



design-
build

MINNESOTA
DEPARTMENT OF TRANSPORTATION
District 6

REQUEST FOR QUALIFICATIONS

TH 52/ORONOCO
DESIGN-BUILD PROJECT

S.P. 5508-84

~~Addendum 1, April 4th, 2005~~
~~Addendum 2, April 8th, 2005~~

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1.0 INTRODUCTION

The Minnesota Department of Transportation (Mn/DOT), District 6, is requesting Statements of Qualifications (“SOQs”) from entities (“Submitters”) interested in submitting proposals for the TH 52/Oronoco Design-Build Project (the “Project”). The Project will be funded with state and federal-aid dollars thereby, requiring the Submitters adhere to all pertinent federal, state and local requirements.

1.1 Procurement Process

Mn/DOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of SOQs, that Mn/DOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. Mn/DOT will short list at least three (if any) but not more than five most highly qualified Submitters that submit SOQs. In the event that there are less than three Submitters, Mn/DOT may cancel or re-advertise the Project. In the second phase, Mn/DOT will issue a Request for Proposals (RFP) for the Project to the short listed Submitters. Only the short listed Submitters will be eligible to submit technical and price proposals in response to the RFP for the Project. Each short listed Submitter that submits a proposal in response to the RFP (if any) is referred to herein as a “Proposer.” Mn/DOT will award a design-build contract for the Project, if any, to the Proposer offering the best value, to be determined as described in the RFP.

1.2 Project Goals

The Purpose of this Project is to improve safety on TH 52 by closing at-grade intersections and replacing key intersections with grade-separated facilities. Mobility should also be maintained during construction of the proposed improvements and the Submitter should provide a solution compatible within the Project setting and within the Project budget.

The following goals have been established for the Project:

- a) Safety
 - Eliminate/minimize the type, number and severity of crashes
 - Provide a safe Project area for the traveling public and workers during execution of the Project
 - Provide a solution consistent with Mn/DOT Roadway Design Standards.

b) Mobility

- Minimize impacts to traffic on TH 52 during construction
- Provide for local and emergency vehicle access to TH 52 during project execution
- Provide a completed project that maintains a level of service consistent with the Principal Arterial functional classification and the Interregional Corridor objective of 65 miles per hour.

c) Quality

- Provide a Quality Management System that ensures the requirements of the Project will be met or exceeded
- Provide a high quality project that minimizes future maintenance

d) Environmental Compliance

- Adhere to local, State, and Federal environmental regulations and/or permits that are required in executing and/or completing the Project
- Incorporate Best Management Practices to control sediment, stormwater runoff/discharge, water quality treatment, or other environmental parameters that are established for the Project

d) Budget

- Complete the project within Mn/DOT's established budget.
- Implement innovative solutions to maximize the return on taxpayer investment by reducing costs or improving quality of the transportation system.

e) Schedule

- Begin construction by Spring 2006
- Complete construction by November 2007

1.3 Submitter Information

To allow receipt of any addenda or other information regarding this RFQ, each Submitter is solely responsible for ensuring that Mn/DOT's Project Manager as described in Section 2.4 has its contact person name and e-mail address. If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

2.0 BACKGROUND INFORMATION; RFQ PROCESS

2.1 Project Description; Scope of Work

An electronic copy of the layout (herein referred to as the Basic Configuration) can be obtained at <https://filetransfer.hntb.com> . The username is **district6** and the password is **th-52oronoco**.

Files are in MicroStation version 8 format.

The Basic Configuration and associated electronic files provided are subject to change at any time by the Department without notice. This information is being provided solely as a visual aid in describing the general scope and nature of the work and should not be used or relied upon for any other purposes. The Department does not imply or guarantee the information contained in the Basic Configuration is accurate.

The TH 52 reconstruction/upgrade project is located in Olmsted County within the vicinity of Oronoco, MN. TH 52 currently functions as a Principal Arterial and is classified as a High Priority Interregional Corridor (IRC) connecting Rochester and the Twin Cities. Additionally, TH 52 is part of the National Highway System (NHS) and has been designated a *Towards Zero Death Corridor*.

The proposed project will convert a segment of TH 52 from a 4 lane, rural expressway to an access controlled freeway facility. This will be achieved by closing direct, at-grade access to TH 52 and providing access via an interchange and overpass with associated frontage road connections.

The project limits generally begin at the intersection of TH 52 and 59th Avenue NW in Oronoco, MN and extend southerly approximately 4 miles to the junction with 85th Street NW.

The limits of TH 52 mainline construction/reconstruction begin approximately 2800 feet north of the C.S.A.H. 12 (N) intersection at 59th Ave. NW and extend 2.3 miles south to a point located approximately 900 feet north of the C.R. 112/C.S.A.H. 12 (S) intersection. Mainline improvements will generally require relocation of northbound TH 52 by constructing a section of concrete pavement on new alignment, including 2 new bridges over Lake Shady. The proposed improvements also call for reconstructing a section of existing northbound TH 52 with new concrete pavement, including replacement of 2 existing bridges over Lake Shady. From a point approximately 900-ft. north of the C.R. 112/C.S.A.H. 12 intersection to 85th St. NW, no mainline improvements are proposed at this time other than access control/closure measures.

A diamond interchange and overpass bridge will be constructed at the C.S.A.H. 12 (S)/C.R. 112 location to provide access to TH 52. Frontage road connections will be provided to the local street/highway system to facilitate access to/from the local community and TH 52.

Also included in the Basic Configuration is an overpass bridge at C.S.A.H. 12 (N). This overpass will provide east/west mobility for the local community via the County highway or supporting frontage road system. Right-in/right-out connections will be provided north of the overpass on either side of TH52 as an interim measure until future improvements are programmed by the Department.

2.2 Estimated Cost; Maximum Time Allowed

The estimated cost of the Project is \$36 million. The interchange and reconstructed highways must be completed by November 2007.

2.3 Project Schedule

The deadline for submitting RFQ questions and the SOQ due date stated below apply to this RFQ. Mn/DOT also anticipates the following additional Project milestone dates. This schedule is subject to revision by the RFP and addenda to this RFQ.

Phase I – Request for Qualifications

Issue RFQ	March 18, 2005
Deadline for submitting RFQ questions	April 15, 2005
SOQ due date	April 29, 2005
Evaluation of SOQs	April 30 – May 20, 2005
Notify short listed Submitters	May 24, 2005

Phase II – Request for Proposals

Issue RFP	May 27, 2005
Technical and Price Proposals due	September 6, 2005
Evaluation of Technical Proposals	September 6 – October 20, 2005
Price Proposals opened	October 28, 2005
First Notice to Proceed	January 4, 2006

2.4 Mn/DOT Project Management; Ex Parte Communications

Jai Kalsy is Mn/DOT’s Project Manager. As Mn/DOT’s Project Manager, Mr. Kalsy is Mn/DOT’s sole contact person and addressee for receiving all communications regarding the Project. Except as permitted by Section 7.1, all inquiries and comments regarding the Project and the procurement thereof must be made by fax, e-mail or letter to Mr. Kalsy. Only written inquiries will be accepted:

Mail/
Delivery: Jai Kalsy, P.E.
Design-Build Project Manager
Minnesota Department of Transportation, District 6
2900 48th Street NW
Rochester, MN 55901

Fax: (507) 285-7355

E-mail: jai.kalsy@dot.state.mn.us

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member or agent of any Submitter shall have any ex parte communications regarding this procurement with any member of Mn/DOT or the Federal Highway Administration, their advisors (i.e. city, county) or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ (or, subsequent to issuance of the RFP, except for communications expressly permitted by the RFP). Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of Mn/DOT.

2.5 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted in writing to Mn/DOT’s Project Manager as described in Section 2.4. To be considered, all questions and requests must be received by 4:00 pm, Central Standard Time, on the date indicated in Section 2.3.

Mn/DOT reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be announced by addenda to this RFQ.

Mn/DOT will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- Mn/DOT will answer questions and requests for clarification by posting a clarification on its design-build website www.dot.state.mn.us/designbuild.
- Mn/DOT will send an e-mail notification to the contact person for each Submitter as soon as each addendum or clarification is issued. The notification will include an electronic copy of the addendum or clarification when possible.

2.6 Major Participants

As used herein, the term “Major Participant” means any of the following entities: all general partners or joint venture members of the Submitter; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 15% or greater interest in the Submitter; any subcontractor(s) that will perform work valued at 15% or more of the overall contract amount; the lead engineering/design firm(s); and each engineering/design sub-consultant that will perform 20% or more of the design work.

2.7 Mn/DOT Consultant/Technical Support

Mn/DOT has retained HNTB Corporation to provide guidance in preparing and evaluating this RFQ, the RFP and advice on related financial, contractual and technical matters.

2.8 Organizational Conflicts of Interest

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

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

The Submitter is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with an organizational conflict of interest, including, but not limited to, HNTB Corporation. Such persons and entities are prohibited from participating in any Submitter organization relating to the Project.

The Submitter agrees that, if after award, an organizational conflict of interest is discovered, the Submitter must make an immediate and full written disclosure to Mn/DOT that includes a description of the action that the Submitter has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, Mn/DOT may, at its discretion, cancel the design-build contract for the Project. If the Submitter was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to Mn/DOT, Mn/DOT may terminate the contract for default.

Mn/DOT may disqualify a Submitter if any of its Major Participants belong to more than one Submitter organization.

2.9 Changes to Organizational Structure

Key Personnel or Major Participants identified in the SOQ may not be removed, replaced or added without the written approval of the Commissioner of Transportation, or designee. The Commissioner, or designee, may revoke an awarded contract if any Key Personnel or Major Participant identified in the SOQ is removed, replaced or added without the Commissioner’s, or designee’s, written approval. To qualify for the Commissioner’s, or designee’s, approval, the written request must document that the proposed removal, replacement or addition will be equal to or better than the Key Personnel or Major Participant provided in the SOQ. The Commissioner, or designee, will use the criteria specified in this RFQ to evaluate all requests. Requests for removals, replacements and additions must be submitted in writing to Mn/DOT’s Project Manager as described in Section 2.4.

2.10 Past Performance or Experience

Past performance or experience does not include the exercise or assertion of a person’s legal rights.

2.11 Equal Employment Opportunity

The Submitter will be required to follow both State of Minnesota and Federal Equal Employment Opportunity (EEO) policies.

In accordance with the Minnesota Human Rights Act, Minn. Stat. §363A.36 Unfair Discriminatory Practices, Mn/DOT will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

In accordance with Minnesota Human Rights Act, Minn. Stat. §363A.36 Certificates of Compliance for Public Contracts, and §363A.37 Rules for Certificates of Compliance, Mn/DOT will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance. Any Submitter that is not a current holder of a compliance certificate issued by the Minnesota Department of Human Rights must contact the Department of Human Rights immediately for assistance in obtaining a certificate.

2.12 Disadvantaged Business Enterprises

It is the policy of Mn/DOT that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, and other small businesses shall have the maximum feasible opportunity to participate in contracts financed in whole or in part with public funds. Consistent with this policy, Mn/DOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation (DOT)-assisted contract because of sex, race, religion, or national origin. Mn/DOT has established a DBE program in accordance with regulations of the DOT, 49 CFR Part 26. In this regard, the contractor will take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform the contract. Additional DBE requirements will be set forth in the RFP.

Mn/DOT has determined that the Project will have a DBE goal of **8.9%**. Mn/DOT's updated directory of DBE contractors can be viewed at the following website:

<http://www.dot.state.mn.us/eecom/ucpdirectory.html>

3.0 CONTENT OF STATEMENT OF QUALIFICATIONS; HOW INFORMATION IN THE STATEMENT OF QUALIFICATIONS WILL BE USED

This section describes specific information that must be included in the SOQ. SOQs must follow the outline of this Section 3.0. Submitters shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ.

Documents submitted pursuant to this RFQ will be subject to the Minnesota Government Data Practices Act.

Some of the information requested in this RFQ is for informational purposes only, while other information will be used in the qualitative analysis of the SOQ's. Mn/DOT will initially review SOQ's on a pass/fail basis. The purpose of this initial review is for Mn/DOT to determine whether the SOQ, on its face, is responsive to this RFQ. An SOQ will be, on its face, responsive to this RFQ if it appears to include all of the components of information required by this RFQ in the manner required by this RFQ. This initial pass/fail review does not include any qualitative assessment as to the substance of the information submitted. Mn/DOT reserves the right to request additional information from the Submitter organization(s) in reference to this pass/fail review should an SOQ contain ambiguities. Those SOQ's that pass the pass/fail review will then be reviewed on a qualitative basis according to the criteria specified in Section 4.3.

The following Sections 3.1 through 3.7 describe the required information and how it will be used.

3.1 Introduction

Provide a letter stating the business name, address, business type (e.g., corporation, partnership, joint venture) and roles of the Submitter and each Major Participant. Identify one contact person and his or her address, telephone and fax numbers, and e-mail address. This person shall be the single point of contact on behalf of the Submitter organization, responsible for correspondence to and from the organization and Mn/DOT. Mn/DOT will send all Project-related communications to this contact person. Authorized representatives of the Submitter organization must sign the letter. If the Submitter is a joint venture, the joint venture members must sign the letter. If the Submitter is not yet a legal entity, the Major Participants must sign the letter. The letter must certify the truth and correctness of the contents of the SOQ. The Introduction must include a "Title Page" and "Table of Contents." This information will be used to identify the Submitter and its designated contact, and will be reviewed on a pass/fail basis only and not as part of the qualitative assessment of the SOQ.

3.2 Submitter Organization and Experience

The information required by this section will be used in the qualitative assessment of the SOQ. Mn/DOT will evaluate the capabilities of the Submitter organization to effectively deliver the Project.

3.2.1 Organizational Chart(s)

Provide an organizational chart(s) showing the flow of the "chain of command" with lines identifying participants who are responsible for major functions to be performed and their reporting relationships, in managing, designing and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Level "A" Key Personnel by name. Indicate the anticipated percent of each Level "A" Key Personnel's time that would be committed to the Project and the amount of time that would be committed to other current projects. Identify the Submitter and all Major Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance and subcontractor administration. For each organizational chart, provide a brief, written

description of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team.

3.2.2 Submitter Experience

Describe at least one but a maximum of four highway projects or design-build projects the Submitter has completed or participated in (if the Submitter is not yet existing or is newly formed, please explain) and each Major Participant has managed, designed and/or constructed. For projects in which several of the proposed Major Participants were involved, the Submitter may provide a single project description. Highlight experience relevant to the Project the Submitter/Major Participants have gained in the last 10 years. Cite projects with levels of scope comparable to that anticipated for the Project. Describe the experiences that could apply to the Project. In particular, demonstrate experiences in each of the following areas:

- Highway and highway structures;
- Highway reconstruction under traffic;
- Construction/reconstruction using innovative designs, methods and materials;
- Construction in environmentally sensitive areas; and
- Design and construction activity interaction or integration.

Each project description must include the following information:

- (1) Name of the project and either the owner’s contract number or state project number;
- (2) Owner’s Construction Engineer and Design Engineer for this project, address and current telephone and fax numbers;
- (3) Dates of design, construction, management and/or warranty periods;
- (4) Description of the work or services provided and percentage of the overall project actually performed; and
- (5) Description of scheduled completion deadlines and actual completion dates.

Mn/DOT may elect to use the information provided above as a reference check.

3.3 Key Personnel

The information required by this section will be used in the qualitative assessment of the SOQ.

3.3.1 Resumes of Key Personnel

Resumes of Key Personnel shall be provided as Appendix A – Resumes of Key Personnel to the SOQ. Resumes of Key Personnel shall be limited to two pages each and will not be

counted towards the overall SOQ page limit. If an individual fills more than one position, only one resume is required. The listing below describes the functions for select key personnel for the Project (“Key Personnel”). Level “A” personnel to staff these key functions listed below shall be identified in the required organizational charts (as described in Section 3.2.1) within the Statement of Qualifications. Level “B” personnel will not be identified in the Statement of Qualifications; however, the Department will require that personnel to staff these positions be identified in the required organizational chart identified within the Request for Proposals.

Level A Personnel

- Contractor’s Project Manager
- Quality Manager
- Design Manager
- Construction Manager
- Traffic Engineer
- Construction Quality Assurance Manager
- Environmental Compliance Manager

Level B Personnel

- Design Quality Assurance Manager
- Utilities Design Engineering/Coordination Manager
- Safety Manager
- Traffic Control Supervisor
- Design Lead Engineer – Structures
- Design Lead Engineer – Roadway
- Geotechnical Engineer
- Survey Manager
- Hydraulics Engineer
- Public Information Coordinator

Include the following items on each resume:

- a) Relevant licensing and registration.
- b) Years of experience performing similar work.
- c) Length of employment with current employer.
- d) Actual work examples, including projects, project dates, duties performed and % of time on the job.

3.3.2 Other Information for Key Personnel

In addition to resumes, provide the following information for each Key Personnel:

- a) Percent of time that would be committed to the Project. Include percent of time during design, post design and construction activities.
- b) Percent of time that would be committed to other projects.

3.3.3 Minimum Qualifications for Acceptance; and Qualifications Exceeding Minimums

The qualifications and experience of Key Personnel will be reviewed as part of the qualitative assessment of the SOQ. Key Personnel will be evaluated, in part, based on the extent they meet and/or exceed such requirements including, but not limited to, relevant education, training, certification, and experience. The following provides a brief job description and minimum requirements of the Key Personnel assigned to the Project. All Level “A” Key Personnel will be required to be on or immediately available to the Project site for the duration of the Project during activities that involve their areas of responsibility. Any certifications required to meet the requirements of the RFQ shall be in place by the time the first notice to proceed is issued. Key Personnel, except as noted under Quality Manager, may perform Work in more than one position in the organization.

- a) Contractor’s Project Manager
 - Contractor’s Project Manager will be responsible for the overall design, construction, quality management and contract administration for the Project. The Contractor shall at all times provide Contractor's Project Manager, who will: (i) have full responsibility for the prosecution of the Work, (ii) act as agent and be a single point of contact in all matters on behalf of Contractor, (iii) be present (or its Approved designee will be present) at the Site at all times that Work is performed, and (iv) have authority to bind Contractor on all matters relating to the Project.
 - Must have a minimum of 5 years (10 preferred) of recent experience managing the design and/or construction of highway projects.
 - ~~Must be a licensed professional engineer in the State of Minnesota now or by the time the first notice to proceed is issued.~~

b) Quality Manager

- The Quality Manager must work under the direct supervision of Contractor’s executive management (to whom the Contractor’s Project Manager reports). It must be the responsibility of the Quality Manager to manage Contractor’s quality system for the project, implement quality planning and training, oversee Contractor’s Project quality control and assurance testing and inspection and coordinate with Mn/DOT’s verification testing and inspection and Independent Assurance program, and provide continuous improvement of the quality management system . The Quality Manager may also act as the Construction Quality Assurance Manager or the Design Quality Assurance Manager but must not be assigned any other duties or responsibilities on the Project or any other projects. This person will be required to be on site whenever any work is being performed.
- The Quality Manager shall have the authority to stop any and all work that does not meet the standards, specifications or criteria established for the Project.
- Must have at least five years of recent relevant experience.

c) Design Manager

- The Design Manager will be responsible for ensuring that the overall Project design is completed and design criteria requirements are met. The Design Manager must be on site whenever design activities are being performed.
- The Design Manager must work under the direct supervision of Contractor’s Project Manager.
- Must have at least 5 years (10 preferred) of recent experience in managing the design of highway projects.
- Must be a licensed professional engineer in the State of Minnesota now or by the time the first notice to proceed is issued.

d) Construction Manager

- The Construction Project Manager must be on site during all construction activities.
- Must have at least 5 years (10 preferred) of recent experience in highway and/or bridge construction and testing.

- ~~Must be a licensed professional engineer in the State of Minnesota now or by the time the first notice to proceed is issued.~~

e) Traffic Engineer

- Must be a registered professional engineer in the State of Minnesota now or by the time the first notice to proceed is issued.
- Experienced in lighting design, signing design and work zone safety and work zone traffic control plan design.
- Must have at least five years of recent experience in traffic engineering and traffic management on similar projects.

f) Construction Quality Assurance Manager

- The Construction Quality Assurance Manager must work under the direct supervision of Contractor's executive management team (to whom the Contractor's Project Manager reports to). It must be the responsibility of the Construction Quality Assurance Manager to manage Contractor's workmanship inspections, implement quality planning, oversee Contractor's construction quality control and assurance testing and inspection and coordinate with Mn/DOT's verification testing, inspection and independent assurance requirements. The Construction Quality Assurance Manager must not be assigned any other duties or responsibilities on the Project or any other projects. This person will be required to be on site whenever any construction activities are being performed.
- The Construction Quality Assurance Manager shall have the authority to stop any and all work that does not meet the standards, specifications or criteria established for the Project.
- Must have at least 5 years (10 years preferred) of recent experience overseeing the inspection and materials testing on major highway construction projects.

g) Environmental Compliance Manager

- Shall work closely in the development of the Erosion Control Plan and oversee its implementation.
- Shall report directly to the Contractor's Project Manager and the Mn/DOT Project Manager and must be on site for the duration of the Project.

- Shall have the authority to stop all work due to environmental concerns and permitting requirements.
- Responsible for ensuring compliance with all necessary Environmental Documents and permits associated with the Project.
- Must have recent experience in environmental compliance and familiar with permitting requirements in Minnesota related to watershed districts, NPDES Phase II, 404, 401, contaminated materials, ground water, etc.

3.4 Project Understanding

The information required by this section will be used in the qualitative assessment of the SOQ. Provide a synopsis demonstrating the Submitter’s understanding of the physical description of the Project, probable impacts, and potential issues affecting the Project.

3.5 Project Approach

The information required by this section will be used in the qualitative assessment of the SOQ. Describe, at a conceptual level, your understanding of the Project goals and demonstrate how you will successfully deliver the Project by meeting or exceeding the Project’s established goals (see Section 1.2).

3.6 Project Management Approach

The information required by this section will be used in the qualitative assessment of the SOQ. Provide your understanding of and approach to the following items:

- Integrating design and construction on design-build highway projects, including location and integration of design and construction
- Coordinating Project activities with Mn/DOT
- Implementing Project management and controls,
- Implementing a DBE/EEO program
- Implementing a partnering plan.

3.7 Legal and Financial

The information required in response to Sections 3.7.1, 3.7.3, 3.7.4 and 3.7.5 shall be submitted as Appendix B – Legal and Financial. Information provided in response to these sections will not count towards the overall page limitation defined in Section 5.2. Information required by this section will be evaluated on a pass/fail basis.

3.7.1 Acknowledgment of Clarifications and Addenda

Identify all clarifications and addenda received by number and date.

3.7.2 Organizational Conflicts of Interest

Identify all relevant facts relating to past, present or planned interest(s) of the Submitter's team (including the Submitter, Major Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors and key project personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ. See Section 2.8.

Disclose: (a) any current contractual relationships with Mn/DOT (by identifying the Mn/DOT contract number and project manager); (b) present or planned contractual or employment relationships with any current Mn/DOT employee; and (c) any other circumstances that might be considered to create a financial interest in the contract for the Project by any current Mn/DOT employee if the Submitter is awarded the contract. The Submitter must also disclose any current contractual relationships where the Submitter is a joint venturer or partner with HNTB Corporation. The foregoing is provided by way of example, and shall not constitute a limitation on the disclosure obligations.

For any fact, relationship or circumstance disclosed in response to this Section 3.7.2, identify steps that have been or will be taken to avoid, neutralize or mitigate any organizational conflicts of interest.

In cases where Major Participants on different Submitter organizations belong to the same parent company, each Submitter must describe how the participants would avoid conflicts of interest through the qualification and proposal phases of the Project.

The required information for Organizational Conflicts of Interest shall be submitted as Appendix C – Organizational Conflicts of Interest. Information provided in response to this section will not count towards the overall page limitation defined in Section 5.2.

3.7.3 Legal Structure

If the Submitter organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of contract award, the Submitter and Major Participants to conduct business in the State of Minnesota. If the Submitter organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements.

3.7.4 Bonding Capability

Provide a letter from a surety or insurance company stating that the Submitter is capable of obtaining a performance bond and payment bond covering the Project in the amount of \$36 million. The letter shall also state that the Submitter is capable of obtaining a warranty bond covering the Project warranty period for the amount of \$1.45 million for

the 1st and 2nd year after Final Acceptance and \$0.725 million (\$725,000) for the 3rd year after Final Acceptance. Letters indicating “unlimited” bonding capability are not acceptable. The surety or insurance company providing such letter must be authorized to do business in the State of Minnesota with an A.M. Best Co. "Best's Rating" of A- or better and Class VIII or better.

3.7.5 Submitter Information

For the Submitter (if the Submitter is not yet existing or newly formed, please explain), each Major Participant, and any affiliate of the Submitter or a Major Participant (including the firm’s parent company, subsidiary companies, and any other subsidiary or affiliate of the firm’s parent company) whose experience is cited as the basis for the firm’s qualifications:

- a. Describe any project that resulted in assessment of liquidated damages or stipulated damages against the firm within the last five years. Describe the causes of the delays and the amounts assessed. Describe any outstanding damage claims for projects in which any firm was involved within the last five years.
- b. Describe the conditions surrounding any contract (or portion thereof) entered into by the firm that has been terminated for cause, or which required completion by another party, within the last five years. Describe the reasons for termination and the amounts involved.
- c. Describe any debarment or suspension from performing work for the federal government, any state or local government, or any foreign governmental entity, against the firm.

For each description, identify the project owner’s representative and current phone number. Indicate “None” to any subsection above that does not apply.

4.0 EVALUATION PROCESS

4.1 SOQ Evaluation

Mn/DOT will initially review the SOQs for responsiveness to the requirements of this RFQ. The information in the SOQ will then be measured against the evaluation criteria stated in Section 4.3.

4.2 Interview

Mn/DOT reserves the right to conduct interviews with all potential Submitters prior to the development of a short list. Mn/DOT may conduct these interviews during its evaluation of the overall SOQ submittal process and scoring. If elected by Mn/DOT, Mn/DOT will determine the schedule for interviews following receipt of the SOQs.

4.3 SOQ Evaluation and Scoring

Mn/DOT will evaluate all responsive SOQs and measure each Submitter's response against the project goals and evaluation criteria set forth in this RFQ, resulting in a numerical score for each SOQ. Mn/DOT will use the following criteria and weightings:

- a) Submitter Organization and Experience (20 Points):
 - Effective project management authority and structure
 - Effective utilization of personnel
 - Owner/client references
 - Experience on projects of similar scope and complexity
 - Experience with timely completion of comparable projects
 - Experience with on-budget completion of comparable projects
 - Experience with integrating design and construction activities
 - Experience of team members working together
- b) Key Personnel (30 Points):
 - Team members with experience and qualifications that are relevant to the Project scope
 - Key management/staff experience, capabilities and functions on similar projects
- c) Project Understanding (15 Points):
 - Understanding of Project scope
 - Understanding of safety concerns on the existing corridor
 - Understanding of impacts on the adjacent communities and traveling public
 - Understanding of required interaction with utility companies
 - Understanding of environmental requirements, permitting needs and strategy
 - Understanding of safety concerns during construction
- d) Project Approach (15 Points):
 - Ability to deliver the Project on schedule
 - Ability to deliver the Project within budget
 - Ability to develop and implement a safe and effective maintenance of traffic plan
 - Ability to develop and implement an effective environmental compliance plan
 - Ability to implement a quality management system for the Project
- e) Project Management Approach (20 Points):
 - Effective project management and interaction with Mn/DOT or other entities
 - Effective approach to partnering
 - Effective approach to coordinating design and construction activities
 - Effective approach to implementing a DBE/EEO plan
- f) Legal and Financial (pass/fail)

4.4 Determining Short listed Submitters

Mn/DOT will total the scores for each responsive SOQ and prepare a ranked list of Submitters. Mn/DOT will short-list at least three (if any) but not more than five most highly qualified Submitters.

Mn/DOT reserves the right, in its sole discretion, to cancel this RFQ, issue a new RFQ, reject any or all SOQs, seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ and waive any deficiencies, irregularities or technicalities in considering and evaluating the SOQs.

This RFQ does not commit Mn/DOT to enter into a contract or proceed with the procurement of the Project. Mn/DOT assumes no obligations, responsibilities and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Submitter.

4.5 Notification of Short listing

Upon completion of the evaluation, scoring and short-listing process, Mn/DOT will send the list of short listed Submitters (if any) to all Submitters. Mn/DOT will also publish the list on its design-build website www.dot.state.mn.us/designbuild.

4.6 Debriefing Meetings

Once Mn/DOT announces the short list (if any), Mn/DOT will offer to arrange debriefing meetings with each of the unsuccessful Submitter organizations. These debriefing meetings would give Submitters and Mn/DOT an informal setting to discuss this RFQ and the procurement process.

5.0 SOQ SUBMITTAL REQUIREMENTS

The following section describes requirements that all Submitters must satisfy in submitting SOQs. Failure of any Submitter to submit their SOQ as required in this RFQ may result in rejection of its SOQ.

5.1 Due Date, Time and Location

All SOQs must be received by 4:00 p.m., Central Daylight Time, on the SOQ due date indicated in Section 2.3, and must be delivered by U.S. mail or hand or overnight courier to the Minnesota Department of Transportation, District 6, 2900 48th Street NW, Rochester, MN 55901, Attention: Jai Kalsy, P.E., TH 52/Oronoco Design-Build Project Manager.

Mn/DOT will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirement will be rejected without opening, consideration or evaluation.

5.2 Format

The SOQ must not exceed 30 single-sided pages (including the “Title Page” and “Table of Contents” but not including section dividers). Mn/DOT discourages lengthy narratives containing extraneous information. Printing, except for the front cover of the SOQ, must be Times New Roman, 12-point font. All dimensional information must be shown in English units.

Except for charts, exhibits and other illustrative and graphical information, all information must be printed on 8.5” x 11” paper. Charts, exhibits and other illustrative and graphical information may be on 11” x 17” paper, but must be folded to 8.5” x 11” and will be counted as one sheet. Text included in charts, exhibits and other illustrative and graphical information must be Times New Roman, 10 point font minimum.

The front cover of each SOQ must be labeled with “TH 52/Oronoco Design-Build Project” and “Statement of Qualifications” and the date of submittal.

5.3 Quantities

Each Submitter must provide Mn/DOT with 20 bound copies of the SOQ. Each copy must be identified on its front cover, in the upper right-hand corner, as “Copy ___ of 20 Copies.”

All binders must be packed together in one sealed package for delivery to Mn/DOT. The outside of the sealed package must be clearly identified, labeled and addressed as follows:

- Return address: Submitter’s name, contact person’s name, mailing address;
- Date of submittal;
- Contents labeled as “TH 52/Oronoco Design-Build Project” and “Statement of Qualifications”; and
- Recipient (Mn/DOT) as specified in Section 5.1.

6.0 PROCUREMENT PHASE 2

This Section 6.0 is provided for informational purposes only so that each Submitter has information that describes the second phase of the Project procurement process, including a summary of certain anticipated RFP requirements. Mn/DOT reserves the right to make changes to the following, and the short listed Submitters must only rely on the actual RFP when and if it is issued. This Section 6.0 does not contain requirements related to the SOQ.

6.1 Request for Proposals

The Submitters remaining on the short list following phase 1 of the procurement process will be eligible to move to phase 2 and receive an RFP. While Mn/DOT may make the RFP available to the public for informational purposes, only short listed submitters will be allowed to submit a response to the RFP.

6.2 RFP Content

6.2.1 RFP Structure

The RFP will be structured as follows:

- a) Instructions to Proposers
- b) Contract Documents
 - Book 1 (Contract Terms and Conditions)
 - Book 2A (Project-Specific Requirements)
 - Book 2B (Program Requirements)
 - Book 3 (Standards)
- c) Reference Information Documents (RID)

6.2.2 RFP Information

The RFP will include the following information:

- a) Maximum time allowable for the Project.
- b) Mn/DOT's final cost estimate for the Project.
- c) Requirements for a proposed schedule of work.
- d) Requirements for submitting Alternative Technical Concepts (ATCs).
- e) A requirement that if the Proposer is a joint venture, each of the joint venture members will be, if awarded the design-build contract for the Project, jointly and severally liable for performance of the design-build contractor's obligations under the contract.

6.2.3 Warranties

The RFP will require the design-build contractor to provide a three-year general warranty for all elements of the project after Final Acceptance of the project.

6.3 Pre-Proposal Meeting

Mn/DOT will offer each short listed Proposer the opportunity to meet before the proposal due date to discuss the Project and the RFP process, as well as separate meetings to discuss any ATCs being developed. In any such meeting, Mn/DOT will meet with only one Proposer at a time. Proposers would not be required to accept the meeting offers.

6.4 Proposals Submitted in Response to the RFP

Short listed Proposers that choose to continue in the procurement process must submit a two-part proposal. One part is the technical proposal. The second part is the price proposal. The RFP will specifically define formats and page limits for the proposal packaging and all proposal contents.

6.5 Proposal Evaluations

Mn/DOT has determined that award of the Project based on a “best value” determination under Minn. Stat. 161.3410 et seq. provides the opportunity to obtain the most qualified contractor to deliver the Project.

6.6 Stipends

Mn/DOT will award a stipend of \$72,000 to each short listed, responsible Proposer that provides a responsive but unsuccessful proposal.

No stipends will be paid for submitting SOQs.

In consideration for paying the stipend, Mn/DOT may use any ideas or information contained in the proposals in connection with any contract awarded for the Project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful short listed Proposers.

Mn/DOT will pay the stipend to each eligible Proposer within 90 days after the award of the contract or the decision not to award a contract. If an unsuccessful short listed Proposer elects to waive the stipend, Mn/DOT will not use ideas or information contained in that Proposer’s proposal.

To award the stipend, Mn/DOT will use a professional and technical services contract that will establish the term, duties, consideration and payment of the lump sum stipend.

7.0 PROTEST PROCEDURES

This Section 7.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Submitter, 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 wholly arbitrary. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitters. Such waiver and agreement by each Submitter are also consideration to each other Submitter for making the same waiver and agreement.

If a Submitter disregards, disputes or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend, protect and hold harmless Mn/DOT, its officers, officials, employees, agents, representatives and consultants from and against all liabilities, expenses, costs (including attorneys’ fees and costs), fees and damages incurred or suffered as a result. The submission of an SOQ by a Submitter shall be deemed the Submitter’s irrevocable and unconditional agreement with such indemnification obligation.

7.1 Protests Regarding Facially Apparent Deficiencies in RFQ/Phase I Procedures

The Submitter may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that (a) a material provision in this RFQ is 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 Mn/DOT. Protests regarding this RFQ shall be filed only after the Submitter has informally discussed the nature and basis of the protest with Mn/DOT’s Project Manager in an effort to remove the grounds for protest.

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.

Protests regarding this RFQ shall be filed as soon as the basis for protest is known to the Submitter, but in any event it must be actually received no later than ten calendar days before the SOQ due date, provided that protests regarding an addendum to this RFQ shall be filed and actually received no later than five calendar days after the addendum to this RFQ is issued (or no later than the SOQ due date, if earlier).

Protests regarding this RFQ shall be filed in writing by hand delivery or courier to the Protest Official with a copy to Mn/DOT’s Project Manager. The “Protest Official” is defined as:

Paul Stembler, Materials Management Division
Department of Administration
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Mn/DOT will distribute copies of the protest to the other Submitters and may, but need not, request other Submitters to submit statements or arguments regarding the protest and may, in its sole discretion, discuss the protest with the protesting Submitter. If other Submitters are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven calendar days of the request. Mn/DOT may also file a written statement with the Protest Official.

No hearing will be held on the protest. The Protest Official or his designee will review the facts and arguments presented in the written submissions and will decide the protest on the basis of the written submissions. The Protest Official will consider whether Mn/DOT’s position (a) is reasonable, and (b) is in compliance with the Minnesota Design-Build statute, Minn. Stat. §161.3240 et. seq. The Protest Official will recommend to the Mn/DOT Commissioner whether any changes or addenda to the RFQ and procurement process are warranted. The Protest Official’s recommendation will be in writing and will state the reasons for the decision. Mn/DOT will furnish copies of the decision in writing to each Submitter. The Commissioner will issue Mn/DOT’s final decision within ten calendar days of receiving the recommendation and include written reasons for the decision (or incorporate those of the Protest Official). The decision shall be final and conclusive. If necessary to address the issues raised in the protest, Mn/DOT

will make appropriate revisions to this RFQ by issuing addenda. Mn/DOT may extend the SOQ due date, if necessary, to address any protest issues.

The failure of a Submitter to raise a ground for a protest regarding this RFQ within the applicable period shall constitute an unconditional waiver of the right to protest the terms of this RFQ and shall preclude consideration of that ground in any protest of qualification of a Submitter unless such ground was not and could not have been known to the Submitter in time to protest prior to the final date for such protests.

7.2 Protests Regarding Responsiveness and Short listing

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Protest Official with a copy to Mn/DOT's Project Manager. The protesting Submitter shall concurrently deliver a copy of its notice of protest to the other Submitters. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness, the scheduled date for interviews (if any) or the public announcement of short listing. Notice of protest of the decision on short listing must be filed within five calendar days after the public announcement of short listing.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Protest Official, with a copy to Mn/DOT's Project Manager, a detailed statement of the grounds, legal authorities and facts, including all documents and evidentiary statements, in support of the protest. The protesting Submitter shall concurrently deliver a copy of the detailed statement to all other Submitters. Evidentiary statements, if any, shall be submitted under penalty of perjury.

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 qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Protest Official, with a copy to Mn/DOT's Project Manager, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. Mn/DOT will promptly forward copies of any such statements to the protesting Submitter.

Mn/DOT may, at its option, file a written response to the Protest with the Protest Official, with a copy to the Submitter and any Submitters who have filed statements with the Protest Official.

The Protest Official will consider whether the Committee's decision (a) is reasonable; and (b) is in compliance with the Minnesota Design-Build statute, Minn. Stat. §161.3420 et. seq. The Protest Official will review the facts and arguments presented in the written submissions of the protesting firm, and the written submissions of Mn/DOT and other submitters, if any. The

Protest Official will recommend, within 14 calendar days, that the Mn/DOT Commissioner, acting through the Committee, either (1) affirm the Committee’s original decision; or, depending on the nature of the protest, (2) reinstate a firm disqualified on responsiveness grounds, or add a firm to the short list. The Protest Official’s recommendation will be in writing and include the reasons for the decision. The Commissioner will issue Mn/DOT’s final decision within ten calendar days of receiving the recommendation, and include written reasons for the decision (or incorporate those of the Protest Official). The Commissioner or designee will send copies of the written decision to the protesting Submitter and to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to the interview process (if any), Mn/DOT may proceed with the interview process and may qualify Submitters before the protest is withdrawn or decided, unless the Protest Official or his designee determines, in his or her sole discretion, that it is in the public interest to postpone the qualification prior to a decision. Such a determination shall be in writing and shall state the facts on which it is based.

If the Protest Official or his designee concludes that the Submitter filing the protest has established a basis for protest, the Protest Official or his 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 request for qualifications or taking other appropriate actions.

7.3 Costs and Damages

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor’s expense. In addition, if the protest is denied, the Submitter filing the protest shall be liable for Mn/DOT’s costs reasonably incurred in defending against the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by Mn/DOT as a consequence of the protest. Mn/DOT shall not be liable for damages to the Submitter filing the protest or to any participant in the protest, on any basis, express or implied.