

**STATE OF OHIO
DEPARTMENT OF TRANSPORTATION**

WOO-75-29.93

**PID 119007
Project (23)3006**

**DESIGN BUILD
(Two Step - Lowest Price)**

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

Revised 8/15/2023

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1 PROJECT EXPECTATIONS

This document describes the Alternative Technical Concept process, the requirements of the Technical Proposal, and the Price Proposal requirements for the Wood IR-75 Bridge Rehabilitation (the Project). The Project will be awarded to a Design-Build Team (DBT) by the State of Ohio Department of Transportation (Department) through a Two-Step, Lowest Price, and Technically Acceptable Design-Build process. The award will be to a “Design-Build Team” or “DBT”.

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The Project is in the City of Rossford, Wood County, Ohio.

The four span, steel girder structure along IR-75 will be rehabilitated. This rehabilitation will include the design and construction for the raising of the superstructure and widening of the bridge to include a multi-use path.

The Goals of the Project:

- Design and construct the most cost-effective solution to widen and raise the structure while minimizing long term life cycle costs
- Design and construct the structure with a minimal closure duration of the Lime City roadway
- Design and construct the structure with minimal impact to the I-75 traffic.

The Project completion date will be ~~9/30/2024~~5/31/2025.

2 GENERAL

2.1 IDENTIFICATION OF SHORTLISTED OFFERORS

The Department issued a project specific Request for Qualifications (RFQ) soliciting Statements of Qualification (SOQ) from interested firms. The SOQ presents, in general terms, the Offeror's qualifications, capabilities, understanding and approach to the Project. An entity interested in being an Offeror, seeking to be selected as a Shortlisted Offeror, must have submitted a SOQ responding to the Project's RFQ and must have been selected by the Department as a Shortlisted Offeror.

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

The Beaver Excavating Company
E.S. Wagner Company
Kokosing Construction Company, Inc.

The above listing is in alphabetical order, is not an order of preference, nor an indication of SOQ ranking.

2.2 GENERAL PROJECT PROCUREMENT PROCESS

The Procurement will be a Two-Phase Modified Lowest-Bid Design-Build selection including Alternative Technical Concept inclusion process, with the Project being awarded to the lowest price, technically acceptable Offeror.

The Department intends to pay a Payment for Preparation of Responsive Preliminary Design (PPRPD – aka "Stipend") of \$15,000 to each offeror not awarded the contract, and allow proposers to submit Alternate Technical Concepts (ATC). ATC discussions will be held at separate proprietary one-on-one ATC meetings. ATC approval will not occur at the ATC meeting but will require a Meeting Minutes Review process (see ITO Section 4).

This Instructions to Offerors for RFP and Selection Criteria (ITO) will require each Shortlisted Offeror to prepare an Intermediate Technical Proposal to be submitted at a predefined date. These Intermediate Technical Proposals shall generally consist of preliminary design engineering drawings describing the anticipated approach to design construction, preliminary general approaches to the Project, and a general anticipated construction schedule. A responsive Intermediate Technical Proposal will require the Shortlisted Offeror to include all requested information per the ITO Section 6.3.

After receipt of each Intermediate Technical Proposal, the Department will initiate Discussions (as defined by 23 CFR §636.103) with each Shortlisted Offerors 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 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 weaknesses, deficiencies, and other 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. 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.

At the conclusion of the Discussions, each offeror shall be given an opportunity to submit a best and final offer (BAFO) when submitting their Technical Proposal and Price Proposal as required in 23 CFR §636.511. This Technical Proposal will be evaluated to ensure it meets the requirements of the Bid Documents, addresses the previously identified material weaknesses and is generally materially consistent with the information submitted for the PTI Discussion meeting (with reasonable developmental revisions). 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.

At any time between the release of the RFP and the Price deadline, 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 its discretion in determining if information identified during an ATC process is applicable to all offerors and if the information must be shared with all Shortlisted Offerors.

Prior to making the final responsiveness determination on any Technical Proposal or Price, the Department may, in its sole discretion, waive non-substantive mistakes.

The responsible Short-listed Offeror with a responsive Technical Proposal and the lowest Price Proposal shall be considered the successful apparent DBT.

2.3 PROCUREMENT 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 it finds necessary, at its sole discretion.

Milestone	Date
SOQ Phase	
Advertise RFQ	Monday, June 5, 2023

SOQ submission	Friday, July 14, 2023
Announce Shortlist	Friday, August 11, 2023
RFP/Technical Proposal Phase	
Request for Proposal Release	Tuesday, August 15, 2023
Deadline for submittal of ATCs	Friday, September 8, 2023
One-on-One ATC Meeting	Thursday, September 14, 2023
Last anticipated day for the Department to respond to ATCs	Friday, September 22, 2023
PTI Documentation (Intermediate Tech. Proposal) Submission	Friday, October 13, 2023
PTI Discussion Meeting Date	Thursday, October 19, 2023
PTI Summary Response	Thursday, October 26, 2023
<u>Last recommended day for Prebid Questions</u>	<u>Tuesday, October 31, 2023</u>
Last recommended day for RFP Addendum	Monday, October 30 <u>Thursday, November 2, 2023</u>
Technical Proposal and Price Proposal Due	Tuesday, November 7, 2023
<u>Price Proposals Due</u>	<u>Friday, November 17, 2023</u>
Scores Announced	Friday, November 17, 2023
Anticipated Award Date	Tuesday, November 28, 2023

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 any of these occur, 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.

2.5 ADVERTISEMENT

Initial advertisement of the RFQ included draft versions of the Design Build Scope of Services, attachments, 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 RFQ.

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

2.6 CONFLICT OF INTEREST

Any Price Proposal received in violation of this section's requirements 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.

The Department, in its sole discretion, will make a determination 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:

DGL Consulting Engineers
TetraTech

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 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, 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 EXAMINATION OF BID DOCUMENTS AND PROJECT SITE AND SUBMISSION OF PRE-BID QUESTIONS

Each Shortlisted Offeror shall be solely responsible for (a) examining, with appropriate care and diligence, the Bid Documents, including the RFP, Attachments and any other documents or information provided by the Department, prior to submitting the Price Proposal, (b) requesting written clarification or interpretation of any perceived discrepancy, deficiency, ambiguity, error or omission contained in the RFP, or of any provision that such Shortlisted Offeror fails to understand and (c) informing itself with respect to any and all circumstances which may in any way affect the performance of its obligations if such Shortlisted Offeror enters into 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 test borings during the Project procurement. The Shortlisted Offerors shall secure access permits from the appropriate agencies, if required, for all additional geotechnical explorations, which may require the preparation of an equipment access plan, description of equipment types, a plan of the test locations, and other items. The Shortlisted Offerors shall submit a written request to the Department to enter any private property for the purposes of obtaining test borings for the Project. If there is uncertainty regarding ownership of a property, the Shortlisted Offeror shall contact the Department to confirm ownership. The Shortlisted Offerors shall not enter any private property without permission from the Department and subsequently, the private property owner.

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>

The Department will post a response on its website to all Pre-bid Questions submitted before the deadline for Pre-bid Questions provided in ITO Section 2.3. Responses to Pre-bid Questions posted on the Department's website are not revisions to the Bid Documents and are not binding. The Department is not obligated to respond to, or otherwise act upon, a Pre-bid Question submitted after this deadline, but reserves the right to act upon any information received.

2.9 PAYMENT FOR PREPARATION OF RESPONSIVE PRELIMINARY DESIGN CONCEPT

The cost of preparing a Technical Proposal, Price Proposal, any Alternative Technical Concepts and any 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 \$15,000 or the unsuccessful Shortlisted Offeror's actual costs of preparing a preliminary design concept, whichever is less, to each non-successful Shortlisted Offeror. Preparation of the Statement of Qualifications 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 \$15,000 or the Shortlisted Offeror's actual costs of preparing the preliminary design concept, whichever is less.

After Award, each 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 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.

Unsuccessful Shortlisted Offerors who otherwise qualify for the payment may elect to waive payment within 10 days of the Contract Award and retain any available rights to their ATCs. However, upon Execution of the Contract or after 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, 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 Alternative Technical Concepts (ATCs) per ITO Section 4.2 and Technical Proposal per ITO Section 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 Price Proposals will be provided a payment, unless the payment is waived by a Shortlisted Offeror. If any one or more Shortlisted Offeror refuses payment, payment will be made to the other Offerors with a passing Technical Proposal.

In order 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 RFQ 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:

4. Costs associated with profit sharing, bonuses (in any form), and incentives are not reimbursable.
5. Workers' Compensation Premiums for other states, if incurred for this project, are reimbursable.
6. Restriction on personnel categories shall not apply.
7. 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:

8. 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 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 fail 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 DISCLOSURE

The Department considers the SOQ submissions, ODOT / Offeror correspondence, 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 and every occurrence of the information within the submission.

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 6) 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 Price Proposal.

Once a project is awarded, SOQs, SOQ reviews, ATCs, ATC reviews, Intermediate Technical Proposals, Intermediate Technical Proposal reviews, PTI Discussions, Technical Proposals, 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.

2.12 NEPA STATUS AND ROW STATUS

NEPA evaluation for the Project is currently underway and is anticipated to be completed by October 2, 2023. If NEPA is completed prior to October 2, 2023, the Department will issue an Addenda.

If re-evaluation is not completed prior to the One-on-One ATC Meeting, the Department will inform all bidders of the status and the revised NEPA schedule at the One-on-One ATC Meeting.

Until conclusion of the NEPA process, the Department makes no commitment to any alternative under evaluation in the NEPA process, including the no-build alternative. The Department may terminate the procurement in the event of a no-build alternative prior to submission of Technical and Price Proposals.

The Right-of-Way for the Project is currently underway. The Department will acquire all necessary permanent and temporary ROW to construct the Project. The ROW Acquisition Table within the Scope of Services depicts the anticipated ROW clearance dates for the individual parcels and will update the DBT as Parcels are acquired. ROW acquisitions are anticipated to be completed by November 3, 2023.

The DBT may not initiate Final Design nor physical construction until NEPA and all necessary ROW acquisitions are completed. In the event the NEPA and ROW acquisitions are not completed by the dates provided and the Project is awarded, CM&S 108.06.D applies.

3 SUBMITTAL REQUIREMENTS

Each Shortlisted Offeror shall be invited to provide an ATC submittal(s) (ITO Section 4.2). Each Shortlisted Offeror is required to submit Intermediate Technical Proposals

(ITO Section 6.3), Technical Proposal (ITO Section 7.3), and a Sealed Price Proposal (ITO Section 7.2.2) 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 / Chase.Wells@dot.ohio.gov) to establish an ODOT LiquidFiles account and to submit test submissions for verification.

All submittals shall be submitted to the following email addresses through LiquidFiles by 10:00 am on their respective dates shown in ITO Section 2.3:

- Chase Wells: Chase.Wells@dot.ohio.gov
- Jamie Fink: Jamie.Fink@dot.ohio.gov

Submissions will NOT be accepted after the time specified except in extreme and unusual circumstances recognized by the Department.

4 ALTERNATIVE TECHNICAL CONCEPT (ATC)

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

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

4.2 ATC SUBMISSION REQUIREMENTS

Shortlisted Offerors may submit ATC documents for consideration by the Department. Transmit ATC documents in accordance with the submittal methods addressed in ITO Section 3.

Provide an ATC Submittal prior to the One-on-One ATC Meeting by the Deadline for submittal of ATCs as set forth in the procurement schedule in ITO Section 2.3. Submit one (1) electronic copy (Searchable PDF format). The ATC Submittal shall contain all the Shortlisted Offeror's proposed ATCs for the Project.

Each individual ATC within the ATC Submittal should generally be a single issue 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 ATC Submittal must contain and clearly depict the following information:

1. 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.
2. 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.
3. Usage: A description of where and how the ATC would be used on the Project.
4. Inspection: Any atypical testing and inspection requirements during construction and during the expected life of the installation.
5. 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.

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.

Prior to the ATC One-on-One meeting, the Department will review the 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.

During the One-on-One ATC meeting, the Shortlisted Offeror shall be required to document the ATC One-on-One discussions through ATC Meeting Minutes. The ATC Meeting Minutes shall:

1. document the general discussion for each ATC.
2. document any necessary ATC revisions or clarifications identified by the Department for each ATC, and
3. document the final disposition of each ATC discussion.

Audio or video recordings shall not be allowed.

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

The Offeror shall submit the ATC Meeting Minutes to the Department 5 working days after the ATC One-on-One Meeting.

The ATC Meeting Minutes shall clearly itemize each ATC. Each ATC discussion shall be distinctly documented, and each ATC shall be clearly noted as Accepted, Rejected, or Accepted as Revised with the necessary revisions documented. The ATC Meeting Minutes shall also include an updated ATC Submittal for each ATC deemed 'Accepted as Revised'. This updated "Accepted as Revised" ATC Submittal shall demonstrate the revisions identified at the ATC meeting necessary for ATC approval.

Note: The Shortlisted Offeror may discuss anticipated design and construction approaches being evaluated to inquire about potential acceptability of Technical Proposal (ITO 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 DEPARTMENT ATC MEETING MINUTES RESPONSE

The Department will provide an ATC Meeting Minutes Response. The Department will make every attempt to respond within 5 working days of receiving the ATC Meeting Minutes, however, the Department reserves its right to extend the response duration to no more than 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 that submitted the ATC.

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

4.5 INCORPORATION INTO PRICE PROPOSALS

The 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 Price Proposal.

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

5 SOQ COMMITMENTS

SOQ elements that exceed the requirements of the Bid Documents (i.e., can reasonably be interpreted as offers to provide higher quality items or additional services) shall be incorporated by reference into the Contract Documents.

Within 10 working days of issuing the RFP, the Department will transmit perceived SOQ Commitments to the Shortlisted Offerors. The Shortlisted Offeror shall provide response(s) to any identified commitments with the Pre-ATC Meeting Submittal. Any SOQ Commitment responses shall be discussed at the ATC Meeting. The SOQ Commitment Response shall either confirm the Department's understanding, clarify the commitment, or provide explanation to the intent.

If the Shortlisted Offeror's responses to the SOQ Commitments are not found ultimately acceptable with the Technical Proposal review process (ITO Section 7), the Shortlisted Offeror's Price Proposal may be deemed non-responsive. The Department will use reasonable discretion in determining a mutual understanding of a commitment.

6 PROPRIETARY TECHNICAL INFORMATION (PTI) DISCUSSION

The Department intends to conduct a one-on-one Proprietary Technical Information (PTI) Discussion with each Shortlisted Offeror on the date set forth in ITO Section 2.3. The Department will send individual invites to each offeror for the PTI Discussion approximately one week prior to the scheduled meeting date per ITO Section 2.3 and will utilize the Microsoft Teams Platform.

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

6.1 PTI DISCUSSIONS – GENERAL

The intention of the PTI Discussion is to ensure the Shortlisted Offerors are preparing Technical Proposals which will meet the Bid Documents and are generally acceptable by the Department. 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. Additional Discussions may only be initiated by the Department to further clarify ambiguities found within the Offeror's proposed project design.

The PTI Discussion is intended to provide a forum for the Shortlisted Offeror to describe the Shortlisted Offeror's approach to the Project, to enable the Shortlisted Offeror to ask confidential questions concerning the specific Shortlisted Offeror's approach to the Project, and to allow the Department to provide feedback on those questions. The Department may provide non-binding feedback, comments, voice concerns, and answer questions concerning the Offerors approach to the project. Unapproved ATCs will not be discussed at this meeting.

The PTI Discussion is also intended 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 (ITO Section 6.3).

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, SOQ commitments, and incorporated ATCs to the Department per ITO Section 6.3 – Intermediate Technical Proposal Submittal. Shortlisted Offerors are encouraged to prepare appropriate documents that will be used to facilitate their PTI discussions via their 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.

6.2 PTI DISCUSSION MEETING GENERAL RULES

General Rules of PTI Discussions meetings are as follows:

1. The Shortlisted Offeror's Intermediate Technical Proposal submittal must be responsive to the requirements in ITO Section 6.3 and ITO Section 6.4. 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 are 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.
2. The Shortlisted Offeror shall highlight each of the required to review, discuss, and demonstrate the key elements of INTERMEDIATE TECHNICAL PROPOSAL SUBMITTAL (ITO Section 6.3) during the PTI Discussion. The Shortlisted Offeror has the discretion on determining the means of demonstrating the key elements.
3. 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.
4. 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.
5. 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.
6. 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
 - a. impair the confidentiality of an ATC or
 - b. would reveal a Shortlisted Offeror's confidential or proprietary information or project approachunless the Department believes such disclosure is necessary in the interest of maintaining a fair process or complying with applicable law.
7. 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, as a result of what is discussed in such meetings.
8. 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.

6.3 PTI DISCUSSION – INTERMEDIATE TECHNICAL PROPOSAL SUBMITTAL

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 6.3 (A), 6.3 (B), and 6.3 (C) shall be considered the Shortlisted Offeror's Intermediate Technical Proposal.

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.

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". It shall generally describe the rehabilitation approach to the structure.

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

- i) The anticipated approach to the widening of the structure. At a minimum, this shall include a narrative describing:
 - a. anticipated approach to the superstructure rehabilitation (including a description of any re-use of existing structural steel)
 - b. any potential "offline or structure pre-closure" work
 - c. anticipated foundation type (i.e., drilled shaft/driven piles/spread footings) and methods to ensure constructability adjacent to I-75
- ii) Anticipated approach to ensure replacement girder section fit up (if applicable) including method of measurement and splice connection approach
- iii) A general Bar Chart schedule showing the anticipated start and completion dates of construction phasing with a minimum time measurement in days. The schedule shall depict a reasonable phasing plan corresponding to key project dates. At a minimum, this shall include:
 - a. Anticipated RFC of an initial buildable unit (if applicable)
 - b. Initiation of structure pre-closure or roadway work, and the anticipated duration
 - c. Initiation of structure closure, anticipated opening, and the overall structure closure duration
 - d. Anticipated shop drawing submittals
 - e. Anticipated structural beam erection (if applicable)
 - f. Anticipated deck placement

g. Anticipated bridge opening

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

- iv) 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).

B) Technical Approach – Plans

WOO-75-29.93 plan and profile sheets which is to include the following:

Roadway Plans:

- i) Final lane configuration including horizontal and vertical alignment (Lime City roadway)
- ii) Roadway typical section (including pavement buildup) and schematic plan

Structural Plans:

- i) Structural Steel reuse (if applicable)
- ii) Beam lines being removed (if applicable)
- iii) Proposed final widened piers locations, final abutment locations, anticipated necessary existing pier and abutment removals
- iv) Minimum bridge clearances (horizontal and vertical) along I-75
- v) Foundation type at each substructure unit and approximated depths
- vi) Location and types of all deck expansion and construction joints
- vii) Widened structural steel type and overall dimensions
- viii) And a superstructure cross section showing the following information
 - a. Toe/Toe barrier dimension
 - b. Multi-use Path
 - c. Approximate superstructure depth(s)
 - d. Girder spacing
 - e. Deck thickness
 - f. Cross frames (minimally – new locations)
 - g. Deck crown location and cross slope

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.

C) SOQ Commitments

Include a listing of the Department identified SOQ commitments and a description of the Shortlisted Offeror processes, procedures, materials, or other actions the Shortlisted Offeror will employ to generally meet the identified SOQ Commitment.

6.4 INTERMEDIATE TECHNICAL PROPOSAL SUBMISSION REQUIREMENTS

Each Shortlisted Offeror shall submit the following on the PTI documentation on the corresponding date in ITO Section 2.3:

1. An itemized agenda addressing the design topics identified for each meeting as described in this Section. 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.
2. One (1) electronic copy (PDF format), including exhibits and drawings, related to the topics identified for the PTI Discussion and Intermediate Technical Proposal as described in ITO Section 6.3 (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.

6.5 PTI DISCUSSION INFORMATION EVALUATION RESPONSE

Within seven (7) calendar days of the PTI Discussion meeting, the Department will send a PTI Evaluation Response addressing the PTI Discussion information.

The Department's Evaluation Response will itemize:

- 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, and
- acceptability of the Technical Approach-Plans to the Bidding Documents (Note: The PTI Evaluation Response will identify bidding document non-conformance issues),
- acceptability of the DBT's responses to the Department Identified SOQ commitments.

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.

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 7.3) and a Sealed Price Proposal (ITO Section 7.2.2) must be delivered ~~through~~ ODOT's secured file sharing system (ODOT LiquidFiles)~~the address~~ as per ITO Section 3.

Bid Express Price Proposal (ITO Section 7.2.1) shall be delivered as identified in ITO Section 7.2.1.

7.1 GENERAL

Each Technical proposal shall include all items identified in ITO Section 7.3. Each Technical Proposal component shall be clearly titled and identified. All blank spaces in forms must be filled in, as appropriate, and no substantive changes shall be made to any form. Submittals must be bound with all pages in sequentially numbered binders.

Submission of a Price Proposal and Technical Proposal is the Shortlisted Offeror acknowledgement of any ODOT identified or reasonably interpreted SOQ betterments and the Shortlisted Offerors intent of reasonably fulfilling those Betterments (identified or unidentified).

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, Sealed Price Proposals, Modifications and Withdrawal Requests received after the time due 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.

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 and 2) the Sealed Price Proposal.

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.

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.

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 to determine and retain the password and 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 ~~10:00~~10:30 a.m. deadline.

7.3 TECHNICAL PROPOSAL

In the manner described in ITO Section 3, 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.

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 6.3 (A))	As needed
B	Technical Approach – Plans (as described in Sec 6.3 (B))	As needed
C	SOQ Commitments (as described in Sec 6.3 (C))	As needed
D	Form A-1 Proposal Letter	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.

SOQ Commitments are incorporated by reference into the awarded DBT's contract requirements.

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

7.4 TECHNICAL PROPOSAL CONTENT AND RESPONSIVENESS EVALUATION

7.4.1 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	SOQ Commitments	Pass/Fail
D	Form A-1	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 through C. 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 through C 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 through C 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.

7.4.2 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 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 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 had no deficiencies noted in any itemized PTI Evaluation Response, the Shortlisted Offeror may state:

“Technical Proposal Part A: No Revisions from the Intermediate Technical Proposal submission per the requirements of ITO Section 6.3 (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”.

7.4.3 TECHNICAL APPROACH – PLANS (TECHNICAL PROPOSAL PART B)

Submit engineering drawings depicting the technical approach. 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 with the following information:

Information as required and requested in ITO Section 6.3 (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 state:

“Technical Proposal Part B: No Revisions from the Intermediate Technical Proposal submission per ITO Section 6.3 (B)”

Technical Proposal Part B will be evaluated on 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”.

7.4.4 SOQ COMMITMENTS (TECHNICAL PROPOSAL PART C)

Provide the response(s) to the commitments made within the Shortlisted Offeror's SOQ as identified by the Department and provided at the ATC Meeting. The response shall be in the form as required in ITO Section 6.3 (C).

If the Shortlisted Offeror's responses to the SOQ Commitments had no deficiencies noted in an itemized PTI Evaluation Response, the Shortlisted Offeror may state:

"Technical Proposal Part C - No Revisions from the Intermediate Technical Proposal submission per ITO Section 6.3 (C)"

Submittal of the required information demonstrating the Shortlisted Offeror's ability to meet the SOQ Commitments as identified in the required format will be the basis of the Department determining whether this portion of the Proposal is given the status of "Pass".

Technical Proposal Part C will be evaluated on Pass/Fail basis to determine if the SOQ Commitments responses generally demonstrates that the requirements of the Project will be generally met.

If the Shortlisted Offeror states that there are no revisions from Intermediate Technical Proposal for the representative Technical Proposal 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".

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).

8.1 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.

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 8.3.

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 2
- 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 2 Deputy Director
- ODOT Deputy Director of Construction Management
- ODOT Deputy Director of Engineering

The TPAG will determine if the Technical Proposals are responsive to the requirements of the RFP as further described in Section 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 8.2 will be determined by the TET in its sole discretion.

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.

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.

8.2 RESPONSIVENESS

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

1. The submitter is not a Shortlisted Offeror.
2. The Technical Proposal or Price Proposal of a Shortlisted Offeror contains unauthorized alterations or omissions.
3. The Technical Proposal or Price Proposal contains conditions or qualifications not provided for in the Bid Documents.
4. The Technical Proposal or Price Proposal is incomplete or not prepared as specified.
5. 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.
6. The Shortlisted Offeror is debarred from submitting Bids.
7. 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 and/or its Key Personnel.
8. The Shortlisted Offeror submits its Price Proposal in an appearance other than that provided by the Department.
9. The Shortlisted Offeror fails to acknowledge Addenda.

10. The Department finds evidence of collusion.
11. 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.
12. Any "pass/fail" element of the Technical Proposal does not receive a "pass".
13. 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.
14. 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.

8.3 PUBLIC OPENING OF PRICE PROPOSALS

The information within the Price Proposals 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 persons 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 Bid. The Sealed Price Proposals shall then be considered null.

If the Department has determined that any Shortlisted Offeror's is non-responsive, or the Technical Proposal is non-responsive, the Sealed Price Proposals of the other responsive Shortlisted Offerors will be opened. If the Department has determined that a Shortlisted Offeror's is non-responsive, 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 Bid. 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 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 Proposals without liability to the Department.

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

8.4 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.

8.5 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. 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.

9 ORGANIZATIONAL STRUCTURE/PERSONNEL

The Shortlisted Offeror shall not make changes to Key Personnel or named individuals which were identified in their SOQs.

If exceptional circumstances require changes to personnel, 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: Chase.Wells@dot.ohio.gov, who, with consensus of the Evaluation Team, will determine whether to authorize a change. This request shall indicate why key or named personnel changes are necessary and demonstrate how the revised staffing plan will be equal to or better than the plan listed in the SOQs. 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. 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 Proposal.

Similarly, the Shortlisted Offeror shall use the firms and organizations related to the Lead Contractor, Lead Designer, and other named subcontractors and subconsultants specifically identified in the SOQs. The Shortlisted Offeror may change those organizations or firms named in the SOQs 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.

APPENDIX

FORM A-1 PROPOSAL LETTER

Name of Shortlisted Offeror: _____

Date: _____, 2023

Ohio Department of Transportation
Office of Alternative Project Delivery, Fourth Floor
1980 W. Broad Street Mail Stop 5100
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 WOO-75-29.93 | PID 119007 | Project (23)3006 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 Price Proposal 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 Price Proposal,
 - 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 Price 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,
 - 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 Price Proposal 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,
 - c) if the Shortlisted Offeror has the lowest responsive Price Proposal, the individuals identified as Key Personnel will be available on a full-time basis for the periods necessary to fulfill their Project-related responsibilities; Key Personnel shall be retained and employed at the positions and roles identified,

except may substituted after Award only with the prior approval of the Department, and

- d) 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, the provisions of the relevant Contract Document will prevail, and the Shortlisted Offeror will not be entitled to alter its 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)
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(City)	(State Province)	or	(ZIP or Postal Code)	(Country)
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State/Country of Organization (if applicable): _____
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ATTACHMENT: PROPOSAL CHECK-IN VALIDATION

The Department will evaluate the following items at receipt of the Price Proposal for general responsiveness to the RFP. This is being provided for informational purposes to the Shortlisted Offerors. This is not a validation of the Pass/Fail evaluation of the Technical Proposal in the ITO.

General	Y / N
Was the Technical Proposal and the Sealed Price Proposal received by the required deadline as stated in the RFP?	
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?	
Is the Technical Proposal in a format which reasonably corresponds to the requirements of the ITO?	
Is there a Conflict of Interest that would prevent a Shortlisted Offeror member from participating in the project?	
Is the Shortlisted Offeror one of the 3 Shortlisted Offerors?	