

STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION

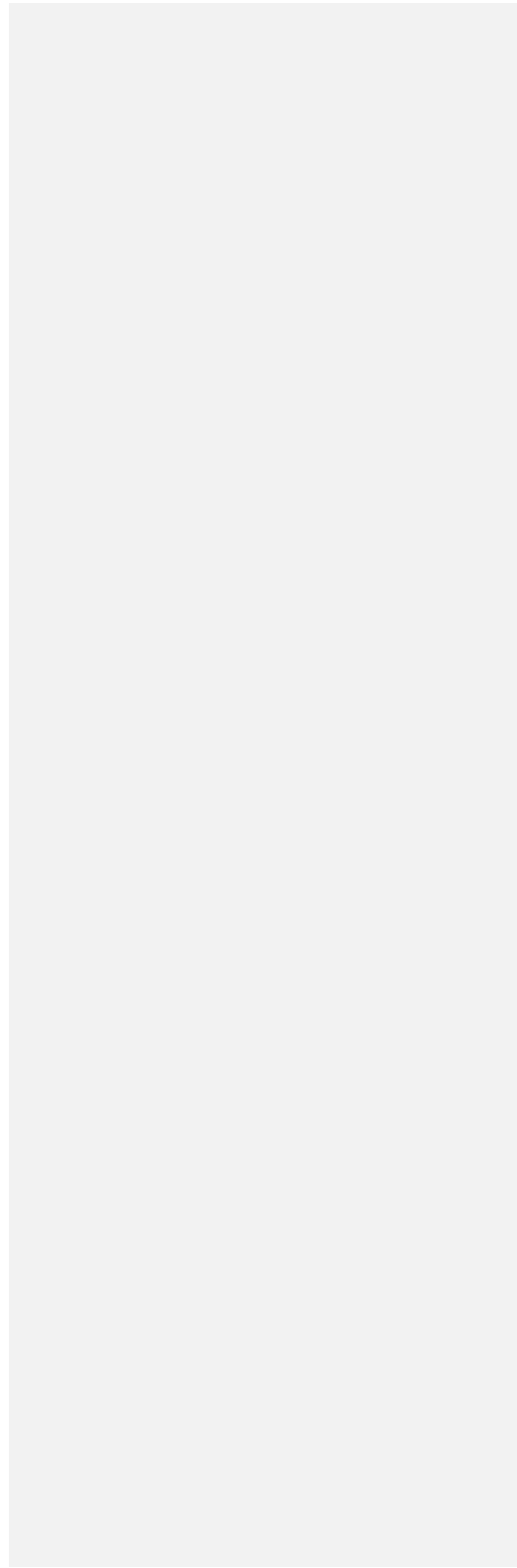
GRE-US68-12.65

PID 115388  
Project (24)3005

DESIGN-BUILD  
(Two-Step Lowest-Price Technically  
Acceptable)

Instruction to Offerors for  
Request for Qualifications

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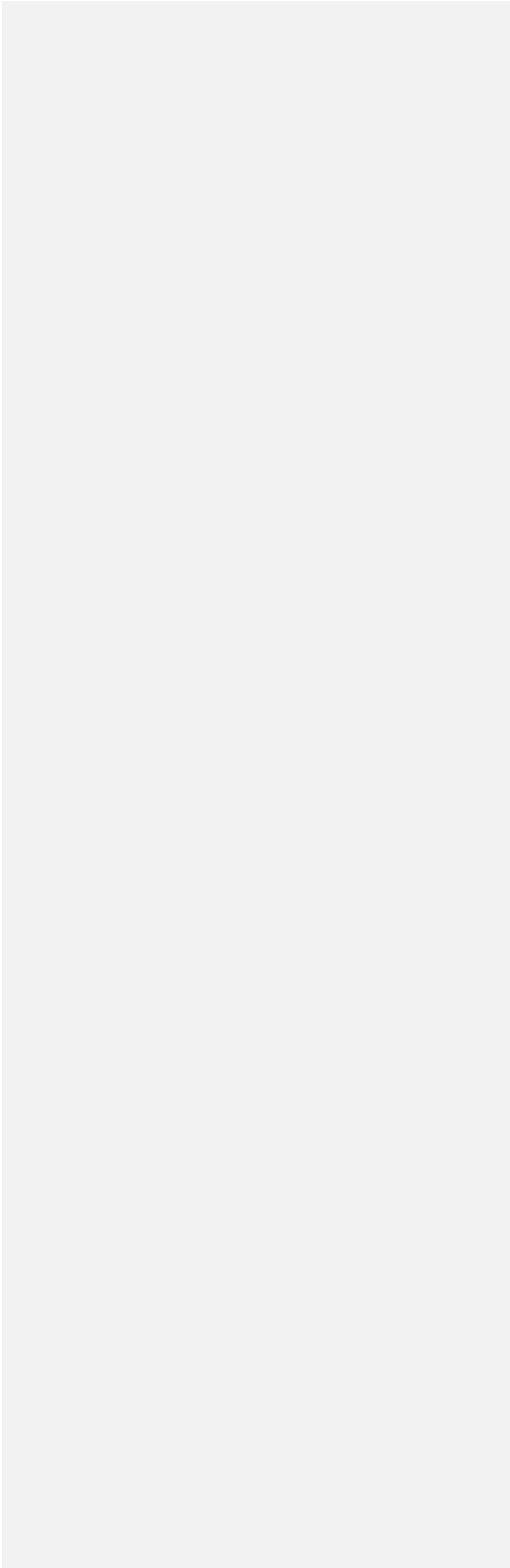
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## PROJECT EXPECTATIONS

The Ohio Department of Transportation formally announces a design-build opportunity for the GRE-68-12.65 Design-Build Pedestrian Bridge (PID 115388) project (Project) to construct a signature structure for the State of Ohio.

This Request For Qualifications (RFQ) document describes the Statement of Qualifications (SOQ) requirements for the Project.

The focus of the improvements is to safely connect the Little Miami Scenic Trail (LMST) and the new Shawnee Interpretive Center with a grade-separated crossing. The Project will include but will not be limited to constructing a pedestrian bridge over US-68 which will connect the Little Miami Scenic Trail (LMST) to the new Great Council State Park. The pedestrian bridge and significant portions of the Project will incorporate owner provided dictated cultural aesthetic features for incorporation into final DBT designs; ODOT will lead the stakeholder engagement in the determination of the features.

The pedestrian facilities within the US-68 corridor will also be upgraded to provide safer passage. The structure will provide safe access for patrons visiting the facilities being constructed at the new Great Council State Park and Shawnee Interpretive Center, located at 1575 US-68 within Oldtown, Ohio (Greene County, just north of Xenia, Ohio).

The Project will include the rehabilitation of US-68 from the Park north to just past Brush Row Rd. Additional at-grade crossing improvements are proposed at the US-68 and Brush Row Road Intersection, located approximately 400 feet north of the Interpretive Center. This Project is to be completed with minimal impact to US-68 traffic underneath the structure. The NB and SB US-68 traffic lanes are to remain open during construction except for limited allowable closures. The impacted section of the LMST will be closed for the duration of the Project.

The Goals of the Project are:

- To substantially complete the Project by September 1, 2026, including opening of the pedestrian bridge for its intended use, aesthetic improvements, and landscaping features
- To deliver an aesthetically pleasing gateway structure and Project that safely connects pedestrians and bicyclists to the new Great Council State Park-Shawnee Interpretive Center with the LSMT
- To safely construct the bridge within the current right-of-way limits and within a floodway and floodplain
- To successfully coordinate with public & private stakeholders, and abutting property owners in a positive manner
- To complete the Project before May 01, 2027

# 1 GENERAL

## 1.1 SELECTION PROCESS OVERVIEW

The Department hereby requests a SOQ from those entities (Offerors) interested in serving as the Design-Build Team (DBT) on the Project. The Offeror includes the Lead Contractor (also considered the legal entity contracting with the Department to perform the work), Lead Designer, Subcontractors, Subconsultants, and any other entities or individuals proposed in the SOQ as required in Section 2.5. The purpose of this RFQ is to solicit information enabling the Department to determine which Offerors: (a) are best qualified to successfully execute the design and construction of the Project; and (b) may be invited to submit a Technical and Price Proposal.

The SOQ will present, in general terms, the Offeror's qualifications, understanding and approach to the Project. Offerors shall prepare their SOQ in response to this RFQ, Draft Scope of Services, its draft attachments, and draft appendices.

The Project will be procured and awarded through a Two-Step Lowest-Price Technically Acceptable Design-Build process. Selection of a DBT for this project will consist of the following two general phases:

Phase I: Shortlisting of Offerors by the evaluation of a SOQ, and

Phase II: Issuance of a Request For Proposals (RFP) to Shortlisted Offerors, submission review of Alternative Technical Concepts, submission review of Technical Proposal(s), and a subsequent opening of a Price Proposal.

This RFQ represents Phase I in the selection process.

The SOQ evaluation will be based upon the criteria established in this RFQ. Requirements of this RFQ generally will use the words "shall", "will", or "must" (or equivalent terms) to identify a required item that must be submitted with an Offeror's SOQ.

A SOQ Evaluation Team will evaluate and rank Offerors' SOQ. See Section 2.6.

Offerors' SOQs must meet the requirements established by this RFQ. Failure to meet an RFQ submission requirement may render an Offeror's SOQ non-responsive. The extent to which an Offeror definitively meets or exceeds the evaluation criteria described in Section 2.2 will be determined by the SOQ Technical Evaluation Team in its sole discretion and will be reflected in the scoring and ranking of Offeror's SOQs. Specific formatting instructions for preparing the SOQ are found in Section 2.5.

In Phase II, the Shortlisted Offerors will be invited to prepare Alternative Technical Concepts (ATCs), an initial Technical Proposal, a revised Technical Proposal (if necessary), and a Price Proposal that will include the price to complete all work in accordance with the contract documents and any committed betterments within the SOQ. Details for the ATC Process, Technical Proposal and Price Proposals will be provided to Shortlisted Offerors in the RFP.

The Offeror shall comply with the Department's DBE and OJT goals for this Contract. These goals will be detailed in the RFP. The Offeror shall comply with the Department's Nondiscrimination policy. Submission of a SOQ is the Offeror's affirmation that they will

comply with the DBE and OJT goals and the Department's Nondiscrimination policy. The Offeror may willfully withdraw from consideration if, after RFP release, they cannot comply with the goals and policies.

If it is determined to be in the best interest of the Department, the SOQ Evaluation Team will identify the most qualified Offerors who will be invited to prepare Technical and Price Proposals. Upon subsequent responsive Offeror's Technical and Price Proposal evaluation, the responsive Offeror who submitted the lowest Price Proposal will be recommended to the Director for Award.

## 1.2 PREQUALIFICATION

An Offeror's Lead Contractor, Lead Designer, Subconsultants, and Subcontractors must be prequalified by the Department for the elements described below according to ORC Chapters 5525 & 5526 and the rules and regulations governing prequalification or become prequalified prior to the "Announce Shortlist" date (see Section 1.5) unless otherwise noted below.

Offerors who identify Lead Contractors and Lead Designers who are not prequalified by the "SOQ Submission" date may risk not being shortlisted if a prequalification application is denied. Upon request from an Offeror that is not shortlisted, the Department will provide a prequalification application, applicable rules and regulations, and other relevant information. Offeror shall submit a properly completed prequalification application within one week after the "SOQ Submission" date. Offeror shall clearly note any named firm which is not yet prequalified at the time of the SOQ Submission.

The Department will abstain from announcing the list of Shortlisted Offerors until such time that all completed prequalifications applications have been processed.

### 1.2.1 Lead Designer Prequalification

The Lead Designer must meet at least one of the Department's prequalification requirements listed below:

<b>Lead Designer Prequalification Categories @ SOQ</b>
Bridge Design: Level 2 Bridge Design
Roadway: Complex Roadway Design

Failure to provide a named Lead Designer who is Prequalified or becomes prequalified (as described in Section 1.2) in at least one of the **Lead Designer Prequalification Categories @ SOQ** will be grounds for non-responsiveness.

If known at the time of SOQ submittal, include the listing of anticipated prequalified firms in Part G of the SOQ for the following:

<b>Lead Designer or Subconsultant Prequalification</b>
Bridge Design: Level 2 Bridge Design (if not identified as Lead Designer)
Roadway: Non-Complex Roadway Design (if not identified as Lead Designer)
Geotechnical Engineering Services

Geotechnical Testing Laboratory*
Geotechnical Field Exploration Services
Basic Traffic Signal Design
Limited Lighting Design
Bicycle Facilities and Enhancement Design

Failure to provide the named prequalified subconsultant(s) in the SOQ for the work types identified as **Lead Designer or Subconsultant Prequalification** will not be grounds for non-responsiveness. Upon award, all design work associated with established ODOT prequalification categories must be performed by a firm that has been prequalified by the ODOT Office of Consultant Services in the relevant prequalification category.

### 1.2.2 Contractor & Subcontractor Prequalification

Listed below are anticipated work types for contractors identified for the Project. This is not a comprehensive and final list. The list may be revised in the RFP. A prequalified Subcontractor firm or the Lead Contractor shall be named to perform the work items noted as **Lead Contractor or Named Subcontractor - Prequalification @ RFQ Required**. The Lead Contractor shall be named in a minimum of one of the work items noted as **Lead Contractor or Named Subcontractor @ RFQ Required**.

The Offeror shall name the prequalified firms performing the work for the work types listed as **Other Prequalification Categories - Not required @ RFQ** if known at the time of RFQ submittal. For the work types identified within this category, firms shall be prequalified at least one week prior to the Anticipated Award date identified in Section 1.5. Failure to provide a named subcontractor in the SOQ for the work types not identified as **Lead Contractor or Named Subcontractor - Prequalification @ RFQ Required** will not be grounds for non-responsiveness.

The Lead Contractor must possess sufficient work type prequalifications and perform work equal to 50% of the total amount of the submitted bid price. The Department may, by insertion of a contract provision, reduce the 50% amount during the RFP Phase.

Offeror shall include anticipated prequalified firms and associated work types in Part G of the SOQ.

Work Type Code	Work Type Description
<b>Lead Contractor or Named Subcontractor @ RFQ Required</b>	
04	Roadway Excavation and Embankment Construction
21	Level 2 Bridge
24	Structural Steel Erection
39	Maintenance of Traffic

Work Type Code	Work Type Description
<b>Other Prequalification Categories - Not required @ RFQ</b>	
<b>*Includes but not limited to:</b>	
05	Major Roadway Excavations
10	Flexible Paving
23	Reinforcing Steel
26	Structural Steel Painting
28	Caissons / Drilled Shafts (if applicable to Offeror's anticipated design)
34	Earth Retaining Structures
35	Drainage (culvert, misc.)
38	Miscellaneous Concrete
53	Piling (if applicable to Offeror's anticipated design)

Refer to requirements governing changes in the Offeror's team and Key Personnel in Section 5.2.

### 1.3 RIGHTS OF THE DEPARTMENT

The Department reserves the right to reject any and all SOQs.

The Department reserves the right to cancel, withdraw, postpone, modify, revise, or extend any part of the procurement process in whole or in part at any time prior to the Director's execution of the Design-Build Contract, without incurring any obligations or liabilities.

The Department reserves the right, at its sole discretion, to ask questions of the Offerors, to seek clarifications, and to conduct discussions on the SOQs. Such requests will be for purposes of clarification only. The Offeror agrees 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 uncertain. In response to a requested clarification, changes or modifications to the SOQ will not be permitted.

Offerors shall be aware that the Department reserves the right to conduct an independent investigation of any information, including prior experiences, by contacting project references, accessing public information, contacting independent parties, or by any other means. The Department reserves the right to acknowledge this information and include this information within the evaluation regardless of if the Offeror's SOQ references the noted information.

Minimum SOQ Pass/Fail requirements are listed in Appendix A. However, the Department reserves the right to deem a SOQ non-responsive at its sole discretion if found to be materially deficient, as judged by the Department, or by failing to depict a competent potential DBT.

### 1.4 ADVERTISEMENT

Initial advertisement of this project at the RFQ stage includes a Draft Scope of Services along with other applicable documents to the Project.

Offerors should thoroughly review the information provided at the time of the issuance of this RFQ. These documents can be found at the following link:



<https://ftp.dot.state.oh.us/pub/Districts/D08/115388/>

The Department may clarify, correct, or revise the information provided.

The final Scope of Services and other bid documents will be distributed through the Department's traditional bidding process when the final RFP is released. Offerors shall note the Draft Scope of Services and its attachments & appendices are being provided for informational purposes only for the development of the SOQ and all documents included therein are subject to change; therefore, these documents shall not be relied upon for the purposes of developing the Price Proposal.

Any Offeror initiated questions must be issued and answered through the Department's Pre-Bid Website.

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

Project #: 243005

### 1.5 SCHEDULE

The Department currently anticipates conducting this procurement in accordance with the following list of milestones. This schedule is subject to revision and the Department reserves the right to modify this schedule as necessary.

Milestone	Date
<b>SOQ Phase</b>	
Advertise RFQ	Friday, March 1, 2024
SOQ submission	Friday, April 5, 2024 @ 1:30pm (EST)
Announce Shortlist	Wednesday, May 8, 2024
Deadline for Shortlisted Offerors to confirm intent to proceed with Phase II	Friday, May 10, 2024 @ 1:30pm (EST)
<b>RFP Phase</b>	
RFP Release	Wednesday, May 15, 2024
Final Proposal Due Date	Tuesday, September 3, 2024
Anticipated Award Date	Thursday, September 12, 2024

## 2 SHORTLISTING BASED ON QUALIFICATIONS

### 2.1 STATEMENT OF QUALIFICATIONS (SOQ)

The Department will evaluate and rank submitted SOQs to determine which Offerors will be shortlisted to participate in Phase II of the procurement process.

The Offeror’s qualifications will be evaluated based on the following criteria:

Ranking Topic	Evaluation Criteria	Maximum Points
Project Understanding and Approach (Part B)	<p>The extent the Offeror demonstrates effective strategies that increase likelihood of a successful Project that meets Project goals and demonstrates knowledge of the Project (in response to Section 2.5.3) through their approach to the following:</p> <ul style="list-style-type: none"> <li>• Managing construction risks to ensure timely construction within the difficult project footprint, the acquisition and delivery of major construction materials, and construction management of key project elements</li> <li>• Managing the concerns and input of key project stakeholders</li> <li>• Incorporating and translating provided architectural renderings into the required gateway/park features</li> </ul>	35
Design-Build Project Team (Part C)	<p>Ability of the Offeror to demonstrate an increased likelihood of a successful team relative to the SOQ content requirements in response to Section 2.5.4 through:</p> <ul style="list-style-type: none"> <li>• Descriptions of firms’ general and specific experiences and capabilities as relative to the Project</li> <li>• The potential effectiveness of the proposed team organizational structure; the approach to personnel interactions and firm interactions; and identification of committed, value-adding individuals and firms</li> <li>• Description of Key Personnel based on their qualifications, experience and known performance while considering reasonableness of availability for their roles as demonstrated in resumes included with Part E</li> </ul>	30

Ranking Topic	Evaluation Criteria	Maximum Points
Project Management Methodologies and Experience (Part D)	<p>Ability of the Offeror to demonstrate an increased likelihood of meeting the Project Goals in the response to Section 2.5.5 by describing:</p> <ul style="list-style-type: none"> <li>• A management approach of working with the owner to monitor issues that may impact the Offeror's ability to meet the Project goals by identifying and successfully resolving significant issues</li> <li>• Successful experience in design and construction of projects of similar scope and complexity, timely completion of projects of similar scope and complexity, and relevance of Key Personnel who served in roles in highlighted projects as shown based on information provided in the Technical Experience Attachments (included in Part F) and Evaluation Forms (Part H)</li> </ul>	35
Total:		100

## 2.2 SOQ GENERAL PROCESS

Phase I (RFQ Phase) of the procurement process is intended to enable Offerors to demonstrate their qualifications to design and construct the specific Project being advertised, and to enable the Department to evaluate those qualifications in arriving at a short-list. Offerors are advised that the SOQ should include specific information that will demonstrate the qualifications and experience required by this RFQ and specific to the Project. Offerors should note that it is not the intent of the Department to receive Project-specific design or engineering recommendations as part of the SOQ unless specifically requested within the RFQ.

If the Offeror has concerns about information included in its SOQ that may be deemed confidential, trade secret or proprietary, the Offeror shall adhere to the requirements in Section 2.8.1.

## 2.4 SOQ SUBMISSION REQUIREMENTS

Offerors shall submit three electronic files. All three files shall constitute the complete SOQ. Offerors will submit two of electronic files of the SOQ and one "Trade Secret Identification" file through the ODOT secured file sharing system (ODOT LiquidFiles) as follows:

SOQ

- 1) One electronic searchable single file PDF format which does not restrict printing or copying text, images, and other content.
- 2) One electronic password protected single file PDF format which restricts modification of the file, copying of text, images, or other content. The submission must be able to be read by the Department. The Shortlisted Offeror is not required to supply the password to ODOT.

**Trade Secret Notification**

- 3) A document on the Offeror’s letterhead which lists every occurrence of a “trade secret” within the SOQ as described in Section 2.8.1 and provide a brief description of why each occurrence should be considered a “trade secret”. If omitted by the Offeror, this is a confirmation by the Offeror that no “trade secrets” are within the SOQ.

All information, layout, and page formatting shall be identical in the searchable and protected copies provided.

SOQs shall be submitted [using LiquidFiles](#) on the date and time for SOQ Submission shown in Section 1.5.

Deleted: to the following address

Additional information concerning LiquidFiles can be found here:

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

Contact the Department (Chase Wells, Ph 614-466-4789 or Jamie Fink, Ph 614-644-6588) to establish a LiquidFiles account and to submit test submissions for verification. Interested Offerors are highly encouraged to establish an account early to avoid access issues.

**2.5 SOQ CONTENT**

SOQs shall contain all information as detailed in this section. To ensure a timely and consistent review, the format of the SOQ must adhere to the requirements of this section.

**2.5.1 Layout**

The following table lists the maximum number of pages that are allowed to be used by the Offeror in the SOQs. Content shall be organized by parts as indicated. To ensure a timely and consistent review, the SOQ response shall be organized in a format corresponding to the requested RFQ organizational structure.

Part	Content	Maximum Pages
A	Introduction	2
B	Project Understanding and Approach	12
C	Design-Build Project Team	
D	Project Management Methodologies and Experience	

E	Resumes of Key Personnel	6
F	Technical Experience Attachments	12
G	Addenda, Prequalification and Approved Conflict of Interest Waivers	X
H	Evaluation Forms	X
	Total (not including Part G/H)	32

All pages shall be printable to an 8 ½” x 11”. Upon printing, font shall be at least 11 point in Trebuchet MS (normal spaced lettering). All pages should be numbered with a footer depicting, at a minimum, the Offeror’s name and page number (Offeror name - Page X of XX). Margins shall be at least 1” all around.

SOQ Part divider pages which contain project information will be counted towards the maximum number of pages.

Graphics, tables, and figures which include text to describe the graphics, tables, and figures may use a smaller font size but shall remain legible. The abuse and excessive use of graphics, tables, or figures text to unreasonably expand the content of the SOQ (as determined by the Department) may be grounds for rejection.

Submissions exceeding the page limitations (individual sections and overall), substantial deviations from formatting requirements, or failing to follow the section format instructions outlined above may be rejected.

**2.5.2 PART A - Introduction**

Provide introduction pages on the Lead Contractor’s letterhead and identify the full legal name and address (font, font size and page margins requirements may be disregarded regarding the Lead Contractor’s letterhead if the Lead Contractor’s standard blank letterhead would violate the formatting limitations). Offerors who are joint ventures may submit on any letterhead of the joint venture’s members or submit on a new letterhead depicting the joint venture. Submission of an SOQ by the Offeror’s Team is an affirmation to the accuracy of the information, affirmation of the intent to follow through with any clear and identifiable commitments within the SOQ, and intent of the Offeror to likely proceed with advancing if Shortlisted.

The introduction shall contain the following information:

1. Name, title, address, phone numbers, and e-mail address of an individual who will serve as the Point of Contact for the Offeror.
2. Full legal name of the Lead Contractor. The Lead Contractor is defined as the prime/general contractor responsible for overall construction of the Project and will serve as the legal entity that will execute the Contract with the Department.

Provide:

- Company address
- Company telephone number
- Contact person name, contact telephone number, and contact email address (if different then Point of Contact for the Offeror)
- Company structure (a corporation, Limited Liability Company, general partnership, joint venture, limited partnership, or other form of legal organization)

*Note:* The Department recommends that Lead Contractors who are joint ventures register their company or fictitious name with the Ohio Secretary of State.

Identify the full legal name of the Lead Designer for this Project.

Provide:

- Company address
  - The firm's registration number of the Lead Designer with the Ohio State Board of Registration for Professional Engineers and Surveyors at the time of submittal
  - Project specific contact person name, telephone number, and contact email address
3. A statement that the Offeror's Lead Contractor and Lead Designer are prequalified in the work as required in the RFQ with the Department in accordance with the requirements of the Department or a statement that the Lead Contractor and Lead Designer will become prequalified as required per Section 1.2.
  4. A statement confirming the commitment of the Lead Contractor, Lead Designer, Key Personnel, and any named firms or personnel identified in the submittal to the extent necessary to meet the Department's quality and project duration expectations.
  5. A statement warranting that no members of the Offeror have a personal conflict of interest or an organizational conflict of interest. (See Section 6.1)

### **2.5.3 PART B - Project Understanding and Approach**

Describe the Offeror's project understanding and anticipated specific Project approach by specifically addressing:

1. The management of project construction risks. Specifically address risks related to construction of the bridge within existing right-of-way limits and flood plain, the management of the procurement for major structural elements, and the management of key construction processes to ensure timely construction. The approaches shall give ODOT confidence in the Offeror's ability to manage and address the associated risks.
2. The Offeror's approach and procedures to ensuring adjacent property owners' concerns and stakeholders' (public and private) concerns are addressed successfully and in a timely manner.

3. The Offeror's approach and expectations for the incorporation of ODOT provided aesthetic elements (currently unknown at RFQ) into final construction plans.

#### **2.5.4 PART C - Design-Build Project Team**

The Offeror shall provide sufficient information to enable the Department to understand and evaluate the Offeror's Team. Include the following:

1. General Offeror Experiences:

Describe the experiences of the firms that are part of the Offeror. Focus on specific firm experience that directly relates to carrying out the proposed Project and how the experience will ensure success of the Offeror's general approach to the Project and the meeting of the Project Goals. Describe any notable expertise or other special capabilities of members of the Offeror (Persons or Firms) that are critical to your Project approach.

Note: The requirements of Section 1.2 shall apply.

2. Organizational Narrative:

Provide a described and/or demonstrated overall organization of the Offeror's Project team, the understood authorities and responsibilities of the required Key Personnel within the team, and the identification of other committed team members and/or Firms which will give the Department confidence in the likely success of the Offeror's team. Include a description of the interactions between positions/firms and functions of intended roles.

Note: The requirements of Section 5.2 shall apply.

3. Key Personnel:

Identify/Name the Offeror's proposed Key Personnel, as described in Key Personnel Table.

Subsequently, provide a resume for each Key Personnel demonstrating their capabilities through a description of qualifications, experiences, and performance of similar tasks on recent similar relevant projects. The qualifications and experience should provide confidence to the Department that the Project will be effectively managed through personal competence and accountability. Provide the resumes within Part E. Resumes for individuals who are not identified in the SOQ as Key Personnel shall not be included.

Each resume shall label which of the Key Personnel role(s) apply.

Key Personnel Table	
KEY PERSONNEL	DUTIES
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 and is the DBT's stakeholder representative. This position is required for the duration of all design and construction-related activities on the Project.
DBT Bridge Construction Superintendent	The DBT Bridge Construction Superintendent actively manages the overall bridge construction of the Project. Must be an employee of the Lead Contractor. Responsible for overall construction inclusive of all structures and structural elements (bridge substructure and superstructure, retaining walls).
DBT Design Structural Lead	The DBT Design Structural Lead shall be responsible for overall design of structures and structural elements. Responsible for ensuring that all requirements of the design for all structural elements on the Project. Must be an Ohio P.E. at time of award.

For all Key Personnel, provide the following information within the resume:

- 1) Previous projects, similar in nature to the proposed project or other significant efforts for which the individual has performed a similar function.
- 2) Identify estimated percentage of their weekly time that the individual will be dedicated to the Project during the following:
  - a) Design phase
  - b) Construction phase
- 3) Relevant experience, professional registrations, education, and other components of qualifications applicable specifically to this Project.
- 4) Any unique qualifications relevant specifically to this Project.
- 5) A statement indicating that the individual is currently employed by a member of the Offeror at the time of the SOQ submittal.

Duties may not be performed by more than one person.

Any person proposed as Key Personnel requiring a Professional Engineering license who is not an Ohio P.E. at SOQ submission may be proposed if 1) the person is licensed in another state and 2) submits a commitment in the SOQ to becoming licensed in Ohio prior to Award.



### **2.5.5 PART D - Project Management Methodologies & Experience**

The Offeror shall provide sufficient information to enable the Department to understand and evaluate the Offeror's Project Management Methods and Past Experiences. Specifically address the following:

- 1) Describe the Offeror's approach to monitoring issues that may impact the Offeror's ability to meet the Project goals and explain how issues may be escalated and managed within the Offeror team and externally with the Department and other stakeholders, if necessary, to facilitate successful resolution, and
- 2) Demonstrate experiences relative and relatable to the Project through Technical Experience Attachments, with consideration to D.1 (above), and provided within Part F.

### **2.5.6 PART E - Resumes of Key Personnel**

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

### **2.5.7 Part F - Technical Experience Attachments**

Provide the requested specific information as it relates to previous project experience and anticipated project management approaches through Technical Experience Attachments as requested in 2.5.5 which shall not exceed 12 pages total.

Provide project information consisting of descriptions of up to 3 projects completed by the Offeror's Lead Contractor or Sub-Contractors and up to 3 projects completed by the Offeror's Lead Designer or Sub-Consultants. Provide no more than 6 project descriptions.

Include work by firms or joint-venture members which best illustrates current qualifications specifically and directly relevant to this Project.

Projects should be completed or substantially completed for the represented work. Specifically note if the representative cost of work is design cost or construction cost. Cost shall be that which is directly performed.

Technical experience attachments shall be on distinct pages and not continue across multiple pages, limited to 2 pages per project. Firms listed are subject to Sections 5.2.

The narratives should demonstrate experiences in the following areas:

- Construction of projects of similar scope and complexity, as applicable to the Contractor
- Design of projects of similar scope and complexity, as applicable to the Designer
- Timely completion of projects of similar scope and complexity
- Proposed Key Personnel members' roles in the identified project (if applicable) and/or firms' role with the project.
- Mitigation efforts utilized by the Offeror to overcome project challenges which may directly translate to the proposed Project.

Each technical experience attachment must clearly include the following information:

- a) Sponsoring/Owner agency's project name, project location, and contract type (e.g. DB, DBB, CMGC). Provide any commonly known industry-wide name (if applicable) and owner's project number (If applicable).
- b) Name of the representative firm (i.e., Offeror's Lead Contractor, Subcontractors, Lead Designer or Subconsultants) and the firm's responsibility.
- c) Overall project contract value. Clearly provide the represented firm's contract value for which firm was directly responsible (excluding subcontracted values).
- d) The sponsor/owner's contact information (project manager name, phone number, e-mail address). If the owner's project manager is no longer with the owner, provide an alternate contact at the agency that is familiar with the project. The alternate contact must have played a leadership role for the owner during the project.
- e) Dates of design (if applicable) and construction (if applicable).
- f) General description of the overall project.
- g) Detailed description of the work or services provided.
- h) Description of original scheduled completion deadlines and actual completion dates, as applicable to the designer and/or contractor.
  - a. Describe reasons for completing the project in advance of the contract completion deadline.
  - b. Describe reasons for completing the projects later than the contract completion deadline specified within the original contract.
  - c. Provide the value of any liquidated damages and/or penalties, and reasons for assessed liquidated damages and/or penalties.
- i) Provide evaluation forms for each project, for contractor and consultant like ODOT C-95's and CES. Include this information in only Part H (Note: C-95 and CES forms for ODOT projects need not be provided).

#### **2.5.8 PART G - Addenda, Prequalification, and Approved Conflict of Interest Waivers**

- i. Receipt of Addenda issued prior to submission of the SOQ shall be acknowledged by inserting a copy of the cover sheet of the Addenda in the SOQ, if applicable
- ii. Lists addressing prequalification as required in Section 1.2 of the RFQ.
- iii. Received and approved Conflict of Interest waivers from the Department, if applicable

#### **2.5.9 PART H - Evaluation Forms**

Include evaluation forms as described in Section 2.5.7.

### **2.6 SOQ REVIEW AND SHORT-LISTING PROCESS**

SOQs will be evaluated by a SOQ Technical Evaluation Team consisting of Department representatives from ODOT District 8 and ODOT Central Office. The SOQ Evaluation Team will consist of a Technical SOQ Evaluation Team and an Executive Level Evaluation Team.

The Technical SOQ Evaluation Team will evaluate the SOQs based on the criteria established in this RFQ.

The Department's SOQ Technical Evaluation Team will comparatively rank the Offerors' SOQs based upon the evaluation criteria found in this RFQ and in accordance with the Department's internal SOQ Evaluation Guidelines (as applicable).

Failure to meet critical RFQ requirements (as determined by the Department) may render a SOQ non-responsive. The extent to which an Offeror meets or exceeds evaluation criteria will be comparatively ranked by the Department SOQ Technical Evaluation Team and will be reflective of the Department SOQ Technical Evaluation Team's rankings of the SOQs submitted by Offerors. The Department reserves the right to find clerical errors, omissions, or general errors *de minimis*.

The SOQ Technical Evaluation Team may be assisted by any number of Technical subgroups and/or subject matter experts within the Department, FHWA, other involved agencies, and/or firms contracted by the Department.

For each of the ranking topics, the SOQ Technical Evaluation Team will determine the highest ranked Offeror within each ranking topic, with the highest ranked Offeror receiving the maximum number of points. Lower ranked Offerors will receive commensurately lower rankings based on a relative comparison to the highest ranked Offeror. Relative comparison shall be at the discretion of the Department. Evaluations and rankings will consider Department identified strengths, weaknesses, committed betterments, SOQ completeness, past performance (demonstrated or known to the Department), professional judgement, and overall SOQ clarity.

The Department may request the Offeror to affirm an identified committed betterment found within the SOQ if the Department believes there may be multiple interpretations, or the SOQ is unclear. This affirmation request will be made in writing to the Offeror prior to final rankings. If an affirmation request is made by the Department, the Offeror shall respond in writing within 48 hours either confirming the Department's understanding or clarifying the intent. Any response to the affirmation request may not expound upon the information within the SOQ.

The rankings will be based on the information provided by the Offeror within the SOQ, independent investigation of any information, prior experiences with the Offeror by the Department, existing public information, SOQ Evaluation Team(s) professional judgement, and evaluation information obtained from the owners of previous projects.

The SOQ Technical Evaluation Team will present the findings, rankings, and shall make a recommendation to the Executive Level Evaluation Team. This Executive Level Evaluation Team will consist of designees of:

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

The Executive Level Evaluation Team will examine the Technical Evaluation Team's findings and will render the ultimate rankings of the Offerors with concurrence from the SOQ

Technical Evaluation Team. Based on the recommendations of the Executive Level Evaluation Team, the Department will short list no more than three (3) of the most highly qualified Offerors.

If three or less responsive SOQs are received, the Department may choose to not rank SOQs.

The Executive Level Evaluation Team, with concurrence of the Director, may choose to reject all Offerors and reissue a revised RFQ.

The Director has final authority to determine the best interests of the Department in selection of the Shortlisted Offerors.

## **2.7 NOTIFICATION**

All Offerors identified as Shortlisted Offerors will be notified by the Department. Only Shortlisted Offerors will be invited to continue with the procurement as generally described in Section 3 through Section 5. The Shortlisted Offeror shall confirm in writing its intent to proceed with Phase II by the deadline identified in Section 1.5.

The Department may eliminate a Shortlisted Offeror from the shortlist if the Offeror fails to confirm its intent to proceed in writing or notifies the Department of their intent not to proceed. The Department may modify the shortlist to include the next highest ranked Offeror.

## **2.8 THE PUBLIC RECORDS ACT**

The Department considers the RFQ/SOQ process as part of a competitive selection thereby subject to Section 9.28 of the Ohio Revised Code (Competitive Solicitation as Public Record).

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

### **2.8.1 Trade Secrets**

If any information in a SOQ is to be treated as a “trade secret” as defined by the Ohio Revised Code Section 1333.61(D), the Offeror must identify each occurrence of the information within the SOQ by:

- 1) Listing the page numbers of every occurrence of the “trade secret” on the Trade Secret Notification submitted with the SOQ.
- 2) Placing an asterisk before and after each line of the SOQ which contains “trade secret” information.

### **2.8.2 Disclosure**

The Department shall not share with, or convey to, any person trade secret information provided by the Offeror, unless disclosure is required by law, or the Offeror gives prior written approval for such disclosure. In the event the Department is required to disclose any information the Offeror considers a trade secret pursuant to applicable law, prior to disclosing such information, the Department shall notify the Offeror in writing. The Department shall 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,
- 2) Is or comes into the public domain through no fault of the State,
- 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 Offeror.

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

Because of the confidential nature of the competitive selection, and to preserve the propriety of each Offeror's SOQ, it is the Department's intention, subject to applicable law, not to consider a request for disclosure until after Award of the Project. Submitted SOQs, any clarification requests made by the Department, any clarifications provided by an Offerors, and ranking information shall be held confidential until after Award. Offerors are on notice that once a Design-Build Contract is executed, some or all the information submitted in the SOQ may lose its protection under the applicable Ohio law. Upon award, all information provided to the Department that was used in the evaluation of the SOQ will be considered a public record.

### **3 ALTERNATIVE TECHNICAL CONCEPT (ATC)**

All Shortlisted Offerors will be given the opportunity to submit ATCs for consideration. An Alternative Technical Concept (ATC) is a preliminary design concept proposal changing the Bid documents to provide a solution that is equal to or better than what is required by the Bid documents, as determined by the Department.

The Department intends to conduct one-on-one confidential ATC discussions with each Shortlisted Offeror on a date to be set forth in the RFP. Discussions will center on only the Offeror's submitted ATC(s) proposal. Decisions and discussions regarding the ATCs shall be documented by the Offeror in ATC Meeting Minutes, as understood by the Offeror, for submission to the Department for review. The Department will review the ATC Minutes, provide clarifications, corrections, additions, acceptance and/or rejection of the ATCs through the review of the ATC Meeting Minutes. The complete ATC process will be provided in the RFP. The Department will retain an undivided joint interest in all rights and intellectual property submitted with the ATC process.

The final ATC process, schedule, meeting times, and meeting locations will be provided to Shortlisted Offerors following identification of Shortlisted Offerors.

### **4 TECHNICAL PROPOSAL**

Each Shortlisted Offerors is required to submit an initial Technical Proposal and a Revised Technical Proposal (if applicable).

The Department intends to conduct a Technical Proposal Discussion (Discussion) with each Offeror at Proprietary Technical Information meetings. The intention of the Discussion is to ensure the Offerors are preparing Technical Proposals which will meet the requirements of the Bid Documents and are generally acceptable to the Department.

As allowed by 23 CFR §636.506, Discussions may cover significant weaknesses, deficiencies, and other aspects of the Technical Proposal that could be altered or explained through a written Discussion. The Department may, at any time during or following the Discussion process, issue one or more requests for clarification to one or more Offerors seeking additional information or clarification from Offerors.

The Offeror may, or may not be required to, submit a revised Technical Proposal. A revised Technical Proposal is required if the initial Technical Proposal was identified as “Nonresponsive” by the Department during the Discussion process, if the Offeror materially revises their approach, or if the Department issues an Addendum which materially impacts the Offeror’s approach to the Project.

A revised Technical Proposal will be evaluated to ensure it meets the requirements of the Bid Documents and addresses the previously identified material weaknesses (if applicable). No Discussions will occur on a revised Technical Proposal.

The originally submitted Technical Proposal or the revised Technical Proposal (if applicable) shall be considered the final Technical Proposal.

The final Technical Proposal process, schedule, meeting times, and meeting locations will be provided to Shortlisted Offerors following identification of Shortlisted Offerors and issuance of the RFP.

## **5 PRICE PROPOSAL PREPARATION**

### **5.1 PRICE PROPOSAL**

Price Proposal preparation shall be per the RFP and will only be accepted from notified and confirmed Shortlisted Offerors.

Committed betterments made in the SOQ which can reasonably be interpreted as offers to provide higher quality items or additional services shall be incorporated into the awarded DBT’s contract requirements. Committed betterments reasonably made null due to revisions made by the Department occurring between the SOQ documents issuance and the final RFP documents issuance shall not be incorporated, inclusive of all Addenda, as determined by the Department.

The Price Proposal process and dates will be provided to Shortlisted Offerors following identification of Shortlisted Offerors.

### **5.2 REQUIREMENT TO KEEP TEAM INTACT**

The team proposed by Offeror, including but not limited to the Key Personnel, named Subconsultant and/or Subcontractor, and other individuals identified in accordance with the Offeror’s response, shall remain on the Offeror’s team for the duration of the procurement process and, if the Shortlisted Offeror is awarded the Design-Build Contract, the duration of the Design-Build Contract.

### **5.2.1 Personnel Changes Pre-Award**

If extraordinary circumstances require a proposed change to the Lead Designer, Key Personnel, named Subconsultant and/or Subcontractor and other individuals identified pursuant to Section 2.5 prior to Award, it must be submitted in writing to ODOT's Division of Construction Management (contact: Alternative Project Delivery, 1980 W Broad St, Mail Stop 5100, Columbus OH 43223), who, with consensus of the Evaluation Team, will determine whether to authorize a change. Any proposed changes shall only be approved if they meet or exceed the qualifications of the originally submitted member as determined by the Evaluation Team. 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.

Failure to meet this requirement may result in a non-responsiveness determination.

### **5.2.2 Personnel Changes Post-Award**

If extraordinary circumstances require a proposed change to the Lead Designer, Key Personnel, named Subconsultants and/or Subcontractors and other individuals identified in accordance with the Offeror's response to Section 2.5 after award, it must be submitted in writing to the Project Engineer pursuant to the Contract Documents. The Department, in its sole discretion, will determine whether to authorize a change. The Department shall be cognizant of the circumstances and the stage of the Work when considering the requested change.

## **6 MISCELLANEOUS**

### **6.1 CONFLICT OF INTEREST**

Any SOQ received in violation of this section's requirements may be rejected.

The Offeror's 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."

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 an Offeror if an organizational conflict of interest exists.

The Offeror agrees that, if after award, an organizational conflict of interest is discovered, the Offeror must make an immediate and full written disclosure to the Department that includes a description of the action that the 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 Offeror's attention is further directed to Ohio Administrative Code Section 4733-35-05 (C) and the requirements regarding organizational conflicts of interest.

Each Offeror shall require its proposed team members to identify potential conflicts of interest or a real or perceived competitive advantage relative to this procurement. Offerors are notified that prior or existing contractual obligations between a company and a federal or state agency relative to the Project or ODOT'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 Offeror shall submit in writing the pertinent information to the Department prior to the submittal of the SOQ. The Offeror may request a waiver of the conflict of interest for the Department's consideration.

ODOT's COI Point of Contact: Susan Stehle of the Office of Consultant Services by email (Susan.Stehle@dot.ohio.gov).

And copy:

Chase Wells email: chase.wells@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 make a timely response to a waiver request. Failure to abide by the Department's determination in this matter may result in a SOQ being declared non-responsive.

Approved conflict of interest waivers shall be included in Part G of the SOQ.

Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and, for example, may include, but are not limited to the following situations:

An organization or individual hired by the Department to provide assistance in the development of instructions to Offerors or evaluation criteria for the Project.

An organization or individual hired by the Department to provide assistance in development of Instructions to Offerors or evaluation criteria as part of the programmatic guidance or procurement documents for the Department's Design-Build program, and as a result has a unique competitive advantage relative to the Project.

An organization or individual with a present or former contract with the Department to prepare planning, environmental, engineering, or technical work product for the Project, and has a potential competitive advantage because such work product is not available to all potential Offerors in a timely manner prior to the procurement process.

An organization or individual with a present contract with the Department to provide assistance in Design-Build contract administration for the Project.



The Department may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Ohio law, the Offeror will be given the opportunity to waive this protection from protection from disclosure. If Offeror elects not to disclose, Offeror may be declared non-responsive.

The firms listed below will not be allowed to participate as an Offeror or a DBT member due to a known conflict of interest:

- Abbot Studios
- Fishbeck
- Garver, LLC
- Lawhon & Assoc.
- Woolpert

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

The Department may request additional information if a potential conflict of interest is found within a SOQ. The Department may reject a SOQ if a conflict of interest is found to exist which has not received a written waiver prior to submittal.

## **6.2 ESCROWED DOCUMENTS**

It is anticipated that the Department will not include PN110 - Escrow Bid Documents but reserves the right to add such in the RFP phase.

## **6.3 OBLIGATED FOR COSTS OF PROPOSING**

The Department assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or the subsequent Bid. All such costs shall be borne solely by each Offeror and its team members.

The Department intends to provide a payment currently anticipated to be \$75,000.00 (or the Shortlisted Offeror's actual costs, whichever is less) for preparing a responsive Technical Proposal and Price Proposal to each unsuccessful Shortlisted Offeror. Payments will only be made to Offerors identified as project specific Shortlisted Offeror.

## APPENDIX A

### PASS/FAIL CHECKLIST

The Department will evaluate the following items at receipt of the SOQ for general responsiveness to the RFQ. This is being provided for informational purposes to the Offerors to assist in preparation of the SOQ.

Pass / Fail Criteria	Y/N
Statement of Qualifications received by the required deadline as listed in the RFQ documents, or applicable addenda?	
Are general formatting requirements (e.g., two (2) SOQ files (one in electronic searchable single file PDF format and one in password protected single file PDF format), page numbers, no foldouts, 8.5"x11" sheet size, at least 11 point in Trebuchet MS font, 1" margins) met?	
Is the SOQ in a format generally corresponding to the required RFQ organization with content and maximum page requirements met?	
Completed introductory pages, with the identity of the Point of Contact, with the identity of the business structure of the Offeror, with the identity of the Lead Contractor and Lead Designer (with the Registration number of the Lead Designer)?	
Included a statement confirming the Lead Contractor and Lead Designer are pre-qualified with the Department in accordance with the requirements of this RFQ or a statement that the members will become prequalified prior to the Shortlisting date?	
Included a statement confirming the commitment of the Key Personnel identified in the submittal to the extent necessary to meet the Department's quality and project duration expectations?	
Included a statement confirming that no members of the Offeror have a personal conflict of interest or an organizational conflict of interest as defined in the RFQ? If the Offeror has received approved Conflict of Interest waivers from the Department, a copy of each shall be included in Part G.	
Receipt of Addenda issued prior to submission of the SOQ acknowledged by inserting a copy of the cover sheet of the Addenda(s) in the SOQ?	