STATE OF OHIO
DEPARTMENT OF TRANSPORTATION

LOR-90-10.76
Major Rehabilitation

PID 107714
Project (24) 3003

DESIGN-BUILD
(Lowest Price & Technically Acceptable)

Instructions to Offerors (ITO) and
Selection Criteria for
Request for Proposals (RFP)

~~August 7~~ November 6, 2024

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1 PROJECT EXPECTATIONS

This document describes the Alternative Technical Concept process, Proprietary Technical Information Discussion process, and requirements of the Technical Proposal and Price Proposal for the for the LOR-90-10.76 Major Rehabilitation Design-Build Project (Project) located in Lorain County, Ohio. The Project will be awarded to a Design-Build Team (DBT) by the State of Ohio Department of Transportation (Department) through a Lowest Price and Technically Acceptable Design-Build process. The award will be to a "Design-Build Team" or "DBT".

This Project will replace 7.5 miles and resurface 0.30 miles of IR-90 while widening to add a third lane in each direction from the I-90/SR-2 split to the French Creek Bridge. This Project will also replace approximately 0.52 miles of SR-2 from Murray Ridge Road bridge to IR-90.

Work also includes full ramp replacement and widening at the SR-254 interchange, noise wall construction, lighting modifications, ITS, guardrail replacement, traffic control, bridge deck replacement for two bridges, and miscellaneous bridge repairs.

The Department's goals for the Project are:

1. Minimize duration of traffic impacts to I-90 and complete the Project by ~~June 30~~August 31, 2028.
2. Deliver the Project at or below budget while meeting all required Contract Requirements.
3. Maximize quality, meeting or exceeding applicable standards in all areas.
4. Deliver the Project with zero lost-time incidents.
5. Effectively manage DBE Outreach and DBE Utilization with the use of an Open-Ended DBE Performance Plan (OEPP).

2 GENERAL

2.1 IDENTIFICATION OF SHORTLISTED OFFERORS

The Department issued a project specific Request for Letters of Intent (RFLOI) soliciting Letter of Intent (LOI) from interested firms. The LOI presents, in general terms, the Offeror's interest and minimum qualifications necessary to design and deliver the Project. An entity interested in being an Offeror, seeking to be selected as a Shortlisted Offeror, must have submitted a LOI responding to the Project's RFLOI and must have been selected by the Department as a Shortlisted Offeror.

Based on the Department's evaluation of the LOIs, the Department is issuing this Request for Proposals (RFP) to only the following Shortlisted Offerors:

Kenmore Construction Co., Inc.
Kokosing Construction Company, Inc.

2.2 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 intends to pay a Payment for Preparation of Responsive Preliminary Design (PPRPD – aka "Stipend") to each Shortlisted Offeror not awarded the contract and~~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. ~~ATC approval will not occur at the ATC meeting but will require a Meeting Minutes Review process (see Section 4).~~See Section 4 for additional information.

~~These Instructions to~~ The Department will offer Shortlisted Offerors the option to hold a Commercial Terms Meeting. This meeting gives Shortlisted Offerors the chance to:

- Review the current Bidding Document content
- Discuss how the content affects their planned approach to the Project
- Share intended project approaches for ~~RFP and Selection Criteria (ITO) will require each~~the upcoming PTI Information submission

See Section 5 for additional information.

Each Shortlisted Offeror is required to prepare an Intermediate Technical Proposal ~~to be submitted by the date included in Section 2.3 (Procurement Schedule). These Intermediate Technical Proposals shall generally consist of preliminary~~. This proposal should include:

- Preliminary design ~~engineering~~ drawings; and ~~narrative~~
- A Narrative describing the ~~anticipated~~planned approach to both design and construction. ~~A~~

Once a responsive Intermediate Technical Proposal ~~will require the Shortlisted Offeror to include all requested information per the ITO Section 5.3 (Intermediate Technical Proposal Content).~~

~~After receipt of each Intermediate Technical Proposal~~is submitted, the Department will ~~initiate~~start Discussions ~~(as defined by 23 CFR §636.103)~~ with each Shortlisted Offeror ~~who submitted a responsive Intermediate Technical Proposal. Discussion will occur~~ through a confidential Proprietary Technical Information (PTI) Discussion ~~meeting. Discussions are understood to mean written or oral exchanges that take place with the intent of allowing the offerors to revise their Technical Proposals.~~ ~~The~~. In this 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.~~

~~As allowed by 23 CFR §636.506, these PTI Discussion meetings will cover significant~~, Offerors can verbally share information, and the Department will provide a written summary of any key weaknesses, deficiencies, ~~and~~or other proposal aspects ~~of a Technical Proposal that could be altered or explained. These meetings will not favor one Shortlisted Offeror over another, will not reveal another Shortlisted Offeror's technical solution or any information that would compromise a Shortlisted Offeror's intellectual property to another offeror.~~ that might affect~~Price will not be discussed. 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. Refer to Section 6 for more details.

~~At the conclusion of~~After the Discussions, each Shortlisted Offeror ~~shall be given an opportunity~~will have the chance to submit a best and final offer (BAFO~~) when submitting~~), including their Technical Proposal and Price Proposal, as ~~required in~~per 23 CFR §636.511. ~~This~~The Technical Proposal will be ~~evaluated~~reviewed to ensure it ~~meets~~:

- Meets the requirements of the Bid Documents~~, addresses the~~.
- Addresses any previously ~~identified material~~noted weaknesses ~~and is generally materially~~.
- Remains consistent with the information ~~submitted for~~from the PTI Discussion ~~meeting (~~Meeting, with reasonable ~~developmental revisions). If there are no significant weaknesses, deficiencies, and other aspects of an Intermediate Technical Proposal which may materially impact potential minimum responsiveness to the project requirements identified through the Discussion process, the Shortlisted Offeror may confirm in writing that the Intermediate Technical Proposal (or portions thereof) is to be considered the Technical Proposal in the BAFO~~updates as needed.

~~At any time between the release of the RFP and the Price deadline, the~~The Department may ~~revise the contract requirements if a deficiency in the Bidding requirements is noted. These revisions may be a result of the ATC process, Intermediate Technical Proposal review, pre-bid questions, or other reasons identified by the Department. All Shortlisted Offerors will be made aware of any contract deficiency through Addenda.~~

~~An innovative approach or a unique solution identified by a Shortlisted Offeror is not necessarily a deficiency, but the Department will use~~, at its discretion ~~in determining if information identified during an ATC process is applicable~~, choose to ~~all offerors and if the information must be shared with all Shortlisted Offerors.~~

~~Prior to~~overlook minor, non-substantive mistakes before making the final responsiveness determination on any Technical or Price Proposal~~, the Department may, in its sole discretion, waive non-substantive mistakes.~~ . See Section 7 for further details.

The responsible Shortlisted Offeror with a responsive Technical Proposal and the lowest Price Proposal shall be considered the successful apparent DBT and awarded the Project. See Section 8 for additional information.

2.3 PROCUREMENT SCHEDULE

The Department currently anticipates conducting the remainder of this procurement in accordance with the following list of milestones. ~~This schedule is subject to revision and the~~The Department reserves the right to modify this schedule as it finds it necessary, at its sole discretion.

Milestone	Date
~~LOI Phase~~	
~~Request LOI~~	~~Friday, December 15, 2023~~
~~Offeror's LOI Deadline~~	~~Tuesday, January 9, 2024~~
~~LOI Announcement~~	~~Friday, January 19, 2024~~
~~Shortlisted Teams must respond to advancing~~	~~Friday, March 22, 2024~~
RFP/Technical & Price Proposal Phase	
Request for Proposal Release	Wednesday, ~~August 7~~November 6, 2024
Preliminary ATC Submission	Wednesday, December 4, 2024
One-on-One ATC Meeting	Wednesday, ~~September~~December 11, 2024
Commercial Approach Meeting (optional)	Tuesday, January 7, 2025
PTI Information (Intermediate Technical Proposal) Submission	~~Thursday, October 17, 2024~~Tuesday, January 21, 2025
PTI Discussion Meeting Date	~~Thursday, October 24, 2024~~Tuesday, January 28, 2025
Department PTI Evaluation Response	Friday, ~~November 1, 2024~~January 31, 2025
~~Final~~ Technical & Price Proposals Due	Friday, ~~November 15, 2024~~February 14, 2025

Milestone	Date
~~Scores~~Technical & Price Proposals Results Announced	Friday, February 21, 2025~~Wednesday, December 4, 2024~~
Anticipated Award Date	Monday, ~~December 16, 2024~~March 3, 2025

2.4 RIGHTS OF THE DEPARTMENT

The Department reserves the right to terminate or modify the procurement prior to Contract Execution without liability to the Department.

The Department may reject any or all Technical Proposals and Price Proposals, waive technicalities, or advertise for new Proposals. If the Department rejects any or all Technical Proposals and Price Proposals or advertise for new Proposals, FHWA's concurrence will be solicited.

The Department reserves the right, at its sole discretion, to ask written questions of the Shortlisted Offerors and to request clarification of any submittal. The Shortlisted Offerors agree to respond to the Department's requests with the appropriate personnel to answer questions necessary to provide clarification of any areas where the intent or meaning of the submittal is in doubt. Such requests will be for purposes of clarification only. Changes or modifications to the submission will not be permitted.

Shortlisted Offerors shall be aware that the Department reserves the right to conduct an independent investigation of any information, including prior experience, by ~~contacting project references,~~ accessing public information, contacting independent parties, or any other means. ~~The Department reserves the right to acknowledge this information and include this information within the evaluation.~~ The Department also has the right to determine if an omission or error is de minimis.

At any time between the release of the RFP and the Price submission deadline, the Department may revise the contract requirements. These revisions may be a result of the ATC process, Commercial Terms Meeting, Intermediate Technical Proposal review, pre-bid questions, or other reasons. An innovative approach or a unique solution identified by a Shortlisted Offeror is not necessarily a deficiency, but the Department will use its discretion in determining if information identified during any confidential setting is applicable to all and if the information must be shared with all Shortlisted Offerors. The Department will issue an addendum to correct a deficiency if the Department becomes aware of a deficiency in the Contract Documents that would have an impact on the ability of the Department to conduct a fair procurement and the Shortlisted Offerors ability to provide a responsive Bid.

The Director has final authority to determine the best interests of the Department and may reject any or all Technical Proposals and Price Proposals or advertise for new Bids without liability to the Department.

2.5 CONFLICT OF INTEREST

~~**2.5 ADVERTISEMENT**~~

~~Initial advertisement of the Request for Letter of Intent (RFLOI) included draft versions of the Design Build Scope of Services and appendices. The draft Index of Attachments listed draft Contract Documents, draft Reference Documents and other draft documents that depict elements of the Basic Configuration developed for the RFLOI.~~

~~Shortlisted Offerors must evaluate all Bid Documents released with the RFP and cannot rely on any information or draft documents released previously.~~

~~**2.61.1 CONFLICT OF INTEREST**~~

Any Price Proposal received in violation of this ~~section's requirements~~section may be rejected.

The Shortlisted Offerors' attention is directed to 23 CFR Part 636 Subpart A and in particular 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."

Shortlisted Offerors are prohibited from receiving any advice or discussing any aspect relating to the Project or procurement of the Project with any person or entity with an organizational conflict of interest. The Department may disqualify a Shortlisted Offeror if an organizational conflict of interest exists.

The Shortlisted Offeror agrees that, if after award, an organizational conflict of interest is discovered, the Shortlisted Offeror must make an immediate and full written disclosure to the Department that includes a description of the action that the Shortlisted Offeror has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the Department may, at its discretion, cancel the contract for this project.

The Shortlisted Offerors' attention is further directed to Ohio Administrative Code (OAC) Section 4733-35-05 (C) and the requirements regarding organizational conflicts of interest. For guidance in determining if you would have a Conflict of Interest, please review the Department's Specifications for Consultant services (primarily sections 2.15 through 2.18) and the referenced Codes within those applicable sections.

The Specifications can be found here:

http://www.dot.state.oh.us/Divisions/Engineering/Consultant/ConsultDocs/Specifications%20for%20Consulting%20Services%202016.pdf

While all the references are for Engineering or Surveying services, the Department would use the same level of scrutiny for any consultant service.

Each Shortlisted Offeror shall require its proposed team members to identify potential conflicts of interest or a real or perceived competitive advantage relative to this procurement. Shortlisted Offerors are notified that prior or existing contractual obligations between a company and a federal or state agency relative to the Project or Department's Design-Build program may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the Shortlisted Offeror shall submit in writing the pertinent information to the Department's Office of Consultant Services prior to the submittal of the Price Proposal and the Shortlisted Offeror may request a waiver of the conflict of interest for the Department's consideration. Information on submitting a Conflict Waiver Request can be found here:

https://www.transportation.ohio.gov/working/engineering/consultant-services//manuals-and-contract-documents

Waiver Requests shall be directed to Susan Stehle of the Office of Consultant Services by email Susan.Stehle@dot.ohio.gov or mailed to: Ohio Department of Transportation, Office of Consultant Services, 1980 West Broad Street, Mail Stop 4100, Columbus, Ohio 43223. Attn: Susan Stehle. Copy Eric Kahlig (eric.kahlig@dot.ohio.gov).

The Department, in its sole discretion, will decide relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated, shall not be allowed to participate as a DBT member for the Project. The Department will attempt to make all reasonable efforts to respond to a waiver request timely.

The firms listed below will not be allowed to participate as an Offeror or a Design-Build team member due to a conflict of interest:

- Carpenter Marty Transportation, Inc.
- Chagrin Valley Engineering Ltd.
- DGL Consulting Engineers, LLC
- EnviroScience, Inc.
- GPD Group
- HDR
- HNTB
- ms Consultants
- SME
- TRC Environmental

Offerors are cautioned that this is not an all-inclusive listing and are required to independently determine if any potential member has a Conflict of Interest.

~~2.7~~2.6 EX PARTE COMMUNICATIONS

Shortlisted Offerors are expected to conduct themselves with professional integrity and to refrain from lobbying activities. No employee, member, agent, or advisor of any potential or submitting Shortlisted Offeror shall have any direct or indirect ex parte communications regarding this Project with any representative of the Department, other Shortlisted Offerors, or consultants involved with the procurement, except for communications expressly permitted by the Bid Documents.

Any verified allegation that a Shortlisted Offeror, Shortlisted Offeror member, an employee, agent, advisor, or consultant of the Shortlisted Offeror has engaged in such prohibited communications or attempted to unduly influence the selection process may be cause for the Department to disqualify the Shortlisted Offeror or to disqualify the Shortlisted Offeror member from participating with the Shortlisted Offeror; all at the sole discretion of the Department.

~~2.8~~2.7 EXAMINATION OF BID DOCUMENTS AND PROJECT SITE AND SUBMISSION OF PRE-BID QUESTIONS

Initial advertisement of the RFLOI included draft versions of the Design Build Scope of Services and appendices. The draft Index of Attachments listed draft Contract Documents, draft Reference Documents and other draft documents that depict elements of the Basic Configuration developed for the RFLOI.

Shortlisted Offerors must evaluate all Bid Documents released with this RFP and cannot rely on any information or draft documents released previously.

Each Shortlisted Offeror ~~shall be solely~~is fully responsible for ~~(a) examining, with appropriate care and diligence, the~~thoroughly reviewing all Bid Documents~~, —~~including the RFP, Attachments, and any ~~other~~additional documents ~~or information~~ provided by the Department~~, prior to~~ before submitting the Price Proposal~~, (b) requesting~~. They must:

- Request written clarification ~~or interpretation of any perceived discrepancy, deficiency, ambiguity, error or omission contained in the RFP, or of~~for any ~~provision that such Shortlisted Offeror fails to~~discrepancies, ambiguities, errors, omissions, or provisions they do not understand ~~and (c) informing itself with respect to any and all circumstances which may in any way affect the~~within the RFP; and
- Ensure they are fully informed about all factors that could impact their performance ~~of its obligations if such Shortlisted Offeror enters into~~under a Contract with the Department.

Failure of a Shortlisted Offeror to examine and inform itself shall be at its sole risk, and the Department will provide no relief for any error or omission. The submission of a Price Proposal shall be considered prima facie evidence that the Shortlisted Offeror has performed a reasonable site investigation of the Project site and is satisfied as to the character, quality, quantities, and the conditions to be encountered in performing the Work. A reasonable site investigation also includes investigating the documents provided by the Department, review of Pre-bid Questions posted on the Department's website, the Project site, borrow sites, hauling routes, and all other locations related to the performance of the Work.

~~Upon written request to the Department and subsequent approval, the~~ Shortlisted Offerors may ~~obtain~~request permission from the Department to conduct test borings during the Project procurement~~. The Shortlisted Offerors shall secure~~ process. Upon approval, they must:

- Obtain access permits from ~~the appropriate~~relevant agencies~~, if required,~~ for ~~all~~ additional geotechnical explorations, ~~which~~if needed. This may ~~require the preparation of~~ involve preparing an equipment access plan, ~~description of~~listing equipment types, and providing a ~~plan~~map of ~~the~~ test locations~~, and other items. The Shortlisted Offerors shall submit~~.
- Submit a written request to the Department to enter any private property for ~~the purpose of obtaining~~ test borings ~~for the Project. If there is uncertainty regarding ownership of a property, the Shortlisted Offeror shall contact~~.
- Contact the Department to confirm property ownership~~. The Shortlisted Offerors shall not enter~~ if there is any ~~private property without permission from the Department and subsequently, the private property owner.~~ uncertainty.

Should a question arise at any time during the reasonable site investigation or during any portion of the procurement, the Shortlisted Offeror may seek clarification by submitting a Pre-bid Question. All questions prior to submission of the Price Proposals shall be directed to the Department's Pre-Bid website:

http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/PBQs.aspx

Responses to Pre-bid Questions posted on the Department's website are not revisions to the Bid Documents and are not binding.

~~2.9~~2.8 PAYMENT FOR PREPARATION OF RESPONSIVE PRELIMINARY DESIGN CONCEPT

~~The cost of preparing an Intermediate Technical Proposal, Technical Proposal, Price Proposal, any Alternative Technical Concepts and all other costs incurred by a Shortlisted Offeror at any time during the RFP Process shall be borne solely by such Shortlisted Offeror. However, subject to the conditions listed in this note, the Department will provide a payment of $250,000 or the unsuccessful Shortlisted Offeror's actual costs of preparing a responsive preliminary design concept, whichever is less, to each non-successful Shortlisted Offeror.~~

The preliminary design concept includes preparing a responsive Intermediate Technical Proposal, Alternative Technical Concepts (if applicable), Technical Proposal, and Price Proposal. The preliminary design concept may include Alternative Technical Concepts, if submitted. Preparation of the Letter of Intent is not considered part of the preparation of a preliminary design concept.

~~The successful Shortlisted Offeror will not receive a payment. The term "payment" as used in this ITO section shall mean $250,000 or the Shortlisted Offeror's actual costs of preparing the preliminary design concept, whichever is less.~~
The cost of preparing the preliminary design concept and all other costs incurred by a Shortlisted Offeror at any time during the RFP Process shall be borne entirely by such Shortlisted Offeror. However, subject to the conditions listed in this section, the

Department will provide a payment of two hundred fifty thousand dollars ($250,000.00) or the unsuccessful Shortlisted Offeror's actual costs of preparing a responsive preliminary design concept, whichever is less, to each non-successful Shortlisted Offeror.

The successful Shortlisted Offeror will not receive a payment.

After Award, the non-successful Shortlisted Offeror shall submit complete documentation of all actual costs of preparing the preliminary design concept. The Department will initiate payment after validation of the actual costs submitted and approval of the Controlling Board, if required.

By submitting its Price Proposal for this Project, the Shortlisted Offeror acknowledges that it is eligible for payment if the Shortlisted Offeror's Price Proposal is not selected. The payment will be payable by the Department to the Shortlisted Offeror within ~~90~~approximately ninety (90) days of submission of complete justification documentation unless payment is waived by the unsuccessful Shortlisted Offeror. The payment shall be due only if the Shortlisted Offeror submits a Technical Proposal and Price Proposal that is responsive to the RFP as defined in ITO Section 7.~~2 (Responsiveness).~~

The unsuccessful Shortlisted Offeror who otherwise ~~qualify~~qualifies for the payment may elect to waive payment within ten (10) days of the Contract Award and retain any available rights to their Technical Proposals and ATCs. However, upon ~~Execution~~execution of the Contract or after ten (10) days of Contract Award at the Department's discretion, all information provided to the Department that was used in the evaluation of the Alternative Technical Concepts, Intermediate Technical Proposal, Technical Proposal and Price Proposals will be considered a public record if payment is not waived.

The payment shall be full and final consideration for all documents submitted for ATCs per ITO Section ~~(Alternative~~4, Intermediate Technical ~~Concept)~~Proposals per Section 6.3, and Technical Proposal per ITO Section ~~6 (Technical and Price Proposal).~~7. The Department shall retain an undivided joint interest in all rights and intellectual property submitted with ATCs and Technical Proposals.

No payment will be made if the Department withdraws the RFP or terminates the procurement prior to Technical and Price Proposal submission.

If Technical Proposals and Price Proposals have been submitted, but the Department does not execute the Contract, the two Shortlisted Offerors with the lowest bids will be provided a payment, unless the payment is waived by a Shortlisted Offeror.

To receive a payment, the Shortlisted Offeror will be required to have a State of Ohio Vendor's Code number. Information on Vendor Codes may be obtained from the Department's Office of Accounting. The unsuccessful Shortlisted Offerors must submit an invoice and all supporting documentation within thirty (30) days of Contract Execution.

The Shortlisted Offeror's actual costs of preparing the preliminary design concept shall be calculated as described below. Eligible costs must have been incurred between the advertised RFP and the date the Price Proposal is submitted to the Department. The Shortlisted Offeror bears the burden to document and support claimed costs.

Consultants

Actual costs shall be determined in conformance with applicable provisions of the Department's policies and directives, the FHWA's Federal-Aid Policy Guide, and the principles and procedures set forth in FAR Part 31. When specific Department and FHWA policies differ from FAR Part 31, the Department and FHWA policy shall prevail. Direct costs must be properly supported by time records and/or copies of receipts or other acceptable evidence of expenditures.

No mark-up of actual costs is permitted to compensate the consultant for profit.

Contractors

Actual costs shall be determined in accordance with sections 109.05.C.1, 109.05.C.2 and 109.05.C.3 of ODOT's Construction and Materials Specification (CMS) manual (Dated 4/21/2023), with the following modifications –

CMS 109.05.C.1:

1. Completion of a Daily Force Account Record is not required. However, labor documentation requirements set forth in CMS section 109.05.C.2 apply. Allowable mark-ups for Labor shall be modified to 35%.
2. Equipment costs are not allowable or reimbursable.
3. Actual subcontractor costs are reimbursable, without mark-up, if required for this project. The Contractor must provide copies of paid invoices from the subcontractors and consultants demonstrating the actual costs incurred and proof of payment made DBT for this project.

CMS 109.05.C.2:

1. Costs associated with profit sharing, bonuses (in any form), and incentives are not reimbursable.
2. Workers' Compensation Premiums for other states, if incurred for this project, are reimbursable.
3. Restriction on personnel categories shall not apply.
4. Travel costs shall be calculated in accordance with the State of Ohio's most current travel reimbursement policy in effect at the time travel was incurred.

CMS 109.05.C.3:

1. Actual material costs are allowable, with no additional mark-up. The Contractor must provide paid invoices from the vendor demonstrating the actual material costs incurred and paid by the Contractor for this project.

~~2.10~~2.9 PARTICIPATION ON MORE THAN ONE OFFEROR TEAM

The Lead Contractor and Lead Designer shall not, directly or indirectly, participate in any capacity on more than one Shortlisted Offeror's team. This prohibition includes the participation on different teams by a Lead Contractor and Lead Designer through

related corporate entities, such as an entity that directly or indirectly controls another entity, or two entities that are under common control.

If any Lead Contractor or Lead Designer fails to comply with this prohibition, all Shortlisted Offeror teams on which it is participating may be considered non-responsive and the Price Proposal may be rejected.

~~2.11~~2.10 DISCLOSURE

The Department considers the Letters of Intent, ODOT/Offeror correspondence, Commercial meetings, PTI Discussions, the Intermediate Technical Proposal ~~submission~~ 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~~.~~ by identifying the trade secret with conspicuous markings or language indicating as such.

ORC Section 1333.61(D) defines "trade secret" as "information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

1. It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
2. It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

During the overall procurement process, the Department does not intend to share with, or convey to, any person the information provided by the Shortlisted Offeror, unless disclosure is required by law, or the Shortlisted Offeror gives prior written approval for such disclosure.

In the event the Department is required to disclose any information the Shortlisted Offeror considers a trade secret pursuant to applicable law, prior to disclosing such information, the Department intends to notify the Shortlisted Offeror in writing. The Department intends to use reasonable efforts to give notice of disclosure at least three days in advance of release.

The Department shall not be obligated to maintain in confidence any information that is not a trade secret including information that ~~(1)~~ is already known by the state, or ~~(2)~~

is or comes into the public domain through no fault of the state, or ~~(3)~~ is independently developed by the state, or ~~(4)~~ comes to the state from a third party in a manner not in violation of any obligation of confidentiality by such third party to the Shortlisted Offeror.

State law generally requires that documents which contain both confidential/trade secret and non-confidential information be disclosed with confidential information redacted.

~~The Department may, at its discretion, issue an addendum to correct a deficiency if, during the ATC process (ITO Section 4) or PTI Discussion Process (ITO Section 5) the Department becomes aware of a deficiency in the Contract Documents that would have an impact on the ability of the Department to conduct a fair procurement and the Shortlisted Offerors to provide a responsive Bid.~~

Once a project is awarded, LOIs, ATCs, ATC reviews, Intermediate Technical Proposals, Intermediate Technical Proposal ~~reviews~~review documentation, PTI Discussions, Technical Proposals, Technical Proposal review documentation, Price Proposals, and any other Project documents or correspondence may be made public. All documents received by the Department are subject to ORC Section 149.43, also known as The Public Records Act, and are subject to release unless a statutory exception exists that exempts the documents from public release.

3 SUBMITTAL REQUIREMENTS

The Department's Point of Contact (POC) during the procurement of the Project is:

Eric Kahlig – 614-387-2406 / Eric.Kahlig@dot.ohio.gov.
Chase Wells - 614-466-4789 / Chase.Wells@dot.ohio.gov (alternate)

Correspondence shall come from the Department's POC.

Each Shortlisted Offeror shall be invited to provide an ATC ~~submittal~~Submission (see Section 4~~.2~~). Each Shortlisted Offeror is required to submit ~~an Intermediate Technical Proposal~~PTI Discussion documentation (see Section ~~5.3), Technical Proposal (See Section~~ 6.~~3), and~~2), a Sealed Price Proposal (see Section ~~6~~7.2.2), and a Technical Proposal (See Section 7.3) to the Department during the procurement process. Offerors shall utilize electronic transmittal of the above listed submittals through an ODOT secured file sharing system (ODOT LiquidFiles). Additional user guide information on ODOT LiquidFiles can be found here:

https://fileshare.dot.state.oh.us/img/External-Invited-User-Guide-ODOT-LiquidFiles.pdf

~~Contact the Department (Chase Wells - 614-466-4789 / , or Eric Kahlig - 614-387-2406 /)~~Contact the POC to establish an ODOT LiquidFiles account. It is highly recommended to coordinate with the Department to submit test submissions for verification.

All submittals performed per this section shall be submitted to the following email addresses through LiquidFiles by 10:00 am on their respective dates shown in Section 2.3 ~~(Procurement Schedule):~~unless otherwise stated in this RFP.

~~Chase Wells:~~
~~Eric Kahlig:~~
Submissions will NOT be accepted after the time specified except in extreme and unusual circumstances recognized by the Department.

4 ALTERNATIVE TECHNICAL ~~CONCEPT~~ CONCEPTS

4.1 ATC GENERAL

An ATC is a deviation from the requirements of the Bid Documents which provides a solution that is equal to or better than the underlying requirement as determined by the Department in its sole discretion.

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~~,~~ and discussed at a confidential ATC One-on-One meeting ~~which the~~. The Department will give its disposition of the ATCs~~.~~ at the confidential ATC One-on-One meeting. The Shortlisted Offeror shall document the One-on-One meeting ~~disposition~~ discussions, and subsequently the ~~disposition discussions~~discussion's conclusions 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 PRELIMINARY ATC SUBMISSION REQUIREMENTS

For an ATC to be considered by the Department, Shortlisted Offerors must submit a Preliminary ATC ~~Submittal~~Submission five (5) Working Days prior to the One-on-One ATC Meeting Date as set forth in Section 2.3 ~~(Procurement Schedule)~~ for consideration by the Department. Submit one (1) electronic copy (Searchable PDF format) ~~in accordance with submittal methods addressed in~~per Section 3~~ (Submittal Requirements).~~. The ATC ~~Submittal~~Submission shall contain all the Shortlisted Offeror's proposed ATCs for the Project.

Each individual ATC within the Preliminary ATC ~~Submittal~~Submission 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~~Submission 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 ~~if a design exception is condition precedent to approval of the ATC.~~. 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 Department approval of an ATC with a design exception is the Department's acknowledgment of the Department's risk of the design exception's general acceptability; the Shortlisted Offeror's submission of the design exception is the Shortlisted Offeror's acknowledgement that the design exception paperwork may require additional information or revised information after award to gain ultimate design exception approval.~~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. ~~The Preliminary ATC Submittal~~Prior to the ATC One-on-One meeting, the Department will review the Preliminary ATC Submission. 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 Submission 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~~virtually.

Shortlisted Offerors are encouraged to bring appropriate materials on a CD, DVD, or USB flash drive to explain the Preliminary ATC ~~Submittal~~Submission if the Shortlisted Offeror believes such materials will assist the Department in its understanding of the Preliminary ATC ~~Submittal~~Submission. Electronic files should be in a widely readable format such as PDF, JPG, TIF, DOC, DOCX, XLS, XLSX, PPT, or PPTX. All materials, handouts, CDs, DVDs, or USB flash drives will be returned to the Shortlisted Offeror at

the conclusion of the meeting. Department computers will be available for each Shortlisted Offeror to display materials related to the ATC concept.

~~Prior to the ATC One-on-One meeting, the Department will review the Preliminary ATC Submittal. The Offeror and the Department will discuss, vet, and/or review each of the ATCs on the day of the One-on-One ATC Meetings.~~

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 Preliminary ATC ~~Submittal~~Submission.

Note: The Shortlisted Offeror may discuss anticipated design and construction approaches being evaluated by the Shortlisted Offeror to inquire about potential acceptability of Technical Proposal (see Section 6 and Section 7) approaches. While the Department may discuss these topics, these discussions are not final and shall not be incorporated into the ATC Meeting Minutes.

4.4 SHORTLISTED OFFEROR PREPARED ATC MEETING MINUTES AND FINAL ATC SUBMISSION

~~During the One-on-One ATC meeting, the~~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.~~ATC's conclusion.

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 conclusion with each ATC discussion being distinctly documented as:
    - Rejected;
    - Accepted without Revisions; or
    - Accepted as Revised with the necessary revisions documented and incorporated in the Final ATC Submission.

The ATC Meeting Minutes shall also include an updated ATC ~~Submittal~~Submission for each ATC deemed 'Accepted as Revised'. This updated 'Accepted as Revised' ATC ~~Submittal~~Submission shall demonstrate the revisions identified at the ATC meeting necessary for ATC approval. Any ATC "Accepted as Revised" shall have a completed re-submission ~~meeting the~~in accordance to Section 4.2 requirements~~,~~ A-E~~. The Final ATC Submission shall include content in accordance with Section 4.2 (ATC Submission Requirements)~~ with revisions addressing comments provided during the ATC Meeting.

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

4.5 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).

The Department reserves the right to provide responses to only specific ATCs but shall provide timely responses to all ATCs within the ATC Meeting Minutes.

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 ATC approvals are as documented within the ATC Meeting Minutes inclusive of any ODOT Meeting Minute Response(s).

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

4.6 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.

~~Along with all other required information necessary for the Pre-Award Conference, the apparent Successful Offeror shall inform the Office of Estimating which Approved or Approved as Revised ATC were incorporated into the Bid.~~

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

5 COMMERCIAL APPROACH MEETING

The Shortlisted Offeror may request a Commercial Approach Meeting to be held on the date identified in Section 2.3. The Shortlisted Offeror shall contact the Department's POC at a minimum of five (5) working days of its intent to attend the Commercial Approach Meeting. The Department will attempt to coordinate times meeting the Shortlisted Offeror, however, cannot guarantee any specific timeframe. It is anticipated that the meeting will be approximately a maximum of seventy-five (75) minutes.

The meeting will be the Shortlisted Offeror's opportunity to discuss:

- The current Bidding Documents current content and how the content impacts the Shortlisted Offeror's intended approach;
- or the meeting shall be the opportunity for the Shortlisted Offeror to discuss intended approach to the Project as being presented in the upcoming PTI Information submission.

These meetings will not favor one Shortlisted Offeror over another, will not reveal another Shortlisted Offeror's technical solution or any information that would compromise a Shortlisted Offeror's intellectual property to another offeror.

While the topics of the meetings are to be determined by the Shortlisted Offeror and generally not limited, the Department will not entertain reconsideration of any ATC response and will not reveal any discussion with any other Shortlisted Offeror. The agenda for the Commercial Approach Meeting should be set by the Shortlisted Offeror and sent to the Department's POC at least forty-eight (48) hours before the scheduled meeting. The Shortlisted Offeror may provide exhibits, which will be returned to them after the meeting.

If, during the meeting, the Department finds any approach unacceptable or believes a change to the Bidding Documents would be beneficial to all, it may adjust the Bidding Documents accordingly.

A Commercial Meeting Summary document may be issued if the Department believes that a clarification provided to one Offeror applies to all. This document will be identified as part of the Bidding Documents, as defined in PN097, without being issued as an Addendum. Care will be taken to ensure no Offeror's technical solution is disclosed.

These meetings are optional and can be conducted virtually if preferred by the Shortlisted Offeror.

~~5~~6 PROPRIETARY TECHNICAL INFORMATION DISCUSSION

The Department intends to conduct a one-on-one Proprietary Technical Information ~~Discussion Meeting~~Discussions (PTI Discussions) with each Shortlisted Offeror on the date set forth in Section 2.3~~ (Procurement Schedule).~~.

The PTI Discussion will be conducted to discuss elements of the proposed project design as described in this Section ~~5~~6 and other details of the Contract Documents.

~~5.1~~6.1 PTI DISCUSSIONS – GENERAL

Discussions are understood to mean written or oral exchanges that take place with the intent of allowing the offerors to revise their Technical Proposals. The PTI Discussion is to enable the Department to identify and discuss elements of a Shortlisted Offeror's approach that may not meet the requirements of the Bid Documents or are otherwise unacceptable to the Department. The Shortlisted Offeror's approach will be presented through an Intermediate Technical Proposal (see Section ~~5~~6.3).

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. These Discussions will ~~only~~ occur between the Department and the Shortlisted Offerors at the one-on-one PTI Discussion ~~meeting, except as necessary as determined by the Department.~~Meeting. Additional Discussions may only be initiated by the Department to further clarify ambiguities found within the Offeror's proposed Project approach. As allowed by 23 CFR §636.506, these PTI Discussion Meetings will cover significant weaknesses, deficiencies, and other aspects of a Technical Proposal that could be altered or explained. These Discussions will not favor one Shortlisted Offeror over another, will not reveal another Shortlisted Offeror's technical solution or any information that would compromise a Shortlisted Offeror's intellectual property to another offeror. Price will not be discussed. ~~project design.~~

The PTI Discussion ~~is intended provide a~~Meeting as the forum for the Shortlisted Offeror to describe ~~the Shortlisted Offeror's~~their approach to the Project, ~~to enable the Shortlisted Offeror~~ to ask confidential questions concerning ~~the specific Shortlisted Offeror's~~ their 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. Unapproved ATCs will not be discussed at this meeting.~~ Project. It is anticipated that the meeting will be a maximum of ninety (90) minutes.

~~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 per Section 5.4 (Intermediate Technical Proposal Submittal). Shortlisted Offerors are encouraged to prepare appropriate documents that will be used to facilitate their PTI discussions via their virtual presentation. The Shortlisted Offeror team shall highlight key components in~~

sufficient detail as to explain and expound upon information within the Technical Proposal to avoid post-award conflict.

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 from a Shortlisted Offeror. In addition, the Department may request a Shortlisted Offeror to verify certain aspects of its documentation. Shortlisted Offerors shall respond to any such request by such time as is specified by the Department in such request. The scope, length, and topics to be addressed in any requests for clarification from the Department shall be prescribed by, and subject to the discretion of the Department. If appropriate or necessary as solely deemed by the Department, the Department may request additional meeting(s) to request clarification of such additional requested information.

Upon completion of the PTI Discussions, the Department shall respond to the information provided. This response shall inform the Shortlisted Offeror(s) of any 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.

5.21.1 PTI DISCUSSION MEETING RULES

General Rules of PTI Discussions meetings are as follows:

A. The Shortlisted Offeror's Intermediate Technical Proposal submittal must be responsive to the requirements in Section 5.3 and Section 5.4. PTI Discussions will not be held if the Shortlisted Offeror's Intermediate Technical proposal is non-responsive. If time allows, the Department will notify Shortlisted Offerors if the submitted Intermediate Technical Proposal is non-responsive if the initial non-responsive Intermediate Technical Proposal is submitted by the deadline. At the Department's discretion, the Department may accept revised Intermediate Technical Proposals if, in the judgement of the Department, sufficient time is available for a resubmission review by the Department prior to the scheduled PTI Discussion. The Department's decision on a resubmission acceptance is final.

B. The Shortlisted Offeror shall discuss and demonstrate Items A through D of Intermediate Technical Proposal (See Section 5.3) 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 and any other procurement document and may not be relied on by any Shortlisted Offeror unless the statement is incorporated in an Addendum.

D.A. 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

1. impair the confidentiality of an ATC, or

2. 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.A. 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.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.

5.31.1 INTERMEDIATE TECHNICAL PROPOSAL CONTENT

The following list provides the minimum elements of each Shortlisted Offeror's design that shall be presented and addressed in the PTI documentation and PTI Discussions.

The submitted documentation in response to the requirements of 5.3 (A) through 5.3 (D) shall be considered the Shortlisted Offeror's Intermediate Technical Proposal.

The submittal of the required information in the required reasonable format will be the Department's basis for determining whether the Intermediate Technical Proposal submission is responsive.

Part A. Project Narrative

A narrative summarizing the approach to the design and construction of the Project. The narrative shall be in sufficient detail so to understand the key elements of the critical work items but is not required to be "all inclusive".

The narrative shall address, at a minimum, the following:

1. 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. The Shortlisted Offeror may add any additional major work items to further describe the intended work.

2. Approach to modifying LOR-IR-90-11.530R and LOR-IR-90-11.530L bridges and coordination with adjacent roadway elements.

3. Approach to Maintenance of Traffic.

4. Approach to post construction BMP and drainage design and construction.

5.1. Anticipated accepted ATCs being considered for inclusion by the Offeror, and if necessary, changes made to an ATC to address any conditions placed on an included ATC as addressed in the Department ATC Meeting Minutes Response.

The Project Narrative shall be supported by plan sheets provided in (B).

Part B.Part A. Technical Approach – Plans

1. LOR-90-10.76 roll plot plan sheets showing centerline and geometric data; pavement and shoulder edges, bridge limits, noise wall locations, anticipated BMP locations/types and drainage system improvements for sewers and culverts greater than 24".

2.1. Roll plot profile sheets for I-90 and SR-2.

3. Typical Sections including at least one full width mainline normal crown and superelevated section for the two-lane portions of I-90 and SR-2 and the three-lane portion of I-90. Typical sections include pavement structure and subgrade treatments, grading/ditch configuration, noise walls (if applicable) and barrier treatments.

4.1. Bridge plans for LOR-IR-90-11.530R and LOR-IR-90-11.530l structures – including preliminary site plan, transverse section, abutment details, bearing details – and other information as required to show how the modified bridge will coordinate with the approach roadway elements.

5. Conceptual Maintenance of Traffic plans illustrating concept phasing, access points, cross-over details (if-applicable), and MOT typical sections.

Note: Plan and profile sheets shall be in reasonable engineering format to clearly depict the required information. While following existing ODOT CADD drafting standards are preferred, it is not required.

Part C.Part A. Key Personnel Resumes

This section shall include resumes of proposed persons for Key Personnel roles. Resumes shall be limited to no more than two (2) pages per individual. Resumes for individuals shall be on separate and distinct pages. Resumes shall clearly

depict how the proposed person clearly meets the requirements to perform the proposed role.

DBT Project Manager: The DBT Project Manager shall be ultimately responsible for the Offeror's performance. Ensures that personnel and other resources are made available. Responsible for contractual matters. This position is required for the duration of all design and construction-related activities on the Project. Must have 7 years of experience on major construction projects. This position is required for the duration of the Project.

DBT Construction Project Manager: The DBT Construction Project Manager actively manages the overall construction of the project. Must be an employee of the Lead Contractor. Responsible for overall construction. The DBT Construction Manager shall have a minimum of 5 years of experience working in a similar capacity on major highway projects. The DBT Construction Project Manager shall be located in the field office on a full-time basis for the construction duration of the Project unless modification is requested by the DBT and approved by the Department in its sole discretion.

DBT Lead Design Engineer: The DBT Lead Highway Design Engineer shall be responsible for ensuring all engineering and design components on the Project are completed and all design requirements are met. Shall have a minimum of 5 years of recent similar experience. Must be an Ohio P.E. at time of award or be able to obtain licensure by award of contract. This position is required for the duration of all design related activities on the Project.

DBE Utilization Manager: The DBE Utilization Manager is responsible for DBE outreach, monitoring DBE utilization, DBE utilization reporting, DBE compliance, and updating the OEPP. The OEPP shall include the DBE Utilization Manager's resume. The DBE Utilization Manager shall be employed by the Contractor and empowered to represent the Contractor in DBE contractual issues. The DBE Utilization Manager is a Key Personnel and shall report to the Contractor Project Manager. The DBE Utilization Manager shall have the following minimum requirements:

1. Five (5) years minimum of demonstrated experience with a background and understanding of DBE, Commercially Useful Function (CUF), Federal Contract Compliance requirements, and EEO requirements.
2. Experience with the management of federally funded projects, preferably transportation with preferably DBE outreach, DBE recruitment, and DBE development.
3. Experience with establishing DBE relationships and/or currently have established relationships with the regional DBE community.

Part D. DBE Open-Ended Performance Plan

~~The Shortlisted Offeror shall submit a draft DBE Open-Ended Performance Plan (OEPP) in accordance with requirements of the DBE Open-Ended Performance Plan for LOR-90-10.76, Part B (DBE Open-Ended Performance Plan – Technical Requirements) Special Proposal Note.~~

~~5.4~~6.2 ~~INTERMEDIATE TECHNICAL PROPOSAL~~DISCUSSION SUBMITTAL REQUIREMENTS

Each Shortlisted Offeror shall submit the following PTI Discussion documentation on the corresponding date in Section 2.3 ~~(Procurement Schedule):~~and per Section 3:

A. An itemized agenda addressing the ~~design~~ topics included in the Intermediate Technical Proposal and other topics ~~included in the Intermediate Technical Proposal~~of discussion. Based on the agenda items, the Department will coordinate with appropriate Department subject matter experts to facilitate attendance. The Department will attempt to accommodate the attendance of subject matter experts but makes no guarantees regarding their attendance. Department subject matter experts may participate in discussions by phone/web conferencing~~; ~~. If necessary, the Shortlisted Offeror shall include additional exhibits and drawings related to the topics identified in the Agenda for the PTI Discussion.

B. One (1) electronic copy (PDF format~~), including exhibits and drawings, related to the topics identified for the PTI Discussion and~~) of an Intermediate Technical Proposal as described in Section ~~5~~6.3 ~~(the~~. The Department will retain the documentation following the PTI Discussion~~).~~. Shortlisted Offerors are encouraged to provide the documentation in a format which can be easily printed on standard paper sizes.

   Note: The Department will allow discussions centering on topics not previously identified in the agenda, but the Shortlisted Offeror shall make every attempt to describe discussion topics prior to the meetings to ensure proper Department preparation.

6.3 INTERMEDIATE TECHNICAL PROPOSAL CONTENT

The submitted documentation in response to the requirements of Sections 6.3 (A) through 6.3 (D), including all subsections, shall be considered the Shortlisted Offeror's Intermediate Technical Proposal.

Part A. Project Narrative

A narrative summarizing the approach to the design and construction of the Project. The narrative shall be in sufficient detail so to understand the key elements of the critical work items.

The narrative shall address, at a minimum, the following:

1. 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. The Shortlisted Offeror may add any additional major work items to further describe the intended work.

2. Approach to modifying LOR-IR-90-11.530R and LOR-IR-90-11.530L bridges and coordination with adjacent roadway elements.

3. Approach to Maintenance of Traffic, for example (but not limited to) anticipated MOT schemes (cross-over, part-width, contraflow, etc) and anticipated number of and general timing of major phases.

4. Approach to determining and managing risks for likely post construction BMPs, overall drainage design, and drainage construction.

5. Anticipated accepted ATCs being considered for inclusion by the Offeror, and if necessary, changes made to an ATC to address any conditions placed on an included ATC as addressed in the Department ATC Meeting Minutes Response.

The Project Narrative shall be generally supported by plan sheets provided in (B).

Part B. Technical Approach – Plans

1. LOR-90-10.76 roll plot plan sheets showing centerline and horizontal geometric data; pavement and shoulder edges, bridge limits, noise wall locations, and anticipated post construction BMP locations/types.

2. Roll plot profile sheets for I-90 and SR-2 showing vertical geometric data.

3. Typical Sections including at least one full width mainline normal crown and superelevated section for the two-lane portions of I-90 and SR-2 and the three-lane portion of I-90. Typical sections include pavement structure and subgrade treatments, and grading/ditch configuration.

4. Bridge plans for LOR-IR-90-11.530R and LOR-IR-90-11.530l structures – including preliminary site plan, transverse section, abutment details, bearing details – and other information as required to show how the modified bridge will coordinate with the approach roadway elements.

5. Conceptual Maintenance of Traffic plans illustrating conceptual phasing, anticipated access points, cross-over details (if-applicable), and MOT typical sections.

   Note: Plan and profile sheets shall be in reasonable engineering format to clearly depict the required information. While generally following existing ODOT CADD drafting standards is preferred, it is not required.

Part C. Key Personnel Resumes

This section shall include resumes of proposed persons for Key Personnel roles. Resumes shall be limited to no more than two (2) pages per individual. Resumes for individuals shall be on separate and distinct pages. Resumes shall clearly depict how the proposed person clearly meets the requirements to perform the proposed role.

DBT Project Manager: The DBT Project Manager shall be ultimately responsible for the Offeror's performance. Ensures that personnel and other resources are made available. Responsible for contractual matters. This position is required for the duration of all design and construction-related activities on the Project. Must have five (5) years of similar experience on major construction projects. This position is required for the duration of the Project.

DBT Construction Project Manager: The DBT Construction Project Manager actively manages the overall construction of the project. Must be an employee of the Lead Contractor. Responsible for overall construction. The DBT Construction Manager shall have a minimum of three (3) years of experience working in a similar capacity on major highway projects. The DBT Construction Project Manager shall be located in the field office on a full-time basis for the construction duration of the Project unless modification is requested by the DBT and approved by the Department in its sole discretion.

DBT Lead Design Engineer: The DBT Lead Highway Design Engineer shall be responsible for ensuring all engineering and design components on the Project are completed and all design requirements are met. Shall have a minimum of three (3) years of recent similar experience. Must be an Ohio P.E. at time of award or be able to obtain licensure by award of contract. This position is required for the duration of all design-related activities on the Project.

Part D. DRAFT DBE Open-Ended Performance Plan

The Shortlisted Offeror shall submit a draft DBE Open-Ended Performance Plan (OEPP) in accordance with requirements of the Proposal Note Special - DBE OPEN-ENDED PERFORMANCE PLAN (OEPP), Part B (DBE OPEN-ENDED PERFORMANCE PLAN REQUIREMENTS) Special Proposal Note (aka. OEPP Note) with the following revisions to the OEPP Note's Part B requirements:

- OEPP Note Section 1) OEPP Part 1: DBE Utilization Commitment
  - The date and signature of the Company's signatory shall be omitted.

- OEPP Note Section 10) OEPP Part 10: DBE Planned Utilization Forecast
  - Minimum Requirement a.: Anticipated overall value of Work shall be demonstrated as a percentage as compared to overall contract value to the nearest tenth of a percent. Do not provide dollar values.
  - Minimum Requirement b.: Anticipated DBE subcontracting payments and the cumulative value of the payments shall be demonstrated as a percentage as compared to overall contract value to the nearest tenth of a percent. Do not provide dollar values.

- Minimum Requirement c.: Cumulative value shall be demonstrated as an overall contract value percentage to the nearest tenth of a percent. Do not provide dollar values.
- Requirement d.: Estimated work type value shall be demonstrated as a percentage as compared to overall contract value. Do not provide dollar values.

All other submission requirements apply.

Note: The DBE Utilization Manager as identified in response to OEPP Note Section 2) OEPP Part 2: DBE Utilization Manager will be and is considered as a Key Personnel as defined in the Contract Documents.

6.4 PTI DISCUSSION MEETING RULES

General Rules of PTI Discussions Meetings are as follows:

A. The Shortlisted Offeror must submit an Intermediate Technical Proposal which must be responsive to the requirements in Section 6.2 and Section 6.3. PTI Discussions will not be held if the Shortlisted Offeror's Intermediate Technical proposal is non-responsive. The submittal of the required information in the required format will be the Department's basis for determining whether the Intermediate Technical Proposal submission is responsive. If time allows, the Department will notify Shortlisted Offerors if the submitted Intermediate Technical Proposal is non-responsive if the initial non-responsive submission is by the deadline. At the Department's discretion, the Department may accept revised Intermediate Technical Proposals if, in the judgement of the Department, sufficient time is available for a resubmission review by the Department prior to the scheduled PTI Discussion. The Department's decision on a resubmission acceptance is final.

B. The Shortlisted Offeror shall discuss and demonstrate Intermediate Technical Proposal's Items A through D during the PTI Discussion. The Shortlisted Offeror has the discretion on determining the means of demonstrating the key elements. 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. Shortlisted Offerors are encouraged to prepare appropriate documents that will be used to facilitate their PTI discussions. Reconsideration requests of unapproved ATCs will not be discussed nor entertained.

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 other 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. 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.

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.

~~5.5~~6.5 PTI EVALUATION RESPONSE

The Department may issue one or more requests for clarification seeking additional information the Shortlisted Offeror's Intermediate Technical Proposal. Shortlisted Offerors shall respond to any such request by such time as is specified by the Department. The scope, length, and topics to be addressed in any requests for clarification from the Department shall be prescribed by, and subject to the discretion of the Department. If appropriate or necessary as solely deemed by the Department, the Department may request additional meeting(s) to request clarification of such additional requested information.

Within five (5) ~~Workdays~~Working Days of the PTI Discussion ~~meeting,~~Meeting or the receipt of any further requested clarifications from the Shortlisted Offeror (whichever is later), the Department will send a PTI Evaluation Response addressing the PTI Discussion information. 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 a Technical Proposal non-responsive to the requirements of the bidding documents.

The Department's PTI Evaluation Response will itemize:

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 ~~(Note: The PTI Evaluation Response will identify bidding document non-conformance issues),~~;

C. acceptability of the proposed Key Personnel~~,~~; and

D. acceptability of the Draft DBE Open-Ended Performance Plan (including the acceptability of the DBE Utilization Manager).

~~The~~If any portion of the Intermediate Technical Proposal is not found acceptable, 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~~.

The Department's failure to identify a deficiency does not relieve the Shortlisted Offeror's responsibility to determining an approach which meets the Bidding Documents.

~~6~~7 TECHNICAL AND PRICE PROPOSAL

The Shortlisted Offerors shall prepare and submit a Technical Proposal and a Price Proposal.

The Technical Proposal and Price Proposal will be each Shortlisted Offeror's opportunity to submit a best and final offer (BAFO) proposal. Submission of a BAFO does not restrict the rights of the Shortlisted Offeror under the terms of the Contract.

~~Technical Proposal (ITO Section 6.3) and a Sealed Price Proposal (ITO Section 6.2.2) must be delivered electronically per Section 3 (Submittal Requirements).~~

~~Bid Express Price Proposal (ITO Section 6.2.1) shall be delivered as identified in ITO Section 6.2.1 (Bid Express Price Proposal).~~

~~6.1~~7.1 GENERAL

~~Each Technical Proposal shall include all items identified in Section 6.3 (Technical Proposal). Each Technical Proposal component shall be clearly titled and identified. All blank spaces in forms must be filled in, as appropriate, and no substantive change shall be made to any form.~~

The Shortlisted Offeror acknowledges receipt of all Addenda via usage of the proper EBS file.

Modifications to a Technical Proposal, Bid Express Price Proposal, or Sealed Price Proposal will not be accepted in any form after the submittal deadline to the Department. If multiple Technical Proposals or Price Proposals are received prior to the deadline, the Department will consider the last submission received prior to the applicable deadline as the Technical Proposal or Sealed Price Proposal.

The Department may consider any late Technical Proposal and Sealed Price Proposal in its sole discretion and only if the circumstances are considered extreme. Technical Proposals, Price Proposals, and Sealed Price Proposals~~, Modifications and Withdrawal Requests~~ received after the ~~time due~~deadline may be rejected without consideration or evaluation, at the Department's discretion.

The Proposal shall be governed by and construed in all respects according to the law of the State of Ohio.

~~6.2~~7.2 PRICE PROPOSAL

The submission of the Price Proposal shall be submitted in multiple appearances. These appearances are the ~~1)~~ Bid Express Price Proposal (subsection 7.2.1) and ~~2)~~ the Sealed Price Proposal~~.~~ (subsection 7.2.2).

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.

~~6.2.1~~7.2.1 BID EXPRESS PRICE PROPOSAL

The Bid Express Price Proposal will be submitted using the Bid Express website in accordance with the process described in PN 019 and PN 097 (CMS 102.06 – Preparation of Bids) on or before 10:00 a.m. on Technical Proposal and Price Proposal Due date.

~~6.2.2~~7.2.2 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. The Expedite file shall be used to create the PDF version.

The Sealed Price Proposal (both files) shall be submitted utilizing LiquidFiles. Shortlisted Offerors shall password protect the PDF copies of the Sealed Price Proposal to prevent unintentional viewing by the Department. Shortlisted Offerors are responsible for determining and retaining the password. Shortlisted Offerors will be required to deliver the password to the Department upon request per the requirements of this ITO.

Additional information concerning LiquidFiles can be found in ITO Section 3.

The delivery of the Sealed Price Proposal must be provided to the Department by ~~the~~a 10:~~00~~30 a.m. deadline.

~~6.3~~7.3 TECHNICAL PROPOSAL SUBMISSION

Each Technical Proposal shall include all items identified in this section. Each Technical Proposal component shall be clearly titled and identified. All blank spaces in forms must be filled in, as appropriate, and no substantive change shall be made to any form.

In the manner described in ITO Section 3 (Submittal Requirements), submit two (2) electronic files of the Technical Proposal on the Technical and Price Proposals Due date as follows:

A. One (1) electronic searchable file of the Technical Proposal in PDF format which does not restrict printing or copying text, images, and other content.

B. One (1) electronic password protected file of the Technical Proposal in PDF format which restricts modification of the file, copying of text, images, and other content. The submission must be able to be read by the Department. The Shortlisted Offeror is not required to supply the password.

All information shall be identical in all copies ~~(not including the Proposal Letter signature).~~ The electronic version of the Technical Proposal may be made up of

multiple electronic files, but no individual file should exceed 50 MB and shall be named to clearly depict the concatenation order.

~~6.4~~7.4 TECHNICAL PROPOSAL CONTENT

The Technical Proposal shall be organized as follows and the content shall be consistent with the following:

Part	Description	Max No. of Pages
A	Project Narrative (as described in Sec ~~6~~7.4.~~2~~1)	As needed
B	Technical Approach – Plans (as described in Sec ~~6~~7.4.2)	As needed
C	Key Personnel Resumes (as described in Sec 7.4.3)	~~8~~6
D	DRAFT DBE Open-Ended Performance Plan (as described in Sec 7.4.4)	As needed
E	Form A-1 Proposal Letter (as described in Sec 7.4.5)	As needed

All required enhancement elements in the Scope of Services must be designed and constructed as part of this Project.

Additional enhancements may also be proposed by the Shortlisted Offeror as part of their Technical Proposal and included in their Price Proposal.

Shortlisted Offerors shall correct any identified Department's Evaluation Response identified deficiencies of the Shortlisted Offeror's Intermediate Technical Proposal.

~~6.5 TECHNICAL PROPOSAL CONTENT AND RESPONSIVE EVALUATION~~

~~6.5.1 GENERAL~~

~~The Department's goal is to create a fair and uniform basis for evaluation of responsiveness for the Technical Proposals in compliance with all applicable requirements governing this procurement.~~

~~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", the element must be complete and include all documents and information required in the RFP using the format and structure specified.~~

~~Part~~	~~Technical Proposal Part~~	~~Evaluation Criteria~~
~~A~~	~~Project Narrative~~	~~Pass/Fail~~
~~B~~	~~Technical Approach – Plans~~	~~Pass/Fail~~
~~C~~	~~Key Personnel Resumes~~	~~Pass/Fail~~
~~D~~	~~DBE Open-Ended Performance Plan~~	~~Pass/Fail~~
~~E~~	~~Form A-1 Proposal Letter~~	~~Pass/Fail~~

Technical Proposal content requirements are found in the following sections as well as within components of the Bid Documents.

~~The information provided in response to the required information shall be materially consistent with the Intermediate Technical Proposal information submitted for the PTI~~

~~Discussion for Parts A, B, C, and D.~~ ~~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.~~

~~Revisions due to identified issues noted in the PTI Information Evaluation Response for Parts A, B, C, and D 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.~~

~~The Department will use reasonable discretion in determining whether the content presented for Parts A, B, C, and D 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.~~

~~6.5.2~~7.4.1 PROJECT NARRATIVE (TECHNICAL PROPOSAL PART A)

Shortlisted Offerors shall provide the following:

A narrative summarizing the approach to the design and construction of the Work elements as required in ITO Section ~~5~~6.3 (A).

The narrative shall identify and explain any material deviations from the approach and clarifications to the approach as described at the PTI Discussion with sufficient detail to demonstrate the approach is consistent with the requirements defined in the Bid Documents.

Additionally, the narrative shall address each identified revision in response to the itemized PTI Evaluation Response issues. The narrative shall clearly describe such revisions so the Department can easily identify, review, and evaluate the Technical Proposal ensuring acceptable revisions.

The narrative for this portion shall be supported by plan sheets provided in the Technical Proposal Part B.

~~Technical Proposal Part A will be evaluated on a Pass/Fail basis to determine if the approach described demonstrates that the requirements of the Project will be sufficiently met.~~If the Shortlisted Offeror's narrative as submitted in the Intermediate Technical Proposal has not been ~~materially~~ revised, and the Shortlisted Offeror's approach as submitted in the ~~PTI Discussion Required~~

~~Information~~Intermediate Technical Proposal had no deficiencies noted in any itemized PTI Evaluation Response, the Shortlisted Offeror ~~may~~must state:

> "Technical Proposal Part A: No Revisions from the Intermediate Technical Proposal submission ~~per the requirements of ITO Section 5.3 (A)~~."

If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.

~~The Department will use reasonable discretion in determining whether the content presented receives a "Pass".~~

~~6.5.3~~7.4.2 TECHNICAL APPROACH - PLANS (TECHNICAL PROPOSAL PART B)

Submit engineering drawings depicting the technical approach.

The contents of Technical Proposal Part B shall be consistent information as required and requested in ITO Section 6.3 (B).

The plan sheets shall identify any material deviations from the approach described at the PTI discussion. Deviations shall be clearly denoted utilizing, preferably, CADD revisions standards (i.e., "bubbling").

~~The contents of Technical Proposal Part B shall be consistent information as required and requested in ITO Section 5.3 (B).~~

If the Shortlisted Offeror's technical approach as submitted in the Intermediate Technical Proposal has not been materially revised and the Shortlisted Offeror's approach as submitted in the Intermediate Technical Proposal had no deficiencies noted in an itemized PTI Evaluation Response, the Shortlisted Offeror ~~may~~must state:

> "Technical Proposal Part B: No Revisions from the Intermediate Technical Proposal submission ~~per ITO Section 5.3 (B)~~."

~~Technical Proposal Part B will be evaluated on a Pass/Fail basis to determine if the Technical Approach demonstrates that the requirements of the Project will be generally met. Submittal of the required information demonstrating the Shortlisted Offeror's ability to meet the requirements of this section in the required format demonstrating a viable approach to meeting the requirements of the Bidding Documents, as determined by the Department, will be the basis of the Department determining whether this portion of the Proposal is given the status of "Pass".~~

~~If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.~~

~~The Department will use reasonable discretion in determining whether the content presented receives a "Pass".~~

If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.

~~6.5.4~~7.4.3 KEY PERSONNEL RESUMES (TECHNICAL PROPOSAL PART C)

Submit resumes for the Key Personnel roles identified in Section ~~5~~6.3 (C).

If the Shortlisted Offeror's intended persons for Key Personnel roles has not changed from the Intermediate Technical Proposal and the Department took no exception to the previously identified persons, the Shortlisted Offeror ~~may~~must state:

> "Technical Proposal Part C: No Revisions from the Intermediate Technical Proposal submission ~~per ITO Section 5.3 (C)".~~"

If the Shortlisted Offeror proposes a change to the intended persons from the person proposed in the Intermediate Technical Proposal, clearly note the reason for the proposed change.

If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.

~~Technical Proposal Part C will be evaluated on a Pass/Fail basis to determine if intended persons for Key Personnel roles clearly demonstrates that the requirements for the role will be generally met. Submittal of the required information demonstrating the identified person's ability to meet the requirements of role, as determined by the Department, will be the basis of the Department determining whether this portion of the Proposal is given the status of "Pass".~~

7.4.4 DRAFT DBE OPEN-ENDED PERFORMANCE PLAN (TECHNICAL PROPOSAL PART D)

Submit a draft DBE Open-Ended Performance Plan identified in Section 6.3 (D).

If the Shortlisted Offeror's draft DBE Open-Ended Performance Plan has not changed from the Intermediate Technical Proposal and the Department took no exception to the plan, the Shortlisted Offeror must state:

> "Technical Proposal Part D: No Revisions from the Intermediate Technical Proposal submission."

If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.

~~The Department will use reasonable discretion in determining whether the content presented receives a "Pass".~~

~~**6.5.5 DBE OPEN-ENDED PERFORMANCE PLAN (TECHNICAL PROPOSAL PART D)**~~
~~Submit a DBE Open-Ended Performance Plan identified in Section 5.3 (D).~~

~~If the Shortlisted Offeror's DBE Open-Ended Performance Plan has not changed from the Intermediate Technical Proposal and the Department took no exception to the plan, the Shortlisted Offeror may state:~~

> ~~"Technical Proposal Part D: No Revisions from the Intermediate Technical Proposal submission per ITO Section 5.3 (D)"~~

~~Technical Proposal Part D will be evaluated on a Pass/Fail basis to determine if OEPP identifies approaches and methodologies for soliciting DBE firms, DBE outreach, and DBE contracting efforts after contract execution to meet all project DBE goals. Submittal of the required information demonstrating how the Shortlisted Offeror will achieve the DBE contract goal, as determined by the Department, will be the basis of the Department determining whether this portion of the Proposal is given the status of "Pass".~~

~~If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative part, the Department will evaluate the Intermediate Technical Proposal's corresponding portion as the representative Technical Proposal part.~~

~~The Department will use reasonable discretion in determining whether the content presented receives a "Pass".~~

~~The Department may respond to Part D (only) as "Satisfactory with Required Revisions" if the Department finds significant improvements were made in comparison to the Shortlisted Offeror's Intermediate Technical Proposal, but the Department finds revisions necessary. If the Department responds to Part D as "Satisfactory with Required Revisions", the apparent successful Shortlisted Offeror and the Department shall continue to engage until such time the OEPP is found completely acceptable by Office of Business & Economic Opportunity. The failure to provide an acceptable OEPP which demonstrates a reasonable approach to meet outstanding project-specific goals, as determined by the Department, within thirty (30) calendar days after the Department's Award Date is potential cause for the Department to cancel the Contract award pursuant to C&MS 103.03 and award to the next responsive Shortlisted Offeror.~~

~~6.5.6~~7.4.5 FORM A-1 PROPOSAL LETTER (TECHNICAL PROPOSAL PART E)

The Shortlisted Offeror must complete Form A-1 Proposal Letter as provided in Appendix A. ~~Part E will be evaluated on a Pass/Fail basis.~~

~~7~~8 SELECTION

~~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).~~

~~7.1 SELECTION PROCEDURE~~

The DBT will be selected from the Shortlisted Offerors ~~and will be the Shortlisted Offeror~~ that submits both the lowest responsive Price Proposal and a responsive Technical Proposal. The Price Proposal will include the cost of all Work proposed to be completed in accordance with the Contract Documents and Technical Proposal.

8.1 TECHNICAL PROPOSAL ADVISORY GROUP

The Technical Proposals will be evaluated by the Technical Proposal Advisory Group. Price Proposals will be retained, unopened, until the public opening addressed in Section ~~7.3 (Public Opening of Price Proposals).~~8.4.

The Technical Proposal Advisory Group (TPAG) consists of a Technical Evaluation Team (TET) and an Executive Level Evaluation Team (ELET). The TET is anticipated to consist of Department representatives in the following areas:

- ODOT District 3
- ODOT Division of Construction Management
- ODOT Division of Engineering

The TET will present the findings and shall make a recommendation to the ELET. The ELET will consist of representatives from the following areas:

- ODOT District 3 Deputy Director
- ODOT Deputy Director of Construction Management
- ODOT Deputy Director of Engineering

The TPAG may be assisted by any number of subgroups and/or subject matter experts within the Department, other involved agencies, and/or contracted by the Department.

8.1.1 TECHNICAL EVALUATION TEAM EVALUATION

The TPAG will determine if the Technical Proposals are responsive to the requirements of the ~~RFP~~ITO as further described in Section ~~7~~8.2. The Department may, at its own discretion, request clarification or revisions from Shortlisted Offerors.

Technical Proposals will be evaluated by the members of the TET on a Pass/Fail basis. Whether the Shortlisted Offeror receives a pass rating relative to the

evaluation criteria in Section ~~6.4~~8.2 (and all its subsections) will be determined by the TET in its sole discretion.

8.1.2 EXECUTIVE LEVEL EVALUATION TEAM

The TET will present their findings to the ELET for consideration. The ELET will examine the TET's findings and confirm whether each Shortlisted Offeror submitted a responsive Technical Proposal.

8.2 TECHNICAL PROPOSAL EVALUATION

The Department's goal is to create a fair and uniform basis for evaluation of responsiveness for the Technical Proposals in compliance with all applicable requirements governing this procurement. 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).

Each Technical Proposal will be evaluated by the Department based on the evaluation criteria described in this section. Each Technical Proposal's part 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. See Section 7 for additional information.

Part	Technical Proposal Part	Evaluation Criteria
A	Project Narrative	Pass/Fail
B	Technical Approach – Plans	Pass/Fail
C	Key Personnel Resumes	Pass/Fail
D	Draft DBE Open-Ended Performance Plan	Pass/Fail
E	Form A-1 Proposal Letter	Pass/Fail

The information provided in response to the required information shall be generally consistent with the Intermediate Technical Proposal information submitted for the PTI Discussion for Parts A, B, C, and D (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.

Revisions due to identified issues noted in the PTI Information Evaluation Response for Parts A, B, C, and D 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.

Submittal of the required information demonstrating the Shortlisted Offeror's ability to meet the requirements of this section in the required format demonstrating a viable approach to meeting the requirements of the Bidding Documents, as determined by the Department, will be the basis of the Department determining whether the Proposal is given the status of "Pass".

The Department will use reasonable discretion in determining whether the content presented for Technical Proposal Parts A-D receives a "Pass" rating. The information will be evaluated by the TPAG with the following considerations when considering the information provided by the Shortlisted Offeror:

- Does the information provided demonstrate an approach which will likely ensure that the goals of the Project are met?
- Does the information provided demonstrate that the Shortlisted Offeror understands the requirements of the Project Bidding Documents?
- Does the information provided give assurance that the Shortlisted Offeror is capable to successfully construct the Project in the timeframe?
- Does the information provided reasonably demonstrate an approach to the Project which properly manages the tasks and risks which the Shortlisted Offeror is responsible?

The Department will use reasonable discretion in determining whether the content presented for Parts A, B, C, and D 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.

8.2.1 PART A PROJECT NARRATIVE EVALUATION

Technical Proposal Part A will be evaluated on a Pass/Fail basis to determine if the approach described demonstrates that the requirements of the Project will be sufficiently met.

Specifically:

1. Does Part A provide a Schedule showing the anticipated starting and completion dates of design and construction, the MOT and construction phasing with a minimum time measurement in days, and a reasonable phasing plan corresponding to key project dates and requirements?

2. Does Part A reasonably discuss the Shortlisted Offeror's intended approach to modifying the LOR-IR-90-11.530R and LOR-IR-90-11.530L bridges and coordination with adjacent roadway elements?
3. Does Part A adequately describe a reasonable approach to the Maintenance of Traffic discussing MOT Schemes and anticipated number of and general timing of major phases?
4. Does Part A adequately describe the approach to determining and managing risks for likely post construction BMPs, overall drainage design, and drainage construction?
5. Does Part A describe the accepted ATCs being considered for inclusion by the Offeror, and if necessary, demonstrate the changes made to an ATC to address any conditions placed on an included ATC?
6. Is Part A materially consistent with Part A as depicted in the Intermediate Technical Proposal, clearly depict any material changes, and if so, are those material changes due to reasonable approach development or due to PTI Evaluation Response comments?

8.2.2 PART B TECHNICAL APPROACH – PLANS EVALUATION

Technical Proposal Part B will be evaluated on a Pass/Fail basis to determine if the Technical Approach demonstrates that the requirements of the Project will be generally met.

Specifically

1. Does Part B contain a LOR-90-10.76 roll plot plan sheets showing centerline and horizontal geometric data; pavement and shoulder edges, bridge limits, noise wall locations, and anticipated post construction BMP locations/types which reasonably adheres to the Bidding Documents?
2. Does Part B contain a roll plot profile sheets for I-90 and SR-2 showing vertical geometric data which reasonably adheres to the Bidding Documents?
3. Does Part B contain Typical Sections which reasonably adheres to the Bidding Documents and include (at least)
    - one full width mainline normal crown and superelevated section for the two-lane portions of I-90 and SR-2 and the three-lane portion of I-90, and
    - include pavement structure and subgrade treatments, and general grading/ditch configuration?
4. Does Part B contain bridge plans for LOR-IR-90-11.530R and LOR-IR-90-11.530L structures which reasonably adheres to the Bidding Documents and contains
    - preliminary site plan
    - transverse section
    - abutment details
    - bearing details
    - and other information as required to show how the modified bridge will coordinate with the approach roadway elements?
5. Does Part B contain Conceptual Maintenance of Traffic plans which reasonably adheres to the Bidding Documents and illustrates conceptual

phasing, anticipated access points, cross-over details (if-applicable), and MOT typical sections?

6. Is Part B materially consistent with Part B Intermediate Technical Proposal, clearly depict any material changes, and if so, are those material changes due to reasonable approach development or due to PTI Evaluation Response comments?

8.2.3 PART C TECHNICAL APPROACH – KEY PERSONNEL RESUMES

Technical Proposal Part C will be evaluated on a Pass/Fail basis to determine if intended persons for Key Personnel roles clearly demonstrates that the proposed person is likely capable to perform the requirements for the role.

Specifically

1. Does Part C contain a DBT Project Manager's resume which depicts five (5) years of reasonably similar experience on major construction projects?
2. Does Part C contain a DBT Construction Project Manager resume which depicts a minimum of three (3) years of experience in a reasonably similar capacity on major highway projects?
3. Does Part C contain a DBT Lead Design Engineer resume which depicts a minimum of three (3) years of experience in a reasonably similar capacity?

8.2.4 PART D TECHNICAL APPROACH – DRAFT DBE OPEN-ENDED PERFORMANCE PLAN (OEPP)

Technical Proposal Part D will be evaluated on a Pass/Fail basis to determine if the Draft OEPP identifies approaches and methodologies for soliciting DBE firms, DBE outreach, and DBE contracting efforts after contract execution to meet all project DBE goals.

Specifically

1. Does Part D contain a Draft OEPP Section 1 properly completed (except for a date and company officer signature)?
2. Does Part D contain a Draft OEPP Section 2 identifying a DBE Utilization Manager who meets the minimum requirements?
3. Does Part D contain a Draft OEPP Section 3 which reasonably describes the management methodology and provides all Minimum Requirements as listed?
4. Does Part D contain a Draft OEPP Section 4 which reasonably describes the methodology for documenting DBE goal Good Faith Efforts (GFE) and provides all minimum requirements as listed?
5. Does Part D contain a Draft OEPP Section 5 which reasonably depicts a plan for ensuring compliance with the non-discrimination provisions and the affirmative action and equal employment opportunity provisions and provides all minimum requirements as listed?
6. Does Part D contain a Draft OEPP Section 6 which reasonably depicts a plan for ensuring DBE prompt payment and provides all minimum requirements as listed?
7. Does Part D contain a Draft OEPP Section 7 which reasonably depicts a DBE Contracting Notification plan and provides all minimum requirements as listed?

8. Does the Part D contain a Draft OEPP Section 8 which reasonably depicts a Commercially Useful Function oversight plan and provides all minimum requirements as listed?
9. Does the Part D contain a Draft OEPP Section 9 which reasonably depicts methods to ensure DBEs are made aware of contracting opportunities and provides all minimum requirements as listed?
10. Does Part D contain a reasonable forecast (depicted as percentages) of anticipated DBE utilization considering overall value of work, types of work known to be performed by DBEs within the region, 100% achievement of the DBE Goal, and provides minimum requirements as listed?

The Department may respond to Part D (only) as "Pass with Required Revisions" if the Department finds further revisions necessary. If the Draft OEPP is found "Pass with Required Revisions", the Office of Business & Economic Opportunity will schedule a review meeting with the respective Shortlisted Offeror as described in Section 8.7.

While this will be considered as a "Pass" for the Part D portion, there is potential cause for the Department to cancel the Contract award. See Section 8.7.

8.2.5 PART E - FORM A-1 PROPOSAL LETTER

Part E will be evaluated on a Pass/Fail basis. To receive a "Pass", the Content of FORM A-1 is to be included in Part E for the Shortlisted Offeror without contextual revisions, address completed, dated, signatory named, and signatory signature included.~~The TPAG may be assisted by any number of subgroups and/or subject matter experts within the Department, other involved agencies, and/or contracted by the Department.~~

~~7.2~~8.3 RESPONSIVENESS

The Department may declare a Technical Proposal or Price Proposal non-responsive and ineligible for Award when any of the following occur:

A. The submitter is not a Shortlisted Offeror.

B. The Technical Proposal or Price Proposal of a Shortlisted Offeror contains unauthorized alterations or omissions.

C. The Technical Proposal or Price Proposal contains conditions or qualifications not provided for in the Bid Documents.

D. The Technical Proposal or Price Proposal is incomplete or not prepared as specified.

E. A single entity, under the same name or different names, or affiliated entities submits more than one Technical Proposal or Price Proposal for the same Project.

F. The Shortlisted Offeror is debarred from submitting Bids.

G. The Shortlisted Offeror has defaulted, has had a Contract terminated for cause by the Department, has either agreed not to Bid or has had debarment proceedings initiated against the Shortlisted Offeror's company.

H. The Shortlisted Offeror submits its Price Proposal in an appearance other than that provided by the Department.

I. The Shortlisted Offeror fails to acknowledge Addenda.

J. The Department finds evidence of collusion.

K. Any other omission, error, or act that, in the judgment of the Department, renders the Shortlisted Offeror's Technical Proposal or Price Proposal non-responsive.

L. Any "pass/fail" element of the Technical Proposal does not receive a "pass".

~~M. ODOT's Office of Business & Economic Opportunity, in their sole judgement, finds insufficient progress is being made in the Shortlisted Offeror's completion of an acceptable OEPP prior to the Scores Announced date.~~

~~N.~~M. The Technical Proposal is not materially consistent with the information presented during the Proprietary Technical Information discussion, the Technical Proposal does not include sufficient reasonable information explaining the revised approach, and the Technical Proposal does not materially respond to the Project requirements. ~~The revised approach is subject to the Department's approval in its sole discretion.~~

~~O.~~N. The Technical Proposal does not respond to the Bid Documents in a material respect in the Department's sole discretion.

Shortlisted Offerors will be advised in writing by the Department if their Proposal is considered non-responsive~~.~~ due to any "pass/fail" element of the Technical Proposal which does not receive a "pass". Notification will occur prior to Technical & Price Proposals Results Announced.

~~7.3~~8.4 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.

If all Technical Proposals are deemed responsive, the Department will view the Bid Express Price Proposals. These will be considered the final Price Proposals. The Sealed Price Proposals shall then be considered null.

If the Department has determined that any Shortlisted Offeror is non-responsible, or the Technical Proposal is non-responsive, the Sealed Price Proposals of the other responsive Shortlisted Offeror will be opened. If the Department has determined that a Shortlisted Offeror is non-responsible, or the Technical Proposal is non-responsive, the Department will not view the corresponding Bid Express Price Proposal nor open the respective Sealed Price Proposal. The Department will request the other Shortlisted Offeror's selected password to open the PDF version of the Price Proposal. The PDF version may or may not be opened at the discretion of the Department. The Electronic Bidding System (EBS) file in the Sealed Price Proposal will be used to determine the bid price. These opened Sealed Price Proposals will then be considered the final Price Proposals. In this scenario, the Bid Express Price Proposals will not be opened and considered null.

At the Department's discretion, Price Proposal opening may occur prior to the date identified in Section 2.3 (Procurement Schedule) and may post the results on the Department's Contract website.

After determining the apparent successful Shortlisted Offeror, the Department may compare the successful Shortlisted Offeror's different pricing appearances. If this occurs, the Department may request the apparent Shortlisted Offeror Sealed Price Proposal password. The Department may deem the apparent successful Shortlisted Offeror non-responsive if a material discrepancy is found. The Department reserves the right to determine a material discrepancy in its sole discretion.

~~The Department may reject any or all Technical Proposals and Price Proposals, waive technicalities, or advertise for new proposals without liability to the Department. The Director has final authority to determine the best interests of the Department and may reject any or all Technical Proposals and Price Proposals or advertise for new Bids without liability to the Department.~~

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

~~7.4~~8.5 CONTRACTOR PREQUALIFICATION

A fifty percent (50%) minimum self-performance requirement applies to this Project for the Lead Contractor of each Shortlisted Offeror, as is further described in the Project Proposal. Where the Lead Contractor of a Shortlisted Offeror is a joint venture, the joint venture may satisfy the minimum self-performance requirement by performing the work itself, by having one or more of the members of the joint venture perform the work, or through any combination of performance by the joint venture or any or all of its members, provided that in all such cases the joint venture or member performing the work meets all applicable licensing and qualification requirements applicable to the performance of such work.

~~7.5~~8.6 PRE-AWARD MEETING

Within seven (7) days after the bid opening, the apparent successful Shortlisted Offeror shall attend a mandatory Pre-Award Meeting. This confidential meeting will be held with the Office of Contract Sales & Estimating (Estimating) in the Division of Construction Management to discuss the Lump Sum estimated items with Estimating

and Department project personnel, as needed. Other Department personnel may attend as determined necessary by the Department.

Forty-eight (48) hours prior to the mutually scheduled meeting between the apparent successful Shortlisted Offeror and the Department, the apparent successful Shortlisted Offeror shall furnish a schedule of values showing the breakdown (approximate cost and approximate work) of the Lump Sum bid items and shall provide PDF copies of preliminary design plans depicting key project elements. The preliminary design shall be in sufficient detail to demonstrate the Shortlisted Offerors design intent. The preliminary design plan format does not need to be compliant with ODOT L&D plan format requirements. Detailed design calculations are not required nor requested. The information shall be in sufficient detail to depict reasonable elements of physical work items and in sufficient detail to enable Estimating to understand the apparent successful Shortlisted Offeror's design intent and cost breakdown of the Lump Sum items. Estimating will retain this information and perform a cursory review of the information to assist in developing its final recommendation for Award to the Director. The cursory review does not indicate the Department's acceptance of any assumptions made by the apparent successful Shortlisted Offeror.

~~The Department retains the right to waive deficiencies, informalities and irregularities and seek clarifications during the meeting or after the meeting.~~

Information provided, and any subsequent discussions shall be held in confidence. The information provided will not be used for any other purpose except to assist Estimating to understand the apparent successful Shortlisted Offeror's bid. The information is non-binding for all parties. Information provided does not limit the rights nor amend the responsibilities of the Department nor the DBT under the terms of the Contract.

The Department retains the right to waive deficiencies, informalities and irregularities and seek clarifications during the meeting or after the meeting.

~~Contract Execution will not occur until the Department agrees the OEPP' requirements are fulfilled.~~

8.7 FINAL OPEN ENDED DBE PERFORMANCE PLAN (OEPP)

The final OEPP shall be submitted by the apparent successful Shortlisted Offeror per this section.

After approval by the Department, the OEPP can only be revised ~~with concurrence by ODOT's~~as per Project's DBE Open Ended Performance Plan note. See the Project's DBE OPEN-ENDED PERFORMANCE PLAN (OEPP) note for further information.

8.7.1 FINAL OEPP SUBMISSION

Within two (2) Working Days of Public Opening of Price Proposals, the apparent successful Shortlisted Offeror shall submit (per Section 3) the final Open Ended DBE Performance Plan.

The final OEPP shall be the same as submitted in the Technical Proposal with the following revisions:

OEPP Note Section 1) OEPP Part 1: DBE Utilization Commitment

The date and signature of the Company's officer shall be completed.

OEPP Note Section 10) OEPP Part 10: DBE Planned Utilization Forecast

Minimum Requirement a.: Anticipated overall value of Work shall be demonstrated as dollar values.

Minimum Requirement b.: Anticipated DBE subcontracting payments and the cumulative value of the payments shall be demonstrated dollar values.

Minimum Requirement c.: Cumulative value shall be demonstrated as dollar values.

Requirement d.: Estimated work type value shall be demonstrated as dollar values.

Within one (1) working day of receipt of the Final OEPP, the Department's POC will notify the apparent successful Shortlisted Offeror if it's PART D TECHNICAL APPROACH – DRAFT DBE OPEN-ENDED PERFORMANCE PLAN (OEPP) was evaluated as "Pass" or as "Pass with Required Revisions".

8.7.2 OEPP EVALUATION: PART D PASS

No further action is necessary for the OEPP.

8.7.3 OEPP EVALUATION: PART D PASS WITH REQUIRED REVISIONS

If Part D was evaluated as "Pass with Required Revisions", the Department's Office of Business & Economic Opportunity will provide comments to the apparent successful Shortlisted Offeror within five (5) working days of receiving the final OEPP. The Office of Business & Economic Opportunity will schedule a review meeting with the respective Shortlisted Offeror(s) to occur within ten (10) business days of receiving the Final OEPP. The apparent successful Shortlisted Offeror and Office of Business & Economic Opportunity shall continue to engage until such time the OEPP is found completely acceptable by Office of Business & Economic Opportunity.

If the Department's Office of Business & Economic Opportunity, in their sole judgement, finds insufficient progress is being made in the apparent successful Shortlisted Offeror's completion of an acceptable OEPP, the apparent successful Shortlisted Offeror will be declared non-responsive.

The failure to provide an acceptable OEPP which demonstrates a reasonable approach to meet outstanding project-specific goals, as determined by the Department, within thirty (30) calendar days after the Department's Award Date is potential cause for the Department to cancel the Contract award pursuant to C&MS 103.03 and to award to the next responsive Shortlisted Offeror.

Failure by the apparent successful Shortlisted Offeor to submit, and subsequently obtain approval, of a complete OEPP shall result in the bid being rejected in accordance with ORC §5525.08. Contract Execution will not occur until the Department agrees the OEPP requirements are fulfilled.

~~8~~9 ORGANIZATIONAL STRUCTURE

The Shortlisted Offeror shall use the firms and organizations related to the Lead Contractor and Lead Designer specifically identified in the LOIs.

If exceptional circumstances require changes to firms and organizations, the Shortlisted Offeror shall submit a written request to ODOT's Division of Construction Management ~~(contact: Chase Wells PE, Alternative Project Delivery, 1980 W Broad St, Mail Stop 5100, Columbus OH 43223). Email: ,~~POC, who, with consensus of the Evaluation Team, will determine whether to authorize a change. This request shall indicate why organizational changes are necessary and demonstrate how the revised team will be equal to or better than the plan listed in the LOIs. Any proposed changes shall only be approved if the proposed replacement meets or exceeds the qualifications of the originally submitted member as determined by the Department.

The Shortlisted Offeror may change those organizations or firms named in the LOIs only with the prior approval of the Department, which approval shall not be provided if in the Department's opinion, the primary purpose of that replacement is for the Shortlisted Offeror to benefit from more competitive pricing. The Department may request such information as it deems necessary, including a written acknowledgment from the firm and organization being replaced that such replacement is not solely because another contractor has offered a lower price for substantially the same services or supplies. The proposed replacement must possess the requisite prequalification to perform all Work the Shortlisted Offeror proposes for it.

Unauthorized changes to the Offeror's team at any time during the procurement process may result in the elimination of the Offeror from further consideration or potential Rejection of the Bid.

APPENDIX A: FORM A-1 PROPOSAL LETTER

FORM A-1 PROPOSAL LETTER

Name of Shortlisted Offeror:_____

Date: _____, ~~2024~~2025

Ohio Department of Transportation
Office of Alternative Project Delivery, First Floor
1980 W. Broad Street Mail Stop 4090
Columbus, OH 43223

On behalf of the Shortlisted Offeror, the undersigned submit the documents described in paragraph 1 of this Proposal Letter in response to the Request for Proposals for the LOR-90-10.76 | PID 107714 | Project (24)3003 Design-Build Project (the "**RFP**") issued by the Ohio Department of Transportation (the "**Department**").

The Shortlisted Offeror hereby acknowledges delivery by Shortlisted Offeror to the Department of the enclosed Technical Proposal. Together with the Price Proposal, the submittal by the Shortlisted Offeror shall collectively constitute the "Proposal" for the purposes of this letter. Enclosed with this Proposal Letter is the Technical Proposal of the Shortlisted Offeror consisting of all documents and information required by the RFP.

If this Proposal is accepted by the Department, the Shortlisted Offeror is prepared to enter this agreement without varying or amending its terms (except for modifications agreed to by the Department in its sole discretion), and to satisfy all other conditions to the award of the contract, including compliance with all commitments contained in this Proposal.

If this Proposal is accepted by the Department, the following applies:

1. The Shortlisted Offeror hereby certifies that:

   A. its Bid is submitted without reservation, qualification, assumptions, deviations, or conditions;

   B. it has carefully examined and is fully familiar with all the provisions of the Bid Documents, has reviewed all materials provided, the Addenda and the Department's responses to questions, and is satisfied that the Bid Documents provide sufficient detail regarding the obligations to be performed by the Shortlisted Offeror and does not contain internal inconsistencies;

   C. it has conducted such other field investigations and additional design development as is prudent and reasonable in preparing the Bid;

   D. it has notified the Department of any deficiencies or omissions in the Bid Documents or other documents provided by the Department;

E. the Lead Contractor has been prequalified for such work by the Department in accordance with the terms of the Bid Documents;

F. the Lead Designer has been prequalified for such work by the Department in accordance with the terms of the Bid Documents;

G. neither the Shortlisted Offeror nor its employees, members, agents, consultants, or advisors have entered either directly or indirectly into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive selection in connection with its Proposal;

H. the Shortlisted Offeror is committed to meeting the Project goals for DBE.

I. the Shortlisted Offeror further understands that all costs and expenses incurred in preparing the Bid and participating in the RFP Process will be borne solely by the Shortlisted Offeror, except any payment for preparation of responsive preliminary design concept that may be paid in accordance with the RFP.

J. in the event a substantive difference is identified before or after Award between the assumptions made by the Shortlisted Offeror in its preparation of a Bid and any provision in the Contract Documents, the provisions of the relevant Contract Document will prevail.

2. The Shortlisted Offeror represents that all statements made, and information provided in the Technical Proposal are true, correct and reasonably accurate as of the date of submission of this Proposal. The Shortlisted Offeror information provided in the Technical Proposal depicts the Shortlisted Offeror's general intent to design and construct the Project and the Department can reasonably rely on such information in its evaluation of the approach, however the Shortlisted Offeror assumes all responsibility for designing and constructing the Project to comply with the Contract if the Shortlisted Offeror's approach is determined unfeasible.

3. The Shortlisted Offeror further understands that all costs and expenses incurred in preparing the Technical Proposal and participating in the RFP Process will be borne solely by the Shortlisted Offeror, except any payment for preparation of responsive preliminary design concept that may be paid in accordance with the RFP.

4. The Shortlisted Offeror consents to the Department's disclosure of its Technical Proposal, Intermediate Technical Proposal, PTI discussion information, and ATC information pursuant to the Department's public records policy to any persons as required by law after Award. The Shortlisted Offeror acknowledges and agrees to the disclosure terms described in the RFP and expressly waives any right to contest such disclosures.

5. By submitting a Proposal, The Shortlisted Offeror agrees that:

   A. The Department will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in the Proposal;

   B. The Department's acceptance of the Proposal does not constitute any statement or determination as to its completeness, responsiveness, or compliance with the requirements of the RFP; and

C. in the event a substantive difference is identified before or after Award, between the terms for the Project offered by the Shortlisted Offeror in its Proposal and any provision in the ~~RFP~~Bidding Documents, the provisions of the relevant Contract Document will prevail, and the Shortlisted Offeror will not be entitled to alter its Price Proposal, as applicable.

6. The Proposal shall be governed by and construed in all respects according to the law of the State of Ohio.

The Shortlisted Offeror's business address:

_____

(No.) (Street) (Floor or Suite)

_____

(City) (State or Province) (ZIP or Postal Code) (Country)

State/Country of Organization (if applicable): _____

Name of Company Signatory: _____

Company Signatory Signature:

_____

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ATTACHMENT: PROPOSAL CHECK-IN VALIDATION

The Department will evaluate the following items at receipt of the Technical Proposal and the Sealed Price Proposal for general responsiveness to the RFP. This is being provided for informational purposes to the Shortlisted Offerors.

General	**Y / N**
Is the Shortlisted Offeror one of the two Shortlisted Offerors? (Must be "Yes" to be responsive")	
Was the Technical Proposal and the Sealed Price Proposal received by the required deadline as stated in the RFP? (Must be "Yes" to be responsive")	
Has the Shortlisted Offeror engaged in any Ex Parte Communications, attempted to unduly influence the selection process, or otherwise behaved in a manner lacking professional integrity? (Must be "No" to be responsive")	
Is the Technical Proposal in a format which reasonably corresponds to the requirements of the ITO? (Must be "Yes" to be responsive")	
Does the Technical Proposal include Form A-1? (Must be "Yes" to be responsive")	
Is there a known Conflict of Interest that would prevent a Shortlisted Offeror member from participating in the project? (Must be "No" to be responsive")	