



**Minnesota Department of Transportation
Metro District
I-494 Design-Build Project**

RFQ Clarification 2

Issue Date: September 12, 2003

Questions and requests for clarification for this design-build project are shown below. Mn/DOT's final answers to the questions and requests for clarification shall not be relevant in interpreting the RFQ except as they may clarify provisions otherwise considered ambiguous.

- 2.1 “With regard to Section 3.7.2 Organizational Conflicts of Interest second paragraph part b): Please clarify if there is a limitation to the disclosure requirements for contractual or employment relationships with Mn/DOT employees? For example, are we to disclose ALL former Mn/DOT employees regardless of how long ago they left Mn/DOT and became employed by one of our Team members? Are we to disclose all former Mn/DOT employees, regardless of their level of employment, or whether or not they were involved with the I-494 Design Build Project? Does this requirement extend to disclosure of all former employees of our team member firms now employed by Mn/DOT? Again, must they be disclosed regardless of how long ago they were employed or at what level of employment?”**

We suggest disclosing former Mn/DOT employees hired within the last 2 years, or those persons having involvement in this Project under contract by Mn/DOT within the last 2 years but now employed by one our Team members.”

Response: Modifications to Section 3.7.2 will be addressed in Addendum #1.

- 2.2 “With regard to Section 3.7.2 Organizational Conflicts of Interest second paragraph part c):**

Please clarify or provide examples of what would constitute a financial interest for a Mn/DOT employee if a Submitter is awarded the contract. This sentence causes confusion and we suggest it be deleted.”

Response: An example would be if a member of the immediate family of a current Mn/DOT employee has a present or planned contractual relationship with the Submitter. The burden is on the Submitter to divulge any possible conflicts of interest which may be present on the project.

2.3 “With regard to Section 3.7.2 Organizational Conflicts of Interest 2nd paragraph, 2nd to last sentence:

Please clarify if there are any limitations to the disclosure requirements with respect to "contractual relationships with HNTB, Short Elliott Hendrickson (SEH) and all their current and former subcontractors and subconsultants involved with this project?" Most Submitters will have had dozens, if not hundreds, of commercial relationships locally and nationwide/globally with these firms which would not represent a conflict of interest. Is it necessary to list all of these hundreds of contracts or commercial relationships?

We suggest disclosing ongoing commercial/contractual relationships involving the Submitter, HNTB, SEH and Mn/DOT.”

Response: Modifications to Section 3.7.2 will be addressed in Addendum #1.

2.4 “Note that it will take much research to investigate and identify nationwide/global relationships that are now required by Section 3.7.2 and may require many pages of documentation.

We assume this information can be included in an Appendix C, and not counted against the maximum 40 page proposal limit. Is this acceptable?”

Response: See the response to Clarification 1.3. Also, modifications to Section 3.7.2 will be addressed in Addendum #1.

2.5 “With regard to Section 3.7.2 Organizational Conflict of Interest second paragraph part a):

Will a list of current Mn/DOT agreement or contract numbers for each team member suffice, or will you require full names and descriptions for each agreement? Even if the contracts have no relationship to the I-494 project?”

Response: Modifications to Section 3.7.2 will be addressed in Addendum #1.

2.6 “With regard to Section 3.7.2 overall:

Does this requirement extend to any past, present or planned work for any of the three cities in the corridor, even if the work has no relationship to the I-

494 project? Does it include work for any agencies from whom permits may be required?”

Response: No for both questions.

- 2.7 “RFQ section 3.3.3 Minimum Requirements for Key Personnel, subsection i) says that the “Traffic Control Supervisor must be certified as a worksite supervisor by the American Traffic Safety Services Association (ATSSA Certification).”**

Is it acceptable for this supervisor to be certified by ATSSA now or by the time the first notice to proceed is issued? This change would make the timing of this certification similar to those for a registered professional engineer in the State of Minnesota that are contained in many subsections of the 3.3.3 Minimum Requirements.”

Response: Modifications to Section 3.3.3 will be addressed in Addendum #1.

- 2.8 “Please let me know if each of the participants in the joint venture should furnish the State the RFQ letter for the Surety support or if one letter for the joint venture is sufficient. “**

Response: Only one letter of Surety support for the entire joint venture is required.

- 2.9 “Several of the Key Personnel positions identified in the RFQ require full time assignment to the project for the duration of the project. Some of these positions would not normally warrant full time assignment on similar design-build projects. These positions include:**

- **Surveying Manager**
- **Safety Manager**
- **Environmental Compliance Manager**

While it is important that these individuals be on the project at key times, once the project is under normal operations involvement of twenty to thirty percent will be adequate. While these individuals can be assigned full time to the project this will increase the cost of the project to you the owner without an increase in value to the project.

We therefore request that these positions be changed to “on site as necessary through project duration.””

Response: These positions play key roles in the development, design and construction of the project, and their involvement for the SOQ is as stated in the RFQ.

2.10 “It is our recommendation that the State of Minnesota:

- 1. Establish a specific defective workmanship and materials warranty period term for all of the construction items on the project.**
- 2. Specify a separate contractor’s defective workmanship or materials warranty bond form at a reduced amount, such as 10% of the final contract price. This bond’s term should match that of the warranty period specified in the contract. Our preference is two years.”**

Response: Mn/DOT will require the Contractor to warrant that the work is free of defects in materials and workmanship. Specific warranty periods of two and five years will be required for certain items of work. In addition, the Contractor will be required to warrant all items of work for one year. Also, see Clarification 1.7.

2.11 “Item 2.10, Past Performance or Experience. Please clarify the intent of this statement, or expand on the meaning.”

Response: The statement is required under Minn. Stat. 161.3420 sub. 3.

2.12 “Item 3.3.2, Other Information for Key Personnel. Item 3.3.1 states that the “Resumes of Key Personnel will be limited to two pages each and will not count toward the overall SOQ page limit”. Item 3.3.2, however, seeks additional information that could be included in the resume, but states that these items are “In addition to resumes...”. Please clarify if the items in 3.3.2 are to be on the resume or, if not, will they count toward the 40 page limit for the SOQ.”

Response: In Section 3.3.2, Items (a), (b), and (c) should be provided in the SOQ and will be counted toward the 40 page limit. Items (d), (e), and (f) should be provided on the resumes included in Appendix A. See Addendum #1 for modifications to Sections 3.3.1 and 3.3.2.

2.13 “Item 3.2.2, Submitter Experience. Please clarify whether the requirement is one to four relevant projects from each Major Participant or one to four total projects.”

Response: One to four design-build projects that the Submitter and each of the Major Participants has managed, designed and/or constructed.

2.14 “Item 3.3.3, Minimum Requirements of Key Personnel. One of the Key Personnel positions required (see page 13, sub-paragraph p) is that of Public Information Coordinator.

- A.) Is the role of this individual strictly at the discretion of the Submitter?**
- B.) Does Mn/DOT envision this as a full time or part time position?**
- C.) Will Mn/DOT also have a counterpart for coordination, and, if so, how does Mn/DOT see the two positions interacting? Please clarify.**

Response: The role of the Public Information Coordinator will be to manage all aspects of the Contractor’s public information plan which may include such items as press releases, telephone hotlines, web sites, answering questions from the public coming from phone calls or email, etc. The time commitment of this position will be at the discretion of the Contractor, but should reflect the requirements of the public information plan that the Contractor will propose.

The Contractor’s Public Information Coordinator will coordinate the public information plan with Mn/DOT’s Project Manager and designated Public Affairs Coordinator for the project to ensure the requirements of the Contract are being met.

2.15 For the information of all Submitters, the ROC52 Design-Build Project SOQ Evaluation Manual and Scoring Summary will be posted to Mn/DOT’s design-build website at: www.dot.state.mn.us/designbuild. Further information on the ROC52 project is available at the following contact:

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