEM IS NOT TO BE PERFORMED OR FURNISHED BY THE DBE, DESCRIBE THE PORTION AND PERCENTAGE TO BE PERFORMED OR FURNISHED BY THE DBE.

SECTION I:

DBE REQUIREMENT 11 %

SECTION II:

PERCENT ATTAINED BY BIDDER 11.02 %

NAME(s) AND CERTIFICATION NO. OF DBE(s) TO BE USED	TYPE OF WORK & ITEM NO(s)	PERCENT OF WORK	AMT. OF ALLOWABLE CREDIT PER ITEM
<u>Sharp & Company</u>	<u>Public Relations</u>	<u>100%</u>	<u>\$50,000</u>
<u>Alvi Associates Inc.</u>	<u>Engineering Consultant</u>	<u>12.3%</u>	<u>\$250,000</u>
<u>Dovetail Cultural Resource Group</u>	<u>Environmental Consultant</u>	<u>7.3%</u>	<u>\$71,630</u>
<u>DMY Engineering Consultants</u>	<u>Geotechnical Consultant</u>	<u>14.9%</u>	<u>\$193,550</u>
<u>Property Title and Escrow LLC</u>	<u>Property Acquisition</u>	<u>21.1%</u>	<u>\$37,870</u>

TOTAL: \$ see page 1

Total Contract Value \$ 135,988,092 X Required DBE 11 % = \$ 14,958,690

I/WE CERTIFY THAT THE PROPOSED DBE (S) SUBMITTED WILL BE USED ON THIS CONTRACT AS STATED HEREON AND ASSURE THAT DURING THE LIFE OF THE CONTRACT, I/WE WILL MEET OR EXCEED THE PARTICIPATION ESTABLISHED HEREON BY THE DEPARTMENT.

Skanska-Branch A Joint Venture By Stephen Davis
BIDDER SIGNATURE

Assistant Secretary By May 22, 2012
TITLE DATE

C-111 DBE Form Explanations

Morgan Oil

The total furnish and haul liquid asphalt on U.S. 29 Bypass is \$4,390,000, which Morgan Oil is providing 100%. However, we can only claim 60% of the value for this scope of work. Hence, the amount of allowable credit per item is \$2,634,000.

Metro Petroleum

The total furnish and haul fuel for asphalt production on U.S. 29 Bypass is \$701,500, which Metro Petroleum is providing 100%. However, we can only claim 60% of the value for this scope of work. Hence, the amount of allowable credit per item is \$420,900.

New Vision Hauling

The total hauling for asphalt on U.S. 29 Bypass is \$1,863,767, which New Vision Hauling is providing 18.2%. The remaining hauling will be completed by another subcontractor due to New Vision Hauling's limited capacity of trucks compared against the necessary production rate to install asphalt.

Alvi Associates

The total structural design on U.S. 29 Bypass is \$2,025,410. However, our Designer-of-Record that VDOT pre-qualified us with (i.e. JMT) is completing \$1,775,410. Hence, the amount of allowable credit per item is \$250,000 or 12.3%.

Dovetail Cultural Resource Group

The total environmental design on U.S. 29 Bypass is \$975,886. However, our Designer-of-Record (i.e. JMT) and Environmental Consultant (i.e. EEE Consulting who is a VDOT certified SWaM) that VDOT pre-qualified us with, is completing \$904,256. Hence, the amount of allowable credit per item is \$71,630 or 7.3%.

DMY Engineering Consultants

The total geotechnical design on U.S. 29 Bypass is \$1,300,000. However, our Designer-of-Record (i.e. JMT) and Geotechnical Consultant (i.e. Schnabel) that VDOT pre-qualified us with, is completing \$1,106,450. Hence, the amount of allowable credit per item is \$193,550 or 14.9%.

Property Title and Escrow

The total property acquisition on U.S. 29 Bypass is \$179,936. However, our Designer-of-Record (i.e. JMT) that VDOT pre-qualified us with, is completing \$142,066. Hence, the amount of allowable credit per item is \$37,870 or 21.1%.