



MINNESOTA
DEPARTMENT OF TRANSPORTATION
Metro District

REQUEST FOR QUALIFICATIONS

T.H. 212
DESIGN-BUILD PROJECT

S.P. 1017-12

March 26th, 2004

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1.0 INTRODUCTION

The Minnesota Department of Transportation (Mn/DOT), Metro District, is requesting Statements of Qualifications (“SOQs”) from entities (“Submitters”) interested in submitting proposals for the T.H. 212 Design-Build Project (the “Project”). The Project will be funded with state and federal-aid dollars thereby requiring that 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 (this “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 second phase, Mn/DOT will issue a Request for Proposals (the “RFP”) for the Project to the short listed Submitters. Only the short listed Submitters will be eligible to submit proposals 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 following goals have been established for the Project:

- a) Budget
 - Not exceed Mn/DOT’s budget established for the Project.
 - Implement innovative solutions to maximize tax payer investment by reducing costs or improving the transportation system
- b) Stakeholder Satisfaction
 - Coordinate and mitigate community and stakeholder issues. (Construction Noise, Public Relations, Staging, Budget, Haul roads, etc)
- c) Optimize Design and Construction Quality
 - Safety to the traveling public and project personnel
 - System Operation
 - Plan implementation
 - Minimize future maintenance

d) Schedules

- Begin Construction by Spring 2005
- Complete construction no later than November 3rd, 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

The project is located in Hennepin and Carver County, Minnesota, within the city limits of Eden Prairie, Chanhassen, Chaska and Carver. The project limits extend a total of 11.75 miles from the intersection of existing TH 312 and Eden Prairie Road (CSAH 4) to 0.75 miles west of the intersection of existing 212 and Carver county road 147.

The project scope is to design and construct the realignment of TH 212, creating a controlled access highway from existing TH 312 termination to approximately 0.75 miles west of the intersection of Carver county road 147 and TH 212. The proposed project consists of the design and construction of a four-lane controlled access highway. The project generally consists of grading, surfacing, noise berms, noise walls, ponds, signals, lighting, signing and bridge construction. Additional major responsibilities to the successful team will be, environmental coordination, public relations, utility coordination and warranties, among other things. New TH 212 will be a part of the National Highway System.

Overall the project will consist of the design and construction of 27 bridges with interchanges and overpasses being constructed over TH 212 at the following locations, unless otherwise noted:

Interchanges:

- Eden Prairie Rd (CSAH 4): WB entrance ramp and EB exit ramp only
- Dell Rd
- T.H. 101
- Powers Blvd (CSAH 17)
- T.H. 41

- Engler Blvd (CSAH 10)

Overpasses:

- Lyman Blvd (CSAH 18)
- Pioneer Trail (CSAH 14)
- Audubon Rd (CSAH 17)
- Bavaria Rd
- County Rd 110 (212 over Co Rd 110)
- County Rd 140
- Old 212

The project will also include the design and construction of intersecting roadways, city utilities and facilities to accommodate bicyclists and pedestrians.

2.2 Estimated Cost; Maximum Time Allowed

The estimated cost of the Project is \$245,000,000. All aspects of the TH 212 project will be completed and open to traffic no later than November 3rd, 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.

Issue RFQ	March 26 th , 2004
Deadline for submitting RFQ questions	April 16 th , 2004
SOQ due date	April 30 th , 2004
Evaluation of SOQs	April 30 th , 2004 to May 14 th , 2004
Notify short listed Submitters	May 14 th , 2004
Issue RFP	May 28 th , 2004
Technical and Price Proposals due	October 1 st , 2004
Evaluation of Technical Proposals	October 1 st , 2004 to December 10, 2004
Price Proposals opened	December 10, 2004
Anticipated First Notice to Proceed	January 22 nd , 2005

2.4 Mn/DOT Project Management; Ex Parte Communications

Jon Chiglo is Mn/DOT's Project Manager. As Mn/DOT's Project Manager, Mr. Chiglo is Mn/DOT's sole contact person and addressee for receiving all communications about 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. Only written inquiries will be accepted:

Mail/ Delivery: Jon Chiglo, P.E.
T.H. 212 Design-Build Project Manager
Minnesota Department of Transportation
Metro District
1500 West County Road B2
Roseville, MN 55113

Fax: (651) 582-1166

E-mail: Jon.chiglo@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. cities, counties) 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's Project Manager.

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 Questions and post the answers to Mn/DOT's design-build website www.dot.state.mn.us/designbuild as soon as they are received.
- 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 Participant

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 10% or more of the overall construction 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 the consulting firms of HNTB Corporation and Short Elliott Hendrickson, Inc. to provide guidance in preparing and evaluating this RFQ and 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 Part 636 Subpart A and in particular to Section 636.116 regarding organizational conflicts of interest. Section 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 and Short Elliott Hendrickson, Inc. 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 to 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 to 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, Minnesota Statute 363.03 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, Minnesota Statute 363.073 Certificates of Compliance for Public Contracts, and 363.074 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 11.1%. Mn/DOT's updated directory of DBE contractors can be viewed at the following website:

<http://www.dot.state.mn.us/eeocm/dbe.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. 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 information that is required 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 Key Personnel by name. Indicate the anticipated percent of each 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 design-build or major highway projects that the Submitter (if the Submitter is not yet existing or is newly formed, please explain) and each Major Participant has managed, designed and/or constructed. For the 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 that 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;
- Urban/Rural freeway construction/reconstruction;
- Construction/reconstruction using innovative designs, methods and materials;
- Construction in environmentally sensitive areas;
- Design and construction activity interaction or integration; and
- Public information (including website development and maintenance).

Each project description must include the following information:

- (1) Name of the project and 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;
 - Contact information for person responsible for administering warranties for Owner
 - List of items that carried a warranty
- (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.

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 the key personnel for the Project (“Key Personnel”). Level “A” personnel to staff these positions 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
- Construction Quality Manager
- Design Manager
- Geotechnical Engineer
- Environmental Compliance Manager
- Hydraulics Engineer

Level B Personnel

- Quality Manager
- Design Quality Manager
- Design Lead Engineer – Structures
- Design Lead Engineer – Roadway
- Traffic Engineering Manager
- Traffic Control Supervisor
- Utilities Design Engineering/Coordination Manager

- Construction Project Manager – Roadway
- Construction Project Manager – Structures
- Survey Manager
- Visual Quality Manager
- Safety Manager
- Public Information Coordinator
- Hydraulics Engineering Manager
- Project Superintendent
- Bridge Superintendent
- Paving Superintendent
- Grading Superintendent

Include the following items on each resume:

- a) Relevant licensing and registration.
- b) Years of experience performing similar work.
- d) Length of employment with current employer.
- e) Actual work examples
 - a. Including projects, 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 committed to the Project.
 - a. Including percent of time during design, post design and construction activities
- b) Percent of time committed to other projects.
- c) Proposed location of personnel.

3.3.3 Key Personnel: Job Descriptions; 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 Key Personnel will be required to be on or immediately adjacent to the Project site or at a facility identified to co-locate the selected contractor’s staff with Mn/DOT personnel and consultants for the duration of the Project (“on site”) during activities that involve

their areas of responsibility. Any certifications that are required to meet the requirements of the RFQ shall be in place by the time the first notice to proceed is issued.

a) Contractor’s Project Manager

Job Description

- Contractor’s Project Manager will be responsible for the overall design, construction, quality management and contract administration for the Project. This person shall be assigned to the Project full time and will be required to be on site for the duration of the Project.

Minimum and Preferred Qualifications

- Must have at least 5 years or preferred 10 years of recent experience managing the design and construction of major Urban/Rural freeway systems.

b) Construction Quality Manager

Job Description

- The Construction Quality 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 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 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 Manager shall have the authority to stop any and all work that does not meet the standards, specifications or criteria established for the Project.

Required Licensure

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

Minimum and Preferred Qualifications

- Must have at least 5 years or preferred 10 years of recent experience overseeing the inspection and materials testing on major highway construction projects.

c) Design Manager

Job Description

- 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.

Required Licensure

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

Minimum and Preferred Qualifications

- Must have at least 5 years or preferred 10 years of recent experience in managing the design of major Urban/Rural freeways.

d) Geotechnical Engineer

Job Description

- The Geotechnical Engineer shall report directly to the Design Manager and must be on site during design activities involving geotechnical engineering and must be available as necessary during construction and post design activities

Required Licensure

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

Minimum and Preferred Qualifications

- Must have at least 5 years or preferred 10 years of recent experience in similar geology, soil/rock analysis, foundations, pavements, walls, etc.

e) Environmental Compliance Manager

Job Description

- Work closely in the development of the Erosion Control Plan and oversee its implementation.

- Shall report directly to the Design Build and 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.

Minimum Qualifications

- Must have recent experience in environmental compliance and familiar with permitting requirements in Minnesota related to watershed districts, NPDES, 404, 401, contaminated materials, ground water, etc.

f) Hydraulics Engineer

Job Description

- Shall report directly to the Design manager

Required Licensure

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

Minimum and Preferred Qualifications

Must have at least 5 years or preferred 10 years of recent experience designing and incorporating hydraulic features associated with Urban/Rural roadways (e.g., roadway and storm sewer design, open channel, retention ponds, WCA, NPDES, 404 and 401 permits, 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 familiarity with the requirements of the Project, including relationships with utility companies, watershed districts, local governments and communities.

3.5 Project Approach

The information required by this section will be used in the qualitative assessment of the SOQ. Provide, at a conceptual level, your understanding of and your approach to successfully delivering the Project by meeting or exceeding the Project’s established goals (see [Section 1.2](#)).

3.6 Submitter Organizational and Project Team Experience

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

Provide a synopsis demonstrating the Submitters organizational and project team member expertise with delivery of transportation projects with similar size and complexity, timely completion, within budget, integrating design and construction, working as a team with partners and project team member experience and capabilities on projects of similar scope.

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 or Short Elliott Hendrickson, Inc. 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 4.2.

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 \$245 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 \$10 million. 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. Then 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 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 selection 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 Organizational and Project Team Experience (50 Points):
 - 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 design-build team members working together
 - Team members experience and qualifications
 - Key management/staff experience, capabilities and functions on similar projects
- b) Project Understanding (20 Points):
 - Understanding of Project scope
 - Understanding of impacts on the adjacent communities and traveling public
 - Understanding permitting needs and the required interaction with utility companies, watershed districts and local governments
- c) Project Approach (30 Points):
 - Ability to deliver a quality Project within budget and schedule
 - Ability to develop and implement an effective public information plan
 - Possibilities for Future Expansion
 - Context Sensitive Design
 - Ability to integrate innovation into Transportation projects
 - Effective project management approach including interaction with Mn/DOT
 - Effective environmental compliance approach
 - Effective approach to impacts to local systems
 - Effective approach to coordinate design and construction activities
 - Effective approach to implementing a DBE/EEO plan
 - Effective approach to coordination with multiple parties (cities and counties)

- d) 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 request for qualifications, 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 may arrange debriefing meetings with Submitter organizations. The purpose of a debriefing meeting is for Mn/DOT to provide informal and objective comments to a Submitter on Mn/DOT's review of their SOQ, and provide feedback that may help Submitters improve their SOQ's for future procurements. A debriefing meeting also provides an informal setting to discuss this RFQ and the procurement process, however, the Submitter should not use the debriefing meeting as a forum in which to address issues raised in any Protest under Section 7. If a submitter has filed a protest under Section 7, and the Submitter also requests a debriefing meeting, the debriefing meeting will be scheduled to occur after Mn/DOT has issued a final agency decision regarding the merits of the Protest as provided in Section 7.

5.0 PROCEDURAL REQUIREMENTS FOR SOQ SUBMITTAL (TIME, PLACE, FORMAT)

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 4:30 p.m., Central Standard 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 Front Information Desk at the Minnesota Department of Transportation, Metro District, 1500 West County Road B2, Roseville, MN 55113, Attention: Jon Chiglo, P.E., T.H. 212 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 50 single-sided pages (including the “Title Page” and “Table of Contents” but not including section dividers). Mn/DOT discourages lengthy narratives containing extraneous information. 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. All 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.

The front cover of each SOQ must be labeled with “T.H. 212 Design-Build Project” and “Statement of Qualifications” and the date of submittal.

5.3 Quantities

Each Submitter must provide Mn/DOT with 25 bound copies and one electronic copy of the SOQ. Each copy must be identified on its front cover, in the upper right-hand corner, as “Copy ___ of 25 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 “T.H. 212 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. A draft of the RFP

may be made available for submitters to review and submit comments to Mn/DOT. Mn/DOT will take submitted comments into consideration in finalizing the RFP.

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 design and construction.
- 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 warranties for all elements of the project for three years 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 0.2% of Mn/DOT’s final estimate of Project construction and design costs to each short listed, responsible Proposer that provides a responsive but unsuccessful proposal. See [Section 2.2](#) for Mn/DOT’s current cost estimate.

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 Officials.

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 will deliver the written decision to the protesting Submitter and copies 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.