

STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION

**BEL-70-9.35**  
**Interchange Improvement**  
**PID 120547**

Proposed Request for Proposals

**ABSTRACT**

Oct 18 2024

For Reference Only

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## **1 ABSTRACT INTENT**

This Project will reconstruct the I-70 mainline structures to enable the widening of SR-149, reconstruct and widen the ramps to and from I-70, reconstruct and widen SR-149 from a two-lanes to five (or more) lanes up to and extending beyond the existing commercial drives, and design and construct other necessary work to complete the Project.

This ABSTRACT is being provided for information only. It describes, in generally broad terms, the RFP process for the Shortlisted Offerors. This document is not all inclusive nor final. The ITO for a Request for Proposals shall further detail the RFP process. The schedule is as identified in the RFQ.

For Reference Only

## **2 GENERAL**

### **2.1 GENERAL PROJECT PROCUREMENT PROCESS**

The Procurement will be a Lowest Price & Technically Acceptable Design-Build selection procurement including Alternative Technical Concepts, with the Project being awarded to the Shortlisted Offeror with the lowest price, technically acceptable Offer.

The Department will offer the opportunity to conduct a Commercial Terms Meeting. The meeting will be the Shortlisted Offeror's opportunity to discuss Bidding Document's current content and how the content impacts the Shortlisted Offeror's intended approach to the Project, or the meeting shall be the opportunity for the Shortlisted Offeror to discuss intended approaches to the Project as being presented in the upcoming PTI Information submission.

The procurement will allow Shortlisted Offerors to submit Alternate Technical Concepts (ATCs). ATC discussions will be held at a separate One-on-One ATC meeting.

The Instructions to Offerors for RFP and Selection Criteria (ITO) will require each Shortlisted Offeror to prepare an Intermediate Technical Proposal. These Intermediate Technical Proposals shall generally consist of preliminary design engineering drawings and narrative describing the anticipated approach to design and construction. A responsive Intermediate Technical Proposal will require the Shortlisted Offeror to include all requested information per the ITO.

After receipt of each Intermediate Technical Proposal, the Department will initiate Discussions with each Shortlisted Offeror who submitted a responsive Intermediate Technical Proposal. Discussion will occur through a confidential Proprietary Technical Information (PTI) Discussion meeting. Along with the verbal sharing of information at the PTI Discussion meeting, the Department will provide a written summary of any significant weaknesses, deficiencies, and other aspects of a Technical Proposal which may materially impact potential minimum responsiveness to the Project requirements.

At the conclusion of the Discussions, each Shortlisted Offeror shall be given an opportunity to submit their Technical Proposal and Price Proposal. The Technical Proposal will be evaluated to ensure it meets the requirements of the Bid Documents, addresses the previously identified material weaknesses and is generally materially consistent with the information submitted for the PTI Discussion meeting (with reasonable developmental revisions).

As a condition precedent of responsiveness, Shortlisted Offerors shall be required to attend the mandatory Commercial One-on-One Meeting, ATC meetings and PTI Discussion meetings listed in the Schedule (see below).

### **2.2 DISCLOSURE**

The Department considers the Letters of Intent, RFQ, ODOT/Offeror correspondence, PTI Discussions, the Intermediate Technical Proposal process, evaluation and review notes, the ATC process, the Technical Proposals submission review process, and Price

Proposal procurement process as part of a competitive selection thereby subject to Section 9.28 of the ORC (Competitive Solicitation as Public Record).

All documents received by the Department are subject to Section 149.43 of the ORC, also known as The Public Records Act, and are subject to release unless a statutory exception exists that exempts the documents from public release.

If any information in an ATC, Intermediate Technical Proposal, or Technical Proposal is to be treated as a “trade secret,” the Shortlisted Offeror must identify each occurrence of the information within the submission.

### **3 COMMERCIAL APPROACH ONE-ON-ONE MEETINGS**

After release of the RFP, the Shortlisted Offeror shall participate in a Commercial Approach One-on-One Meeting.

The meeting will be the Shortlisted Offeror’s opportunity to discuss the Bidding Document’s current content and how the content impacts the Shortlisted Offeror’s intended approach to the Project, potential ATCs under consideration by the DBT, and/or the intended approach to the Project as being presented in the upcoming PTI Information submission. These meetings will not favor one Shortlisted Offeror over another and will not reveal another Shortlisted Offeror’s technical solution or any information that would compromise a Shortlisted Offeror’s intellectual property to another Shortlisted Offeror.

While the topics of the Commercial Approach One-on-One Meeting are to be determined by the Shortlisted Offeror and generally not limited, the Department will not reveal any discussion with any other Shortlisted Offeror. The agenda of the Commercial Approach Meeting shall be established by the Shortlisted Offeror. The Department may include subject matter experts to participate. The Shortlisted Offeror may provide exhibits during the meeting, but any such exhibits shall be returned the Shortlisting Offeror.

The Department reserves its right to modify the Bidding Documents if during the Commercial Meeting, a Shortlisted Offeror’s approach is found unacceptable to the Department, or if a revision to the Bidding Documents would not be detrimental to the rights of the Department. The Department may issue a Commercial Meeting Summary document if, in the judgment of the Department, a clarification is made to any one Shortlisted Offeror which is applicable to all Shortlisted Offerors. The Department will be discreet in issuing the Commercial Meeting Summary so as not to disclose any Shortlisted Offeror’s technical solution.

These meetings, at the Shortlisted Offeror’s choice, may be “virtual”.

### **4 ALTERNATIVE TECHNICAL CONCEPTS**

The Department will consider ATCs in the procurement of the Project. An Alternative Technical Concept (ATC) is a preliminary design concept proposal changing the Bid documents to provide a solution that is equal to or better than what is required by

the Bid documents, as determined by the Department. All Shortlisted Offerors will be given the opportunity to submit ATCs for consideration.

In general, the ATC process will consist of the following:

1. Pre-submission of a preliminary ATC Submission by the Offeror consisting of all distinct ATCs being proposed.
2. Confidential ATC One-on-One Meeting to discuss, vet, and/or review the Preliminary ATC submission.
3. Offeror prepared ATC Meeting Minutes to document the general discussion, any necessary revisions or clarifications, and the final disposition of the ATC discussion. Decisions and discussions regarding the ATC will be documented by the Offeror in ATC Meeting Minutes, as understood by the Offeror, for submission to the Department for review.
4. Department response to ATC Meeting Minutes allowing the Department to make clarifications, adjustments, additions, or deletions to the ATC Meeting minutes prepared by the Offeror. The Department will review the ATC Minutes, provide clarifications, corrections, additions, acceptance and/or rejection of the ATCs through the review of the ATC Meeting Minutes and revised ATC submittal.
5. ATC incorporation by the Offeror into its Technical Proposal.

#### **4.1 ATC GENERAL**

The Shortlisted Offeror may submit ATCs for approval of an alternative material, article, product, process, design method, design approach, or item that meets or exceeds the requirements and intent of the Contract Documents, provided that the material, article, product, process, design method, design approach or item is equal or better in quality, performance, and function, based upon a submitted and referenced documented engineering analysis and as determined by the Department.

Proposed ATCs shall be submitted to the Department, discussed at a confidential ATC One-on-One meeting which the Department will give its disposition of the ATCs. The Shortlisted Offeror shall document the One-on-One meeting disposition discussions, and subsequently the disposition discussions will be transmitted to the Department for review.

ATCs are not intended to replace pre-bid questions. ATCs are not intended to be pre-approved Value Engineering Change Proposals (VECPs).

#### **4.2 ATC SUBMISSION REQUIREMENTS**

For an ATC to be considered by the Department, Shortlisted Offerors must submit a Preliminary ATC Submittal five (5) Working Days prior to the One-on-One ATC Meeting Date for consideration by the Department. The ATC Submittal shall contain all the Shortlisted Offeror's proposed ATCs for the Project.

Each individual ATC within the Preliminary ATC Submittal should generally be a single item for consideration by the Department and generally center on a specific identifiable deviation from the requirements of the Bid Documents. Multiple issues can be combined

if they all center on a single general purpose. The Shortlisted Offeror shall clearly identify each individual portion of an ATC proposal that is a proposed change to the Bid Documents.

For each ATC, the Preliminary ATC Submittal must contain and clearly depict the following information:

- A. Description: Provide a detailed description of the ATC(s) including specifications and conceptual drawings, as necessary to describe and demonstrate the ATC to the Department.
- B. Deviation: Reference all the specific section(s) in the Bid Documents which are inconsistent with the proposed ATC(s), provide an explanation of the nature of these deviations from the referenced section, and a request for approval of such deviations. Provide proposed language for the referenced section that is in keeping with the ATC(s) which can be seamlessly incorporated into the Bidding Documents. Seamless incorporation will be at the determination of the Department.
- C. Usage: A description of where and how the ATC would be used on the Project.
- D. Inspection: Any atypical testing and inspection requirements during construction and during the expected life of the installation.
- E. Public Record: A specific notation designating (where applicable and at the discretion of the Shortlisted Offeror) that some or all the ATC is a Trade Secret or otherwise not subject to public record disclosure.

The Department may consider design exceptions at select locations. The Shortlisted Offeror shall complete all necessary proposed design exception paperwork in accordance with the ODOT Location and Design Manual requirements for submission with the ATC for concurrent evaluation by the Department. The Department will only accept ATCs involving design exceptions if, in the judgment of the Department, the design exception improves the Project while not considering price. The impact of the future acceptance of a design exception approval will be a consideration and addressed in the ATC approval(s).

#### **4.3 EVALUATION OF ATCS AND ONE-ON-ONE ATC MEETINGS**

ATCs are accepted by the Department in its sole discretion and the Department reserves the right to reject any ATC submitted for any reason. The Shortlisted Offeror bears sole responsibility for the quality, accuracy, completeness, and feasibility of the ATC regardless of the Department's acceptance or review.

The Department will hold one (1) ATC meeting. Prior to the ATC One-on-One meeting, the Department will review the Preliminary ATC Submittal. The Shortlisted Offeror and the Department will discuss, vet, and/or review each of the ATCs at the One-on-One ATC Meetings. The Preliminary ATC Submittal will be the basis for the Department to determine the subject matter experts the Department will attempt to have in attendance, either in person or via teleconference or video conference.

Audio or video recordings shall not be allowed.



During the One-on-One Meeting, the Department will not entertain nor discuss any other ATCs except those identified in the ATC Submittal.

#### **4.3.1 SHORTLISTED OFFEROR PREPARED ATC MEETING MINUTES AND FINAL ATC SUBMISSION**

During the One-on-One ATC meeting, the Shortlisted Offeror shall document the ATC One-on-One discussions by authoring ATC Meeting Minutes.

The Shortlisted Offeror shall document the general discussion, any necessary revisions or clarifications, and the final disposition of the ATC discussion. The ATC Meeting Minutes shall clearly itemize each ATC.

The ATC Meeting Minutes shall:

- A. document the general discussion for each ATC;
- B. document any necessary ATC revisions and/or necessary clarifications identified by the Department for each ATC; and
- C. document the final disposition of each ATC discussion with each ATC discussion being distinctly documented
  - Rejected
  - Accepted without Revisions
  - Accepted as Revised with the necessary revisions documented and incorporated in the Final ATC Submission.

The Shortlisted Offeror shall submit ATC Meeting Minutes and Final ATC Submission to the Department within five (5) Working Days of the ATC Meeting per Section 3 (Submittal Requirements).

#### **4.3.2 DEPARTMENT ATC MEETING MINUTES RESPONSE**

The Department will provide an ATC Meeting Minutes Response. The Department will make every attempt to respond within five (5) Working Days of receiving the ATC Meeting Minutes, however, the Department reserves the right to extend the response duration to no more than ten (10) Working Days.

The Department may make clarifications, adjustments, additions, or deletions to the ATC Meeting minutes. Any such clarifications, adjustments, additions, or deletions shall be clearly noted in an ATC Meeting Minute Response.

The Department may, at its discretion, request additional written information/clarification regarding a proposed ATC(s).

Approval of an ATC is an approval of the deviation language, or approval with conditions, and only at the specified locations. ATC approval is specific to the Shortlisted Offeror submitting the ATC.

The Department's ATC Meeting Minute Response is final. The Shortlisted Offeror cannot resubmit nor revise an ATC.

#### **4.4 INCORPORATION INTO BIDS**

The Shortlisted Offeror may incorporate the Accepted or Accepted as Revised ATCs within their Technical and Price Proposal. The ATC approvals are as documented within the ATC Meeting Minutes inclusive of any ODOT Meeting Minute Response(s). The Price Proposal shall reflect all incorporated ATCs.

The Department's acceptance of an ATC does not relieve the DBT of the responsibility of designing and constructing the Project within the submitted Price Proposal nor does it assume the ATC is viable.

Post award, the successful Offeror's Approved or Approved as Revised ATC will not be entertained as a Value Engineering Change Proposal. Unsuccessful Offeror's Approved or Approved as Revised ATC(s) may be incorporated via Change Order upon mutual agreement of the Department and the successful Offeror.

### **5 PROPRIETARY TECHNICAL INFORMATION (PTI) DISCUSSION**

The Department intends to conduct a one-on-one Proprietary Technical Information (PTI) discussion with each Shortlisted Offeror.

#### **5.1 CONTEXT**

The PTI discussion will be conducted to consider elements of the DBT's proposed Project approach. The DBT's project approach will be submitted to the Department in an Intermediate Technical Proposal.

The Intermediate Technical Proposal is generally anticipated to consist of:

- General overall Narrative of the Project Approach and Schedule
  - A general Bar Chart schedule showing the anticipated starting and completion dates of design and construction. Construction shall include MOT and construction phasing with a minimum time measurement in days. The schedule shall depict a reasonable phasing plan corresponding to key project dates, relocations, ROW acquisitions, NEPA restrictions, etc.
  - Approach to Maintenance of Traffic, for example (but not limited to) anticipated MOT schemes and anticipated number of and general timing of major phases.
- Maintenance of Traffic preliminary designs/phasing
- Anticipated final Roadway schematics/layout/configurations
- Anticipated Structural designs (Type / Structure)
- Anticipated Open Ended DBE Outreach Plan

NOTE: This is being provided as general information and will be revised during the RFP.

## **5.2 PTI DISCUSSION**

The PTI Discussion meeting will be a one-on-one meeting with each Shortlisted Offeror to discuss elements of the Offeror's approach as demonstrated in the Intermediate Technical Proposal.

The PTI discussion will enable the Department to identify and discuss elements of a Shortlisted Offeror's Intermediate Technical Proposal that may not meet the requirements of the Bid Documents or are otherwise unacceptable to the Department. The Department will inform the DBT of elements found unacceptable.

The PTI Discussion is intended provide a forum for the Shortlisted Offeror to describe the Shortlisted Offeror's approach to the Project, to enable the Shortlisted Offeror to ask confidential questions concerning the specific Shortlisted Offeror's approach to the Project, and to allow the Department to provide feedback on those questions. The Department may provide non-binding feedback, comments, voice concerns, and answer questions concerning the Offeror's approach to the Project. Reconsideration requests of unapproved ATCs will not be discussed nor entertained.

The Department reserves its right to modify the Bidding Documents if during the PTI Discussions, a Shortlisted Offeror's approach is found unacceptable to the Department in the Department's judgement.

The Shortlisted Offeror shall present the details of their project narrative, technical approach, and incorporated ATCs to the Department. Shortlisted Offerors are encouraged to prepare appropriate documents that will be used to facilitate their PTI discussions. The Shortlisted Offeror team shall highlight key components in sufficient detail as to explain and expound upon information within the Intermediate Technical Proposal to avoid post-award conflict.

### **5.2.1 GENERAL RULES OF PTI DISCUSSIONS MEETINGS ARE AS FOLLOWS:**

- A. The Shortlisted Offeror must submit an Intermediate Technical Proposal and the Intermediate Technical Proposal submittal must be responsive to the requirements PTI Discussions will not be held if the Shortlisted Offeror's Intermediate Technical proposal is non-responsive.
- B. The Shortlisted Offeror shall discuss and demonstrate Key Items during the PTI Discussion. The Shortlisted Offeror has the discretion on determining the means of demonstrating the key elements.
- C. No statement by the Department at the PTI Discussion or included in a written record or summary of any such meeting will provide or may be construed as a waiver or modification of the RFP or any other procurement document; statements may not be relied on by any Shortlisted Offeror unless the statement is incorporated in an Addendum.
- D. Any statement made at the PTI Discussion by the Department, or its representatives or advisors, may not and shall not be deemed or considered to be a binding indication of a preference about or acceptance or a rejection by the Department of anything said or done, or any information presented, by a

Shortlisted Offeror. No part of the evaluation of Technical Proposals will be based on the discussions that occur during a PTI Discussion.

- E. The Department will not discuss with any Shortlisted Offeror any questions, requests for clarification or comments on the Bid Documents, any Shortlisted Offeror Intermediate Technical Proposal, design concept or ATC other than those applicable to the Shortlisted Offeror's own PTI Design Topic information.
- F. Any issues of general applicability raised during any PTI Discussion may be incorporated by Addenda, except to the extent that the Department determines, in its sole discretion, that such disclosure would reveal a Shortlisted Offeror's confidential or proprietary information or project approach unless the Department believes such disclosure is necessary in the interest of maintaining a fair process or complying with applicable law.
- G. While the PTI Discussion is intended to be confidential, nothing shall preclude the Department from exercising any rights that it may have under this RFP, including the right to issue a clarification or revision of the RFP or bidding documents, Addenda, or an RFP Amendment, because of what is discussed in such meetings.
- H. No electronic recording of any kind will be allowed during PTI Discussions, and no transcripts will be maintained. Either party may take notes during the PTI Discussions, but no notes shall be used in the evaluation of the Technical Proposal, nor shall any notes be considered binding or indicative of a Department's concurrence or dissent.

The Department may, at any time, during or following a PTI Discussion issue one or more requests for clarification to one or more Shortlisted Offerors seeking additional information or clarification. In addition, the Department may request a Shortlisted Offeror to verify certain aspects of its documentation.

Upon completion of the PTI Discussions, the Department shall respond to the information provided. This response shall inform the Shortlisted Offeror(s) of any Department noted significant omissions, noted non-compliant designs, noted significant errors, noted deficiencies, or other noted significant ambiguities requiring clarification, which could potentially render the Technical Proposal non-responsive to the requirements of the bidding documents.

### **5.2.2 RESPONSE**

Within five (5) Working Days of the PTI Discussion meeting, the Department will send a PTI Evaluation Response addressing the PTI Discussion information.

The Department's Evaluation Response will itemize the :

- A. acceptability of the Project Narrative in its description of design and construction of the Project generally corresponding to the Technical Approach - Plans, and acceptability of the description on how, if any, ATC conditions are being met,
- B. acceptability of the Technical Approach-Plans to the Bidding Documents, and
- C. acceptability of the Draft DBE Open-Ended Performance Plan (including the acceptability of the DBE Utilization Manager)

The Evaluation Response will include reference to the specific Bidding Document with which the Intermediate Technical Proposal information is in conflict. The Evaluation Response may include specific recommendations on corrections except for qualitative items.

## **6 TECHNICAL PROPOSAL AND PRICE PROPOSAL**

The Shortlisted Offeror shall prepare a (final) Technical and Price Proposal.

### **6.1 PRICE PROPOSAL**

The submission of the Price Proposal shall be submitted in multiple appearances.

The price reflected in the Bid Express Price Proposal and Sealed Price Proposal will include the cost for performing all work specified in the Bidding Documents. Each form shall contain the same pricing.

The Department will only view Bid Express Price Proposals (or Sealed Price Proposal if applicable) after the completion of the responsiveness evaluation of the Technical Proposals.

#### **6.1.1 BID EXPRESS PRICE PROPOSAL**

The Bid Express Price Proposal will be submitted using the Bid Express.

#### **6.1.2 SEALED PRICE PROPOSAL**

The Sealed Price Proposal consists of the Price Proposal in PDF format and a copy of the Expedite file submitted through the Bid Express website; essentially, a copy of Bid Express Price Proposal.

### **6.2 TECHNICAL PROPOSAL**

Committed betterments made in the SOQ which can reasonably be interpreted as offers to provide higher quality items or additional services shall be incorporated into the awarded DBT's contract requirements.

The Department anticipates the Technical Proposal's content will be consistent with information requested and presented by the Shortlisted Offeror in its Intermediate Technical Proposal discussed during the PTI discussion with reasonable continued development. Offeror's material deviations from the information provided at the PTI discussion shall be identified with detailed explanation of the deviation, a detailed discussion on the reason for the deviation, and how the solution presented is consistent with the requirements of the Project as defined in the Bid Documents.

Deviations from the information submitted in the Intermediate Technical Proposal may result in the Technical Proposal being deemed non-responsive if

- the deviation is material as determined by the sole discretion of the Department,
- was not due to a Department comment of the Intermediate Technical Proposal,
- is not due to reasonable furtherment of the approach,
- or does not meet the requirements of the Bid Documents.

Revisions due to identified issues noted in the PTI Information Evaluation Response shall be identified with detailed explanation of the revision, and how the solution presented is now consistent with the requirements of the Project as defined in the Bid Documents. These explanations shall be clearly identified in the respective Technical Proposal parts.

Each Technical Proposal will be evaluated by the Department based on the evaluation criteria described in this RFP. Each element is “Pass/Fail” and must receive a “Pass” from the Technical Proposal Advisory Group to be considered responsive. To receive a “Pass”, all requested information must be submitted, must be complete and include all documents and information required in the RFP generally using the format and response structure specified.

The Department will use reasonable discretion in determining whether the content presented is a material deviation from the information provided at the PTI discussions and will use reasonable discretion in determining whether the explanation provided is sufficient to allow the Technical Proposal to be deemed responsive.

The Department reserves the right to develop and ask written questions concerning Shortlisted Offerors identified or Department perceived PTI deviations. The Shortlisted Offeror shall provide timely written responses to any proposed questions. The Department may consider the responses in determining responsiveness. Responses to the Department’s questions may not modify the Offeror’s Technical Approach.

The Technical Proposal will be evaluated to ensure it meets the requirements of the Scope of Services, addresses the previously identified material weaknesses in the Intermediate Technical Proposal, and is materially consistent with the information and documentation submitted for the PTI Discussion (with reasonable developmental revisions).

### **6.3 PUBLIC OPENING OF PRICE PROPOSALS**

Prices will be publicly announced at a time and location that will be provided to the Shortlisted Offerors by the Department. Shortlisted Offerors or their authorized agent and other interested people are invited to the opening.

The Technical Proposal responsiveness will be announced prior to revealing the price contained in the Price Proposals.

Prior to making the final responsiveness determination on any Technical Proposal or Price Proposal, the Department may, in its sole discretion, waive mistakes, offer a Shortlisted Offeror the opportunity to clarify its Technical Proposal, or request revisions to any or all Technical Proposals.

The Department may reject any or all Technical Proposals and Price Proposals, waive technicalities, or advertise for new proposals without liability to the Department.

## **7 AWARD**

The Shortlisted Offeror with a responsive Technical Proposal and lowest Price Proposal shall be considered the successful Shortlisted Offeror.

For Reference Only