



COLORADO

Department of Transportation

Region 1

**COLORADO
DEPARTMENT OF TRANSPORTATION
REGION 1**

REQUEST FOR QUALIFICATIONS

Eisenhower/Johnson Memorial Tunnel
Drainage, Plumbing, Heat Trace

Project No. C 0703-482

Subaccount Number

24210

August 5, 2021

Addendum 1 August 26, 2021

STATEMENTS OF QUALIFICATIONS DUE: September 16, 2021



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1.0 Introduction

The Colorado Department of Transportation (CDOT), Region 1, is requesting Statement of Qualifications (SOQ) from entities (Submitters) interested in, ultimately, submitting Proposals for the Eisenhower/Johnson Memorial Tunnel Drainage, Plumbing, Heat Trace Design Build Project (the Project). Submitters shall adhere to all pertinent federal, state, and local requirements.

Note: “Proposer”, “Contractor”, and “Submitter” may be used interchangeably throughout this document.

1.1. Procurement Process

CDOT will use a two-phase value based procurement process to select a Design Build Contractor to deliver the Project. SEE C.R.S. 43-1-1406. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of SOQs, to those firms that have submitted a Letter of Interest. CDOT will evaluate received SOQs to determine which Submitters are the most highly qualified to successfully deliver the Project and who have submitted Letters of Interest. CDOT will short list at least three (if any) but not more than five most highly qualified Submitters that submit SOQs.

In the second phase, CDOT will issue a Request for Proposals (RFP) for the Project to the short listed Submitters. Only the short listed Submitters will be eligible to submit proposals for the Project. Each short listed Submitter that submits a proposal in response to the RFP (if any) is referred to herein as a “Proposer.” CDOT will award a Design Build Contract for the Project (if any) to the Proposer offering the best value, to be determined as described in the RFP.

CDOT may, at its election, implement an Owner Controlled Insurance Program (OCIP) for this project. Lines of insurance coverage may include any or all of the following: Workers Compensation, Commercial General and Excess/Umbrella Liability, Contractors Pollution Liability, Builders Risk and/or Professional Liability. CDOT reserves the right to determine who participates in the OCIP.

1.2. Project Goals

The following goals have been established for the Project:

- Provide an innovative design solution for the elements described below in Section 2.1 that is durable, historically proven, easily maintained, and compatible with current and future improvements in the EJMT.
- Maximize the construction scope of the proposed design solution within the project budget.
- Minimize impacts to the traveling public, EJMT operations, and the EJMT fire life safety systems during construction and for the lifecycle of the constructed improvements.



- Meet and exceed the project requirements.
- Minimize the project delivery time.

1.3. Submitter Information

To allow receipt of any addenda or other information regarding this RFQ, each Submitter is solely responsible for ensuring that CDOT's Project Manager, as described in [Section 2.42-4](#), has the contact person's name and email address. The contact person shall be the Submitter's single point of contact. If an entity intends to submit a Proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter and shall have a single point of contact.

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2.0 Background Information and Phase 1 - RFQ Process

The I-70 Corridor is the only east-west interstate to cross Colorado and is a major corridor for regional and national commerce, recreational traffic, and access to the mountain communities. The EJMT provides a critically important component of this corridor for the State of Colorado. The existing water supply and drainage lines within the EJMT on I-70 have on-going issues or are prone to leaks, ruptures, and freezing. This design-build project is seeking innovative solutions for addressing these problems within the EJMT.

CDOT, in cooperation with the Federal Highway Administration (FHWA), is seeking a non-programmatic Categorical Exclusion (CE) for this Project. This CE is anticipated to be issued prior to release of the Final RFP.

2.1. Project Description; Scope of Work

The EJMT provides access for both tourism and commercial products with approximately 37,000 vehicles traveling through the facility per day year-round. Many of the pipes in the EJMT have been experiencing freezing resulting in pavement heaving and pipe breakages. The intent of the project is to reconstruct or replace portions of these pipes (please note that all existing pipes are approximately 9,000 feet long) to eliminate the ongoing maintenance problems resulting from freezing. The following items are anticipated to be included in the project scope of work pending budget approval and further discussions with tunnel maintenance:

- New fire department hose connections in the north tunnel: Construct new fire department connections in north tunnel wall. Connect new piping and valves to the existing fixed fire suppression system in the plenum with approximately 30 feet of new vertical pipe to the roadway level. The connection to the existing system will maintain and extend the existing freeze protection system, including insulated enclosures for new valves and insulation of the piping in the plenum. This is anticipated to occur at 30 locations along the north tunnel. The new vertical pipe will require a hole to be sawcut or bored through the existing plenum floor. Sawcut the



existing wall panel to allow for pipe installation and construct a new cover panel to hide the pipe. Abandon the existing waterline and hydrants in place under the roadway.

- New fire department hose connections in the south tunnel: Construct new fire department connections in south tunnel wall. Connect new piping and valves to the existing fixed fire suppression system in the plenum with approximately 30 feet of new vertical pipe to the roadway level. The connection to the existing system will maintain and extend the existing freeze protection system, including insulated enclosures for new valves and insulation of the piping in the plenum. This is anticipated to occur at 30 locations along the south tunnel. The new vertical pipe will require a hole to be sawcut or bored through the existing plenum floor. Sawcut the existing wall panel to allow for pipe installation and construct a new cover panel to hide the pipe. Create a solution to either abandon or heat and maintain the existing waterline and hydrants in place under the elevated walkway in a method that is cost beneficial and easily maintainable for CDOT.
- New domestic water supply line to connect the west portal to the east portal in the north tunnel: Construct a new galvanized steel waterline to supply water to the east portal from the treatment facility in the west portal. This will include a new pipe in the plenum, pipe insulation and heat tape, and a booster pump or other proposed alternative/ innovative solutions.
- 2-8 inch PVC seep mains in the north tunnel and 2-12 inch seep mains in the south tunnel: Develop a solution to prevent freezing of seep mains by replacing the heat tape or providing a proposed alternative/ innovative solution. There is the possibility of replacing or installing new heat tape in 4-4 inch seep collector lines that are adjacent to the 8-inch seep mains in both tunnels. CDOT will determine the exact location of the heat tape and provide exact limits in the RFP. At present, CDOT anticipates finding heat tape for the first half-mile of seep lines from each tunnel entrance. Project to remove existing heat tape and replace with new. Also, replace branch circuiting from connection point back to point of power source.
- 1-6 inch ductile iron roadway drain collector in North tunnel: Potential to add heat tape or proposed alternative to prevent freeze of the current collection system.
- Emergency generators: Provide new emergency backup generator system consisting of two (2) 2MW, 25kV Diesel Generators in a Sound Attenuated Weather Proof Enclosure located at the west portal along with supporting infrastructure and electrical distribution equipment that will replace the current emergency backup generators. New generator enclosure shall meet the mountain corridor aesthetic guidelines along with outdoor rating guidelines.



- **Exterior roof drains:** Project to replace existing heat tape with new heat tape on exterior roof drains. Identify, inspect, maintain, and label existing branch circuiting. Install new controls to interface with the new heat tape monitoring system.
- **Water treatment:** Water treatment plant upgrades consisting of installation of membrane filter system at each plant (2 total).
- **Ventilation Fans:** Air supply/exhaust fan motor rebuild consisting of rewinding/rebuilding for the existing 16 fans. Motors are rated at 600 H.P.
- **Electrical:** Remove all existing heat tape, controls, and branch circuiting, and to replace with new heat tape in the north and south tunnel areas listed above to provide a safe and functional area for travelers along the I-70 corridor. Existing electrical panels, HOA switches, contactors, and controls should be removed and replaced with new distribution panels and controls in the East and West Main Electrical Rooms. Provide new monitoring and alarming of the entire new heat tape system. Currently there are existing conduits, junction boxes, and other infrastructure already in place that should be used if possible. Additionally, any heat tape circuits currently fed from existing LCPs in East and West Main Electric Rooms should be re-fed to new heat tape panels. Heat tape circuits currently fed from cross-connect electric room LCPs will be replaced with new circuiting and new monitoring but fed from same source. Electrical equipment should be placed in easily accessible range of the new heat tape connections for maintenance and operations purposes.

2.2. Estimated Cost/Maximum Time Allowed

The Design Build Contract value is currently estimated between \$15 million and \$20 million. The Project is to be completed by December of 2023. All work required from the successful Proposer to construct the Project shall be completed as identified in the Request for Proposals.

2.3. Project Schedule

The deadline for submitting written RFQ inquiries and the SOQ submission due date are stated below. Firms must submit all inquiries timely, as identified in this Section 2.3 and [Section 2.52-5](#). RFQ inquiries, and all information submitted as part of the inquiry, shall be considered non-confidential and non-proprietary. Inquiries received which follow the prescribed process, and CDOT's corresponding response, will be assigned a unique SOQ identification number, logged into a tracking spreadsheet, with the tracking log posted on the Project website in PDF format. CDOT shall not disclose the Identification of the Submitter. CDOT will respond to all inquiries in writing. CDOT will not respond to inquiries which fail to follow this process. CDOT will not accept or respond to verbal inquiries.

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CDOT anticipates the following Project milestone dates. This schedule is subject to revision by the RFP and addenda to this RFQ.

Release Request for Qualifications	August 5, 2021
Tunnel Tour Option 1	August 12, 2021
Tunnel Tour Option 2	August 19, 2021
Deadlines for Industry Inquiries to RFQ*	August 26 <u>September 1</u> , 2021 at 4:00 PM Mountain Time
CDOT Response to Industry Inquiries*	September 2, 2021
Statements of Qualification Deadline	September 16, 2021 at 12:00 PM Mountain Time
Announce Short List	October 14, 2021
SOQ Debrief Meetings	October 25, 2021
Release Draft Request for Proposals	October 21, 2021
Industry Review End	December 2, 2021
Release Final Request for Proposals	December 16, 2021
Proposal Deadline	February 24, 2022 at 12:00 PM Mountain Time
Recommend Selected Firms	March 28, 2022
Award Design Build Contract	March 31, 2022
Anticipated Notice to Proceed (NTP) 1	May 12, 2022
Anticipated NTP 2	July 8, 2022
Project Complete	December 2023

**Except for the identity of the person/firm/team inquiring, information exchanged with CDOT is non-confidential and non-proprietary.*

2.4. CDOT Project Management: Ex Parte Communications

David Tedrow is the CDOT Project Manager, and CDOT's sole contact person and addressee for receiving all communications regarding the Project, unless CDOT directs otherwise in writing or in this document.

All inquiries and comments regarding the Project, and the procurement thereof, shall be sent by email to: dot_ejmt_dpht@state.co.us and to David.Tedrow@state.co.us on or before the date specified in Section 2.32.3. All inquiries shall include the wording "Inquiry Request" in the Subject line.

David Tedrow, Project Manager
Region 1
David.Tedrow@state.co.us
425B Corporate Circle
Golden, CO 80401



During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a Contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of CDOT, the Federal Highway Administration or their advisors, or any of their contractors or consultants involved with the procurement, regarding this procurement, except for communications expressly permitted by this RFQ (or subsequent to issuance of the RFP, except for communications expressly permitted by the RFP). Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of CDOT's Project Manager.

2.5. Questions and Clarifications: Addenda

Questions and requests for clarification regarding this RFQ must be submitted to CDOT's Project Manager, as described in [Section 2.42.4](#). To be considered, all questions and requests must be **received** on the date and time indicated in [Section 2.32.3](#).

CDOT reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be announced by addenda to this RFQ and posted on CDOT's Procurement and Project website.

CDOT will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- All questions and requests for clarification received via email will be logged and posted on the Project website. Identification of the Submitter shall not be disclosed.
- CDOT will prepare a written response for each question and request for clarification received via email. The response will be logged and posted on the Procurement and Project website in PDF format. The Submitter's name and contact information will not be disclosed.
- CDOT will not accept or respond to inquiries not following the prescribed format.

2.6. Major Participant

As used herein, the term "Major Participant" means any of the following entities: all general partners or joint venture members of the Submitter; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity, however organized, holding (directly or indirectly) a 25% or greater interest in the Submitter; any subcontractor(s) that will perform work valued at 30% or more of the overall contract amount; the lead engineering/design firm(s); and each engineering/design sub-consultant that will perform 30% or more of the design work.



CDOT may disqualify a Submitter if any of the Submitter's Major Participants belong to more than one Submitter organization.

2.7. Ineligible Firms

CDOT has retained Atkins as the consulting firm to provide guidance in preparing and evaluating this RFQ and the RFP, and advice on related contractual and technical matters. As such, Atkins, Michael Baker, PK Electrical, Pinyon, and Water Quality Control Professionals LLC are not eligible to submit an SOQ or to act as a member of any Submitter's team.

Requests for determination regarding this eligibility requirement may be submitted in writing to the CDOT Project Manager identified in [Section 2.42.4](#) of this RFQ.

2.8. Organizational Conflicts of Interest

The Submitter is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with an organizational conflict of interest, including, but not limited to those firms identified in [Section 2.72.7](#); the consulting firms Atkins, Michael Baker, PK Electrical, Pinyon, and Water Quality Control Professionals LLC. Such persons and entities are prohibited from participating in any Submitter organization relating to the Project.

The Submitter agrees that if, after award, an organizational conflict of interest is discovered, the Submitter must make an immediate and full written disclosure to CDOT that includes a description of the action the Submitter has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, CDOT may, at its discretion, cancel the Design Build Contract for the Project. If the Submitter was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to CDOT, CDOT may terminate the Contract for default.

The Submitter's attention is directed to the following section of CDOT's Design Build Rules:

2 CCR 601-15 SECTION 7 - CONFLICT OF INTEREST

1. CDOT will award a Design Build Contract only to a Firm that does not have impaired objectivity or an unfair competitive advantage, due to any interest of the Firm that creates an actual conflict or a significant potential conflict with the proposed contract.
2. Except as provided below, any consultant shall be disqualified from submitting a proposal on a Project, or from acting as a sub-consultant or subcontractor on a Project, if CDOT determines that the consultant has such a conflict, including in the following situations:



- a) it develops the Scope of Work for a Design Build Project; or,
 - b) it develops the RFQ or RFP for the Project; or,
 - c) it performs 20% or more of the Preliminary Engineering on the Project.
3. Any consultant that is so disqualified may still be part of any CDOT oversight team for the Project, if CDOT deems it appropriate.

23 CFR § 636.116

What organizational conflict of interest requirements apply to Design Build projects?

- (a) State statutes or policies concerning organizational conflict of interest should be specified or referenced in the Design Build RFQ or RFP document as well as any contract for engineering services, inspection, or technical support in the administration of the Design Build contract. All Design Build solicitations should address the following situations as appropriate:
- (1) Consultants and/or sub-consultants who assist the owner in the preparation of an RFP document will not be allowed to participate as an offeror or join a team submitting a proposal in response to the RFP. However, a contracting agency may determine there is not an organizational conflict of interest for a consultant or sub-consultant where:
 - (i) The role of the consultant or sub-consultant was limited to providing preliminary design, reports, or similar “low-level” documents that will be incorporated into the RFP, and did not include assistance in development of instructions to offerors or evaluation criteria, or
 - (ii) Where all documents and reports delivered to the agency by the consultant or sub-consultant are made available to all offerors.
 - (2) All solicitations for Design Build contracts, including related contracts for inspection, administration, or auditing services, must include a provision which:
 - (i) Directs offerors attention to this subpart;
 - (ii) States the nature of the potential conflict as seen by the owner;
 - (iii) States the nature of the proposed restraint or restrictions (and duration) upon future contracting activities, if appropriate;
 - (iv) Depending on the nature of the acquisition, states whether or not the terms of any proposed clause and the application of this subpart to the contract are subject to negotiation; and
 - (v) Requires offerors to provide information concerning potential organizational conflicts of interest in their proposals. The apparent successful offerors must disclose all relevant facts concerning any past, present, or currently planned interests which may present an



organizational conflict of interest. Such firms must state how their interests, or those of their chief executives, directors, key project personnel, or any proposed consultant, contractor or subcontractor may result, or could be viewed as, an organizational conflict of interest. The information may be in the form of a disclosure statement or a certification.

- (3) Based upon a review of the information submitted, the owner should make a written determination of whether the offeror's interests create an actual or potential organizational conflict of interest and identify any actions that must be taken to avoid, neutralize, or mitigate such conflict. The owner should award the contract to the apparent successful offeror unless an organizational conflict of interest is determined to exist that cannot be avoided, neutralized, or mitigated.
- (b) The organizational conflict of interest provisions in this subpart provide minimum standards for State Transportation Departments to identify, mitigate, or eliminate apparent or actual organizational conflicts of interest. To the extent that State developed organizational conflict of interest standards are more stringent than that contained in this subpart, the State standards prevail.
- (c) If the NEPA process has been completed prior to issuing the RFP, the contracting agency may allow a consultant or sub-consultant who prepared the NEPA document to submit a proposal in response to the RFP.
- (d) If the NEPA process has not been completed prior to issuing the RFP, the contracting agency may allow a sub-consultant to the preparer of the NEPA document to participate as an offeror or join a team submitting a proposal in response to the RFP only if the contracting agency releases such subconsultant from further responsibilities with respect to the preparation of the NEPA document.

2.9. Changes to Organizational Structure

Key Personnel or Major Participants identified in the SOQ shall not be removed, replaced, or added without the written approval of CDOT. CDOT may revoke an awarded Contract if any Key Personnel or Major Participant identified in the SOQ is removed, replaced, or added to without CDOT's written approval. To qualify for CDOT's approval, the written request must document that the proposed removal, replacement, or addition will be equal to or better than the Key Personnel or Major Participant provided in the SOQ. CDOT will use the criteria specified in this RFQ, and the qualifications submitted in the SOQ, to evaluate all requests. Requests for removals, replacements, and additions must be submitted in writing to CDOT's Project Manager as described in [Section 2.42.4](#).

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2.10. Past Performances or Experience

CDOT's evaluation of the Statement of Qualification, including past performance or experience, does not include evaluation of the exercise or assertion of a firm's legal rights. In other words, a Submitter shall not be evaluated based on past exercise of legal rights with respect to contracted work.

2.11. Civil Rights Plan

The Civil Rights Plan is not a submittal requirement of this RFQ. The information in the following sections is provided so that the Submitters are aware of the requirements that, if shortlisted, they will be responsible to address in their Proposals.

During Phase 2 of the procurement process, a Proposer will be required to submit an initial plan detailing how the Proposer will ensure compliance with the civil rights requirements on the Project. A successful plan will ensure compliance for the Proposer and every Subcontractor on the Project at all tiers. Proposers will be expected to explain how civil rights compliance will be incorporated into the Proposer's process management and quality management programs. Specific requirements for the plan will be set out in the RFP. During execution of the Project, the Contractor's Civil Rights Program Manager will be responsible for the development and execution of a Civil Rights Plan.

Plan requirements in the RFP will, at minimum, require Proposers to address their compliance strategy and processes in the following areas:

- Davis-Bacon and related acts.
- Equal Employment Opportunity
- Required Federal Provisions
- Federal-Aid Construction Contracts, for FHWA 1273.
- DBE participation, support, and outreach.
- ESB participation, support, and outreach.
- On-the-Job Training.
- Prompt payment to all Subcontractors and suppliers.

2.11.1. Davis-Bacon and Related Acts

2.11.1.1. Application to all construction, alteration, and repairs

The Davis-Bacon and Related Acts (40 USC §276a; 29 CFR Parts 1, 3, 5, 6 and 7) (DBRA) apply to the Contractors and Subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. The Contractor shall ensure that the



requirements of the DBRA, to the extent applicable to the Work being performed, are implemented on all Subcontracts throughout the Project.

2.11.1.2. Wage Rates

The minimum wage rates to be used for purposes of compliance with this Section 7.4 are established by the U.S. Department of Labor. The applicable federal prevailing wages for this Project are as attached in Exhibit C-3 and shall be included in all Subcontracts without modification.

2.11.1.3. Compliance and Reporting

The Contractor shall ensure that all employees performing work subject to DBRA classifications and rates working during the Project receive the minimum compensation required in accordance with DBRA and other Law. For all activities subject to DBRA, the Contractor shall submit weekly certified payrolls electronically to CDOT via CDOT's LCPtracker database. The requirements for submitting certified payrolls are outlined in Book 2, Section 2.

The Contractor shall, and shall ensure that all Subcontractors, maintain and make available for review, inspection, and audit by the Department all such project records as are necessary to document compliance with DBRA and other law.

2.11.2. Required Federal Provisions

2.11.2.1. Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

The Submitter will be required to follow applicable federal EEO policies in the execution of the Project. CDOT and the Submitter will affirmatively assure that for the Project, equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, and marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

2.11.2.1.1. Executive Order 11246

The Contractor shall, and shall ensure that all Subcontractors shall, comply with all laws that prohibit certain employment practices. In furtherance of this and in accordance with Executive Order 11246, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The provisions contained in Exhibit C-4 shall be included in all Subcontracts without modification except as appropriate to identify the Subcontractor who will be subject to the provisions of such Subcontract.



2.11.2.1.2. Title VI of the Civil Rights Act

Pursuant to Title VI of the Civil Rights Act of 1964 and related statutes, the Contractor shall not, and shall ensure that none of the Subcontractors shall, exclude from participation in the Work, deny the benefits of, or subject to discrimination, any person in the United States on the ground of race, color, national origin, sex, age, or disability. The Contractor shall, and shall ensure that all Subcontractors shall, comply with all applicable federal and state nondiscrimination law and with the required terms of USDOT Order No. 1050.2A “USDOT Standard Title VI/ NonDiscrimination Assurances, which are set out in Exhibit C-6. The Contractor shall include the clauses contained in Parts I through IV of Exhibit C-6 in all Subcontracts without modification except as appropriate to identify the Subcontractor who will be subject to the provisions of such Subcontract.

2.11.2.1.3. Affirmative Action

The Contractor shall take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor shall, and shall ensure that all Subcontractors shall, comply with CDOT’s Standard Special Provision “Affirmative Action Requirements Equal Employment Opportunity” (contained in Exhibit C-5). This standard special provision shall be included in all Subcontracts without modification except as appropriate to identify the Subcontractor who will be subject to the provisions of such Subcontract.

2.11.2.1.4. Notice and Complaints

The Contractor shall, and shall ensure that all Subcontractors shall, report all complaints alleging discrimination on the grounds of race, color, national origin, sex, age, or disability to the Department. In all facilities open to the public and on any websites (or equivalent digital media) maintained by the Contractor for the Project, the Contractor shall post and make available to the public CDOT’s non-discrimination notice and complaint procedures.

2.11.2.1.5. Meaningful Access for Limited English Proficiency Persons

The Contractor, its agents, and Subcontractors, shall provide language assistance designed to ensure meaningful access to services for persons with Limited English Proficiency (LEP) pursuant to Title VI of the Civil Rights Act (42 U.S.C. ' 2000d et seq.) and 45 C.F.R. '80.3(b). Meaningful access will mean that the Contactor, its agents, or Subcontractors, and LEP person(s) can communicate effectively when services are being



provided to LEP persons. Where a significant number or proportion of the population eligible to be served or likely to be directly affected by this Project needs service or information related to this Project in a language other than English, the Contractor shall take reasonable steps, considering the scope of the Project and the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to written material of the type which is ordinarily distributed to the public.

Some LEP persons may not have the ability to read and understand written materials; therefore, oral interpretation of written materials may be necessary. Interpreters should be aware of variances within a language and should be able to communicate with clients using the appropriate colloquial speech.

2.11.2.2. Americans with Disabilities Act

Pursuant to federal regulations promulgated under the authority of the Americans with Disabilities Act, 28 CFR § 35.101 et seq., the Contractor, and each of its Subcontractors and each of their Subcontractors, understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this Agreement or from activities provided for under this Agreement. As a condition of accepting and executing this Agreement, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 CFR § 35.130, and all other regulations promulgated under Title II of the Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by CDOT through contracts with outside contractors.

2.11.3. Federal-Aid Construction Contracts, for FHWA 1273.

In addition to the provisions in Section II, "Nondiscrimination," and Section VII, "Subletting or Assigning the Contract," of the Form 1273 required contract provisions, Contractor shall cause each Subcontractor and Supplier to comply with the following: The bidder shall execute a CERTIFICATION WITH REGARD TO THE PERFORMANCE OF PREVIOUS CONTRACTS OR SUBCONTRACTS SUBJECT TO THE EQUAL OPPORTUNITY CLAUSE AND THE FILING OF REQUIRED REPORTS in accordance with 41 CFR § 60-1.7(b)(1) and include such certification in the DBE Affirmative Action Program Plan. No request for subletting or assigning any portion of the contract in excess of \$10,000 will be considered under the provisions of Section VII of the required contract provisions unless such request is accompanied by the CERTIFICATION referred to above, executed by the proposed subcontractor.



2.11.4. Disadvantaged Business Enterprises

All Proposers are required to provide Colorado Disadvantaged Business Enterprises (DBE) the opportunity to compete fairly for contracting opportunities on this Project. Proposers shall not discriminate on the basis of race, color, national origin, or sex and shall carry out applicable requirements of 49 Code of Federal Regulations (C.F.R.) Part 26 in the award and administration of the Contract.

In accordance with 49 C.F.R. Part 26 and the CDOT DBE Program, CDOT will establish goals for DBE participation on the Contract. CDOT encourages Proposers to consider opportunities for DBEs at this preliminary stage of procurement. A list of current DBEs and their certified Work areas can be found on the Colorado UCP DBE Directory at www.coloradodbe.org.

CDOT will monitor the efforts of the successful Proposer throughout the duration of the contract. The successful Proposer will be required to make ongoing good faith efforts to meet the goal throughout the performance of the contract. Failure to do so will result in sanctions being assessed against the successful Proposer.

There will a design DBE goal and a construction DBE goal for the project. The design and construction DBE goals will be stated in the RFP along with all project-specific DBE requirements.

During Phase 2 of the procurement process, a Proposer will be required to submit certain components of the Small Disadvantaged and Business Participation Plan to include: (1) calculation of contract values to be used to calculate each DBE (Design and Construction) and Emerging Small Business (ESB) Goal; (2) a schedule of the Proposer's plan for achievement of the DBE and ESB Goals to include the Contractor's annual Participation Target for each DBE and ESB Goal by Contractor Year and further detailed by scope of work and associated dollar value across Contract Years that is sufficient to meet or exceed the DBE and ESB Goals; (3) a description of Good Faith Efforts (GFE) that the Proposer will use to obtain adequate DBE and ESB participation to meet the DBE and ESB contract goals and achieve the SDBPP.

2.11.5. Emerging Small Business Program

The ESB Program is a CDOT-specific small business program, which has been approved as CDOT's race-neutral small business element of its DBE Program in accordance with 40 CFR Part 26. CDOT encourages the contractor to consider opportunities for ESBs at this preliminary stage of procurement. A list of current ESBs can be found at www.coloradoesb.org.

An ESB goal and all Project-specific ESB requirements will be stated in the RFP.

This Project will be subject to the requirements of CDOT's On-the-Job Training (OJT) Program and 23 CFR 230. The goal of CDOT's OJT Program is to provide



individuals with meaningful on-the-job training that builds career skills that are useful beyond an initial project. Compliance with the requirements of the OJT program will be an essential element of the Proposer's Equal Employment Opportunity Affirmative Action (EEO/AA) program, the primary objective of which is to develop women, minorities, and disadvantaged individuals into full journey workers in skilled highway construction crafts. The successful Proposer will be required to obtain performance of a minimum number of hours of work on the Project by program-approved trainees or apprentices.

The OJT goal and all OJT Project-specific requirements will be stated in the RFP.

2.11.6. CDOT On-the-Job Training Program

Construction contracts awarded by CDOT require prime contractors to offer OJT aimed at developing full journey workers in a trade or job classification on the awarded project. Though the program is open to all, trainees are to be recruited among women and minorities as available according to census data. OJT participation is mandatory under 23 Code of Federal Regulations 230. CDOT will provide the specific requirements of the OJT program in the RFP.

2.11.7. Prompt Payment

The Contractor shall pay subcontractors and suppliers for all work which has been satisfactorily completed within seven calendar days after receiving payment for that work from the Department. For the purpose of this section only, work shall be considered satisfactorily complete when the Department has made payment for the work. All Subcontractors acting as payor shall pay their respective Subcontractors and suppliers for all work which has been satisfactorily completed within seven calendar days after receiving a payment for that work.

The Contractor shall include in all subcontracts a provision that this requirement for prompt payment to subcontractors and suppliers must be included in all subcontracts at every tier.

If the Contractor or its Subcontractors fail to comply with this provision, the Engineer will not authorize further progress payment for work performed directly by the Contractor or the noncompliant subcontractor until the required payments have been made. The Engineer will continue to authorize progress payments for work performed by compliant subcontractors.

3.0 Content of SOQs and Confidentiality

This section describes specific information that must be included by Submitters in their SOQ. Submitters must follow the outline provided in this section before submitting their SOQ. Submitters shall provide concise information that addresses the



requirements of the Project consistent with the evaluation criteria described in this RFQ.

Documents submitted pursuant to this RFQ will be subject to the Colorado Open Records Act, C.R.S. §§ 24-72-201, et. seq. Information clearly marked as confidential and proprietary will be kept confidential by CDOT, unless otherwise provided by law. The Colorado Open Records Act provides that trade secrets, privileged information, and confidential commercial and financial data furnished by any person to a state agency will not be produced in response to an open records request. CDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter, not CDOT, shall be the entity responsible for defending against Colorado Open Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

3.1. Introduction

Provide a letter stating the business name, address, business type (e.g., corporation, partnership, joint venture, etc.), business information, and roles of the Submitter and each Major Participant Submitters listed in [Form A](#) ~~Form A~~ (attached). Identify a single point of contact with his or her address, telephone number, fax number, and email address. CDOT will send all Project-related communications to this contact person during the procurement process.

Authorized representatives of the Submitter organization must fill in and sign [Form A](#) ~~Form A~~. If the Submitter is a joint venture, all joint venture members must sign [Form A](#) ~~Form A~~. If the Submitter is not yet a legal entity, the Major Participants must fill in and sign [Form A](#) ~~Form A~~.

Each joint venture member must certify the truth and correctness of the contents of the SOQ.

The Introduction section of a Submitter's SOQ shall include a "Title Page" and "Table of Contents". Information provided in response to Section 3.1 shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.2. Submitter Experience

CDOT will evaluate the capabilities of the Submitter organization to effectively meet the Project Goals.

3.2.1. Submitter Experience

Describe relevant experience, up to a maximum of four projects, that the Submitter and each Major Participant has managed, designed, and/or constructed by completing [Form B](#) ~~Form B~~ (attached). For the projects in which several of the proposed Major Participants were involved, the Submitter may provide a single project description. Highlight experience relevant to this



Project that the Submitter/Major Participants have gained in the last ten years. Cite projects of similar size and scope to that anticipated for this Project. Describe experiences in each of the following areas that apply to this Project:

1. Underground construction and installation of mechanical, electrical, and plumbing (MEP) systems in similar environmental conditions;
2. Construction/reconstruction using innovative designs, methods, and materials;
3. Installation and retrofit of fixed fire suppression systems
4. Environmental compliance; and
5. Full completion of the project on or ahead of schedule.

Each project description must include the following information:

- o Name of the project and either the Owner's contract number or project number;
- o Owner's name, Owner's Project Manager's name, address, and current email, and telephone number;
- o Description of original and final project schedule milestones including milestones for design and construction;
- o Description of the work or services provided and percentage of the work actually performed; and
- o Description of the originally awarded and final completed (including any changes) project contract amounts.

Information provided in response to this section, including submittal of [Form BForm-B](#), shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.2.2. Contractor Safety Statistics

Provide the general partners or joint venture members (contractors only) safety statistics for the last three years by completing [Form CForm-C](#) (attached). Information provided in response to this section shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.3. Organization of Key Personnel

3.3.1. Organizational Chart(s)

Provide the organizational chart(s) showing the structure of the organization with lines identifying participants who are responsible for major functions to be performed and their reporting relationships in managing, designing, and building the Project. The chart(s) must show the functional structure of the



organization down to the design discipline leader and/or the construction superintendent level and must identify Key Personnel by name. Indicate the anticipated percent of each Key Personnel's time that would be committed to the Project. Identify the Submitter and all Major Participants in the chart(s). Identify the critical support elements and relationships of project management, project administration, construction management, quality control/quality assurance, safety, environmental compliance, and subcontractor administration. For each organizational chart(s), provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated Design Build team. Information provided in response to this section shall count toward the overall page limitation defined in [Section 4.24.2](#).

The organization chart shall contain the Key Personnel outlined in section 3.3.2 and the following (at a minimum):

- Structural Design Engineer
- Mechanical Design Engineer
- Safety Manager
- Environmental Compliance
- Quality control/ quality assurance
- Superintendent
- Licensed Electrician

3.3.2. **Résumés of Key Personnel**

Résumés of Key Personnel shall be submitted as "Appendix A" and titled "*Résumés of Key Personnel*." Résumés of Key Personnel shall be limited to one page each. If an individual fills more than one position, only one résumé is required. The listing below describes the minimum qualifications for Key Personnel of the Project. Personnel who staff these key functions listed below shall be identified in the required organizational chart(s) (as described in [Section 3.3.13-3.1](#)).

1. Design Build Project Manager
2. Design Manager
3. Construction Manager
4. Fire Protection Engineer
5. Electrical Design Manager
6. Design Build Quality Manager

Include the following items on each résumé:



- Relevant licensing and registration, including registration as required in the State of Colorado.
- Years of experience performing similar work.
- Title, roles, and responsibilities on any of the projects listed in response to [Section 3.2.13.2.1](#).
- List a minimum of three personal or professional references for each Key Personnel.

Information provided in response to this section shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.3.3. Minimum Requirements of Key Personnel

The following provides a brief job description and minimum requirements of the Key Personnel assigned to the Project. Key Personnel will be evaluated, in part, based on the extent they meet and/or exceed such requirements. Any licenses or certifications that are required to meet the requirements of the RFQ shall be in place by the time of Notice to Proceed (NTP). The Submitter shall identify, from amongst the Key Personnel, who will serve as the Colorado Licensed Professional Engineer in responsible charge for the duration of the Project.

1. Design Build Project Manager

- The Design Build Project Manager shall be responsible for overall design, construction, quality control, and for the administration and satisfactory completion of the project under the contract. This person shall be assigned to the Project full-time and will be required to be available for the duration of the Project construction.
- Shall have at least five years of recent experience managing projects of similar complexity to the EJMT DPHT involving interstate highway, tunnels/underground, MEP, or rehabilitation.
- Shall not be assigned any other duties or responsibilities on the Project, except that the Design Build Project Manager may also assume the role of Design Manager.
- Must work under the direct supervision of the Design Builder's Executive Management team (EMT). The Design Build Project Manager will report to the EMT.

2. Design Manager

- The Design Manager will be responsible for ensuring that the overall Project design is completed and design criteria requirements are met.



- The Design Manager shall work under the direct supervision of the Design Build Project Manager or may fulfill the role of Design Build Project Manager, provided the qualifications for both roles are met.
 - The Design Manager shall be responsible for certifying on the monthly invoice that the construction has been completed in conformance to the stamped/sealed drawings, including stamped field revisions.
 - Shall be a registered Licensed Professional Engineer in the State of Colorado.
 - Shall have at least five years of recent experience managing the design of projects with similar complexity to the EJMT DPHT involving interstate highway, tunnels/underground, MEP, or rehabilitation.
 - Shall have the authority to stop construction work if and when he/she knows or has reason to believe that any work does not meet the standards, specification, or criteria established for the Project.
3. Construction Manager
- The Construction Manager shall be on site during all construction activities.
 - Shall have a minimum of five years of recent experience in managing the construction of projects with similar complexity to the EJMT DPHT involving interstate highway, tunnels/underground, MEP, or rehabilitation.
 - The Construction Manager shall work under the direct supervision of the Design Build Project Manager.
 - Shall have the authority to stop construction work if and when he/she knows or has reason to believe that any work does not meet the standards, specification, or criteria established for the Project.
 - Shall ensure all work is constructed in compliance with Project standards, specifications, or criteria established for the Project.
4. Fire Protection Engineer
- The Fire Protection Engineer shall be responsible for ensuring that the existing fixed fire suppression system is properly integrated with the proposed improvements and the design criteria requirements are met.
 - Shall work under the direct supervision of the Design Manager.
 - Shall have a minimum of five years of recent experience in managing and designing fixed fire suppression systems in similar environments as the EJMT, including testing and integration.



- Shall be a registered Licensed Fire Protection Engineer in the State of Colorado.
5. Electrical Design Manager
- The Electrical Design Manager shall be responsible for ensuring that the existing electrical systems at EJMT are properly integrated with the proposed improvements and the design criteria requirements are met.
 - Shall work under the direct supervision of the Design Manager.
 - Shall have a minimum of five years of recent experience in managing and designing electrical systems in similar environments as the EJMT, including testing and integration.
 - Shall be a registered Licensed Professional Engineer or Licensed Electrician in the State of Colorado.
6. Design Build Quality Manager
- Shall work under the direct supervision of the Design Builder's Executive Management team (to whom the Design Build Project Manager reports).
 - Responsible for the Design Builder's quality program, quality personnel, quality planning, ensuring that quality assurance activities are independent of production, enforcement of quality system procedures, development of the quality program objectives, implementation of the quality program objectives, total system quality and management, quality records, quality documentation, review of the Quality Management Plan, and approval of the Quality Management Plan prior to submittal to CDOT.
 - Shall have the authority to stop any and all work that does not meet the standards, specifications, or criteria established for the Project.
 - Shall have a minimum of five years of recent experience developing, implementing, and overseeing quality programs.
7. Additional Key Personnel
- The submitter may, in its sole discretion, add additional Key Personnel in its SOQ.
 - For any Key Personnel added by the Submitter, the Submitter must include the minimum qualifications of the individual, length of commitment and importance of the role on the project, and a résumé. Additional Key personnel are subject to the substitution approval requirements in Section 2.92.9.
 - CDOT may add additional Key Personnel with minimum requirements in the RFP.



3.4. Project Understanding and Approach

Provide, at a conceptual level, the Submitter's understanding of, and approach to, successful delivery of the Project by meeting or exceeding the established Project goals (see [Section 1.2](#)). The Submitter shall include a narrative of how the following elements of the project will be addressed throughout the design build process:

- Incorporating innovation into the project design, including considerations to minimize future maintenance, improve reliability of the constructed elements, enhance access for CDOT personnel for maintenance and inspection activities, and phasing of the designed improvements to align with the available funding for the project.
- Validation of the functionality of these innovations with proven successful implementations on other similar projects.
- Maintaining operations of the tunnel during construction, including all fire and life safety systems and infrastructure.
- Minimizing impacts to the traveling public and commercial freight.
- Communication/engagement with CDOT maintenance and operations staff at the EJMT during the design and construction phases of the project.

The information provided pursuant to this Section 3.4 is considered proprietary and should be marked CONFIDENTIAL by the Submitters. Information provided in response to Section 3.4 shall count toward the overall page limitation defined in Section 4.2.

3.5. Project Management Approach

- Provide the Submitter's understanding of and approach to the following items (including examples from past projects, where applicable):
 - Meeting or exceeding the established Project goals (see [Section 1.21+2](#));
 - Safety Management
 - Quality Management
 - Budget Management
 - Risk Management (including mitigation of unforeseen conditions)
 - Design and Construction Integration Management
 - Partnering/Issue Resolution
 - Disadvantaged Business Enterprise/Equal Employment Opportunity (DBE/EEO) Plan
 - Schedule Management

Formatte



- Change Management
- Stakeholder Management, including CDOT, FHWA, and Department of Labor and Employment

The information provided pursuant to this Section 3.5 is considered proprietary and should be marked “CONFIDENTIAL” by the Submitters. Information provided in response to Section 3.5 shall count toward the overall page limitation defined in [Section 4.24.2](#).

3.6. Appendix B Instruction

The information required in response to Section 3.6 shall be submitted as “Appendix B” and titled “[Appendix B Content](#).” Information provided in response to Section 3.6 shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.6.1. Acknowledgement of Clarifications and Addenda

Identify all clarifications and addenda received by number and date by completing [Form DForm-D](#) (attached).

3.6.2. Organizational Conflicts of Interest

Identify all relevant facts relating to past, present, or planned interest(s) of the Submitter’s team (including the Submitter, Major Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors, and Key Personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ. See [Sections 2.72.7](#) and [2.82.8](#).

Disclose: (a) any current contractual relationships with CDOT (by identifying the CDOT contract number and the CDOT Project Engineer); (b) present or planned contractual or employment relationships with any current CDOT employee; and (c) any other circumstances that might be considered to create a financial interest in the Contract by any current CDOT employee, if the Submitter is awarded the Contract. The Submitter must also disclose any current contractual relationships with the firm listed in [Section 2.72.7](#). The foregoing is provided by way of example and shall not constitute a limitation on the disclosure obligations.

For any fact, relationship, or circumstance disclosed in response to this section, identify steps that have been or will be taken to avoid, neutralize, or mitigate any organizational conflicts of interest.

In cases where Major Participants on different Submitter organizations belong to the same parent company, each Submitter must describe how the participants would avoid conflicts of interest through the qualification and Proposal phases of the Project.



3.6.3. Legal Structure

If the Submitter organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of Contract award, the Submitter and Major Participants to conduct business in the State of Colorado. If the Submitter organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements if available.

3.6.4. Bonding Capability

Provide a letter from a surety or insurance company stating that the Submitter is capable of obtaining a Performance Bond and Payment Bond covering the Project in the amount of \$20 million each. Letters indicating “unlimited” bonding capability are not acceptable. The surety or insurance company providing such letter must be licensed as a surety and qualified to do business in the State of Colorado. This letter shall not count toward the overall page limitation defined in [Section 4.24.2](#).

3.6.5. Submitter Information

For the Submitter (if the Submitter organization is not yet existing or newly formed, please explain), each Major Participant, and any affiliate of the Submitter or a Major Participant (including the company’s parent company, subsidiary companies, and any other subsidiary or affiliate of the company’s parent company), whose experience is cited as the basis for the company’s qualifications shall:

1. Describe the conditions surrounding any contract (or portion thereof) entered into by the company that has been terminated for cause, or which required completion by another party, within the last five years. Describe the reasons for termination and the amounts involved.
2. Describe any debarment or suspension from performing work for the federal government, any state or local government, or any foreign governmental entity against the company.
3. For each description (1 and 2 above), identify the project owner’s representative and current phone number. Indicate “None” to any subsection above that does not apply.
4. Each Major Participant must be prequalified to perform work in the State of Colorado. Each Major Participant must complete [Form EForm-E](#) (attached).

3.7. Background Check

Due to EJMT facility being a nationally significant transportation asset with national security concerns, each Key Personnel is required to submit [Form F](#)



~~Form F~~ with an original signature authorizing CDOT to obtain background check information. This information will be required for all employees anticipated to work on this Project from the successful Proposer team at the conclusion of Phase 2 of this process. CDOT reserves the right to research additional background information.

4.0 SOQ Submittal Requirements

The following section describes requirements that all Submitters must satisfy in submitting SOQs. Failure of any Submitter to submit their SOQ as required in this RFQ may result in CDOT rejecting the SOQ.

4.1. Due Date, Time, and Location

All SOQs must be sent via email only, in .pdf format, and **received by CDOT no later than the SOQ deadline indicated in [Section 2.32.3](#)**. One SOQ must be delivered to:

Roberta Lopez, Contracting Officer
roberta.s.lopez@state.co.us

The maximum file size, if sent to only one CDOT email address, is 25MB. Smaller .pdf files are required if Submitters send proposals to other CDOT individuals in the same email (including cc: and bcc:). For instance, Submitters are limited to a maximum file size of 5MB, if sent to 5 CDOT recipients (including cc: and bcc:).

Alternatively, Submitters may break up their proposal into several .pdf files to meet the file size limitation and send those files to roberta.s.lopez@state.co.us in multiple separate emails.

Submitters may send one or more submission practice test .pdf file(s) to: roberta.s.lopez@state.co.us, at least three days ahead of the SOQ deadline. CDOT will respond with receipt status. This file and email thread will be deleted by CDOT.

CDOT will only score those .pdf files that it receives by the date and time indicated in Section 2.3, Statements of Qualifications Deadline.

CDOT will reject any SOQ that fails to meet the deadline or delivery requirement without opening, consideration, or evaluation.

4.2. Format/Quantities

The SOQ shall not exceed 12 single-sided pages. The information submitted in pursuit to [Sections 3.43.4](#) and [3.53.5](#) should be marked “confidential.” Except for charts, exhibits, and other illustrative and graphical information, all information must be presented on 8.5” by 11” electronic page. Charts, exhibits, and other



illustrative and graphical information may be presented on a 11” by 17” electronic page, will be counted as one sheet and must be limited to 4 sheets. All printing, except for the front cover of the SOQ and résumés, must be Times New Roman, 12-point font. All dimensional information must be shown utilizing the English system of units.

The front cover of each SOQ must be labeled with “Eisenhower/Johnson Memorial Tunnel Drainage, Plumbing, Heat Trace Design Build Project” and “Statement of Qualifications” along with the date of submittal.

All pages must be numbered and all sections outlined below must have headers to identify their page count.

The following outline summarizes the submittal requirements and whether they are included or not included in the total submittal page limits as identified above:

- Title Page (maximum of one page, not included in page limit)
- Table of Contents (maximum of one page, not included in page limit)
- Introduction (maximum of two pages, not included in page limit)
- Submitter Experience (maximum of four pages, not included in page limit)
- Contractor Safety Statistics (maximum of one page, not included in page limit)
- Organizational Chart with description of relationships (three pages, included in page limit)
- Project Understanding and Approach (six pages, included in page limit)
- Project Management Approach (three pages, included in page limit)
- Appendix A - Resumes of Key Personnel (not included in page limit)
- Appendix B - [Form A](#), [Form B](#), and [Form C](#) (not included in page limit)
- Appendix C - [Form D](#), [Form E](#), and [Form F](#)
- [Form F](#) (not included in page limit)

4.3. Quantity of Submittals

Each Submitter must provide CDOT with one electronic copy (in .pdf format) of the SOQ confidential and non-confidential information. This copy must be signed and dated “original” copy of the SOQ confidential and non-confidential information. The “original” designation with a signature and date shall be identified on the front cover, in the upper right-hand corner.



5.0 Evaluation Process

5.1. SOQ Evaluation

CDOT will initially review the SOQs for responsiveness to the requirements of this RFQ. If CDOT deems an SOQ responsive, the information in the SOQ will then be measured against the evaluation criteria stated in Section 5.3.

5.2. Interview

CDOT reserves the right to conduct interviews with all potential Submitters prior to development of a short list. CDOT may conduct these interviews during its evaluation of the overall SOQ submittal process and scoring. If elected by CDOT, CDOT will determine the schedule for interviews following receipt of the SOQs.

5.3. SOQ Scoring

CDOT will evaluate all responsive SOQs and measure each Submitter's response against the criteria set forth in this RFQ, resulting in a numerical score for each SOQ. CDOT will use the following criteria and weightings:

- Submitter Experience (20 Points):
 - Experience on projects with similar complexity to the EJMT DPHT involving interstate highway, tunnels/underground, MEP, or rehabilitation;
 - Experience on projects involving the installation or retrofit of fixed fire suppression and MEP systems;
 - Experience working in environmental conditions similar to those present at EJMT
 - Experience with construction/reconstruction using innovative designs, methods, and materials;
 - Experience with Environmental compliance;
 - Experience in fully completing projects on schedule;
 - Experience of Submitter's team working together on past projects
 - Owner/client references; and
 - Contractor Safety statistics.
- Organization and Key Personnel (20 Points)
 - Includes all required team members on organization chart and communication and relationships;
 - Includes a resume for all key personnel;



- Team member relevant experience and qualifications; and
- Commitment and conformance to registration/certification requirements.
- Project Understanding and Approach (35 Points)
 - Identification, description, and understanding of Project critical issues and demonstration of approach to successful resolution of these issues.
 - Incorporating innovation into the project design, including considerations to minimize future maintenance, improve reliability of the constructed elements, enhance access for CDOT personnel for maintenance and inspection activities, and phasing of the designed improvements to align with the available funding for the project.
 - Validation of the functionality of these innovations with proven successful implementations on other similar projects.
 - Maintaining operations of the tunnel during construction, including all fire and life safety systems and infrastructure.
 - Minimizing impacts to the traveling public, emergency response, governmental and utility services, and commercial freight.
 - Communication/engagement with CDOT maintenance and operations staff at the EJMT during the design and construction phases of the project.
 - Discuss how you will evaluate the heating system once the new fire hose connections are made and structural analysis of pipe supports in the plenum and the impacts to the plenum floor.
- Project Management Approach (25 Points)
 - Understanding of and approach to successfully managing the Project for the following items:
 - Meeting or exceeding the established Project goals (see Section 1.2);
 - Safety Management
 - Quality Management
 - Budget Management
 - Risk Management (including mitigation of unforeseen conditions)
 - Design and Construction Integration Management
 - Partnering/Issue Resolution
 - DBE/EEO Plan
 - Schedule Management
 - Change Management



- Stakeholder Management, including CDOT, FHWA, and Department of Labor and Employment
- Appendix B Content (pass/fail)

5.4. Determining Short Listed Submitters

CDOT will total the points and determine a score for each responsive SOQ and prepare a ranked list of Submitters. **CDOT will short list not less than three (if any), and not more than five of the most highly qualified Submitters.**

CDOT reserves the right, in its sole discretion, to cancel this RFQ, issue a new RFQ, reject any or all SOQs, seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ and waive any deficiencies, irregularities, or technicalities in considering and evaluating the SOQs.

This RFQ does not commit CDOT to enter into a Contract or proceed with the procurement of the Project. CDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Submitter.

5.5. Notification of Short Listing

Upon completion of the evaluation, scoring, and short listing process, CDOT will send the record of short listed Submitters (if any) to all Submitters. CDOT will also publish the list on the procurement and project website at:

<https://www.codot.gov/business/designsupport/adp-db-cmgc/opportunities/design-build-solicitations-active/eisenhower-johnson-memorial-tunnels-ejmt-drainage-plumbing-and-heat-trace-dpht> and www.codot.gov/projects/ejmt Drainage Project, respectively.

5.6. Debriefing Meetings

Once CDOT announces the short list (if any), CDOT is willing to meet with any of the Submitter organizations requesting to be debriefed. These debriefing meetings will give Submitters and CDOT an informal setting to discuss this RFQ and the short listing process and will occur after the Contract Award.

6.0 Protest Procedures

6.1. Protests Regarding RFQ

Any protests regarding the SOQ shall be submitted in writing via email to the Project Manager identified in [Section 2.42.4](#) of this RFQ within 7 working days after the Submitter knows or should have known of the facts giving rise to the basis for the protest. The Submitter is responsible for obtaining proof of delivery.



No hearing will be held on the protest, but the CDOT Chief Engineer or his/her designee shall decide on the basis of the written submissions. Any additional information regarding the protest should be submitted within the time period requested in order to expedite resolution of the protest. If any party fails to comply expeditiously with any request for information by the CDOT Chief Engineer or his/her designee, the protest may be resolved without such information.

The CDOT Chief Engineer or his/her designee will issue a written decision regarding the protest within 7 working days after the protest is filed. The decision shall be based on and limited to a review of the issues raised by the aggrieved Submitter(s) and shall set forth each factor taken into account in reaching the decision. The CDOT Chief Engineer's decision is final and protestor has no right of appeal. No stay of procurement will become effective.

7.0 Procurement Phase 2 - Request for Proposals

This section 7.0 is provided for informational purposes only so that each Submitter has information that describes the second phase of the project procurement process, including a summary of certain anticipated RFP requirements. CDOT reserves the right to make changes to the following, and the short listed Submitters must only rely on the actual RFP and addenda when and if CDOT issues it. This section does not contain requirements related to the SOQ. CDOT expects to conduct an industry review of a draft RFP with the short-listed Submitters before it issues the RFP.

7.1. Request for Proposals

The Submitters on the short list following Phase 1 of the procurement process will be eligible to move to Phase 2 and receive an RFP. The RFP is available to the public for informational purposes, however only short-listed submitters are allowed to submit a response to the RFP.

7.2. RFP Content

7.2.1. RFP Structure

The RFP will be structured as follows:

1. Instructions to Proposers
2. Contract Documents
 - Book 1 (Contract Terms and Conditions),
 - Book 2 (Technical Requirements),
 - Book 3 (Applicable Standards),
 - Book 4 (Contract Drawings), and
 - Reference Documents (For information only).



7.2.2. RFP Information

The RFP will include the following information:

1. Maximum time allowable for design and construction,
2. CDOT's Guaranteed Maximum Price (GMP) for the Project,
3. Requirements for a proposed schedule of work,
4. Requirements for submitting Alternative Configuration Concepts (ACCs) and Alternative Technical Concepts (ATCs), and
5. A requirement that if the Proposer is a joint venture, each of the joint venture members will be, if awarded the Design Build Contract for the Project, jointly and severally liable for performance of the Contractor's obligations under the contract.

7.3. Alternative Configuration Concepts

ACCs are alternatives to the Basic Configuration that are equal to, or better in, quality or effect - as determined by CDOT in its sole discretion.

7.4. Alternative Technical Concepts

ATCs are alternatives to the technical requirements that are equal to, or better in, quality or effect - as determined by CDOT in its sole discretion.

7.5. Alternative Configuration Concepts and Alternative Technical Concept Meetings

CDOT will offer each short-listed Submitter the opportunity to meet with CDOT before the Proposal submission date to discuss ACCs and ATCs. The meeting(s) will be held for Short-listed Submitters to present ACCs that are outside the Basic Configuration, as defined in the RFP, but are determined to be "equal to or better than" the Basic Configuration by CDOT. ATCs will be covered in a similar fashion. These meeting(s) are optional.

7.6. Proposals Submitted in Response to the RFP

Short-listed Submitters that choose to continue in the procurement process must submit a two-part Proposal. One part is the technical proposal. The second part is the price proposal. The RFP will specifically define formats and page limits for the Proposal packaging and all Proposal contents.

7.7. Proposal Evaluations

CDOT has determined that award of the Project will be based on a "best value" determination under C.R.S. Sections 43-1-1401 through 43-1-1412.



7.8. Stipends

CDOT will award a stipend to each Proposer that provides a responsive, but unsuccessful, Proposal. The amount of such stipend, and the terms and conditions, will be stated in the RFP.

No stipends will be paid for submitting SOQs.

In consideration for paying the stipend, CDOT may use any ideas or information contained in the Proposals in connection with any Contract Awarded for the Project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful Proposers.

The concepts and ideas in the information contained in the proposal, including any proprietary, trade secret, or confidential information (exclusive of any patented concepts or trademarks) submitted by the unsuccessful proposer that accepts payment of the stipend shall also become the property of CDOT.

Acceptance of this payment constitutes an irrevocable transfer of all ideas and information contained in the RFP or in Contractor's response(s) to the RFP from the unsuccessful proposer to CDOT according to the terms set forth in the stipend agreement and RFP.

CDOT will pay the stipend to each eligible Proposer within 90 days after the award of the Contract or the decision not to award a Contract.

In order to receive the stipend unsuccessful Proposers must sign the stipend agreement contained in the RFP.

Form A
Submitter and Major Participant Information

Submitter [] or Major Participant [] (check appropriate box):

Company Name of Submitter / Major Participant (as indicated above): _____

Years Established: _____ Federal Tax ID No.: _____

Name of Official Representative: _____

Contact Person: _____

Address: _____

Telephone No.: _____

Email address: _____

Business Organization (check one):

- Corporation (If yes, indicate the State and Year of Incorporation)
- Partnership
- Joint Venture
- Other (describe): _____

A. Business Name: _____

B. Business Address:

Headquarters: _____

Office Performing Work: _____

Contact Telephone number: _____

C. Bonding Capacity:

Total: _____ Available: _____

Form A (Cont.)

Submitter and Major Participant Information

D. If the entity is a Joint Venture or Partnership, indicate the name and role of each member company in the space below. Complete a separate Submitter Information form for each member company and attach it to the SOQ. Also indicate the name and role of each other financially liable party and attach a separate form.

Name of Member Company	Role	Financial Liability
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Submitter Bonding Capacity:

Total Bonding Capacity: _____ Available Bonding Capacity: _____

UNDER PENALTY OF PERJURY, I CERTIFY THAT I AM THE COMPANY'S OFFICIAL REPRESENTATIVE AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, FOLLOWING REASONABLE INQUIRY; THE FOREGOING IS TRUE AND CORRECT.

*BY: _____ PRINT NAME: _____
(SIGNATURE)

TITLE: _____ DATE: _____

* Authorized representative of Submitter or Joint Venture members. If Submitter is not yet a legal authority, the Major Participants must sign Form A.

[Please make additional copies of this form as needed.]

Form B

Summary of Comparable Contracts in Past Ten (10) Years

1. Submitter/Company Name:	2. Name of Project:
3. Owner Contract No. or State Project No.:	4. Type: <input type="checkbox"/> Construction <input type="checkbox"/> Design-Build <input type="checkbox"/> Design
5. Name of Prime Designer/Contractor:	6. Company Role: (joint venture partner, subcontractor, etc.)
7. Owner (Name): _____ Address: _____ Phone: _____ Contact Person: _____	8. Original Project Budget: \$ _____ Final Project Cost: \$ _____ Work Carried by Own Forces (%): _____
9. Original Project Schedule Milestones: _____ Project Completion Schedule Milestones: _____	
10. Project Description and Nature of Work Performed by Your Company:	

[Please make additional copies of this form as needed]

Form C

Contractor Safety Statistics

Contractor's Name: _____

Year	Incident Rate	Last Work Day Index	Cost of Accident per Employee	Experience Modification Rating	No. of Fatalities	No. of Lost Work Days	No. of Recordable Injuries
2020							
2019							
2018							

$$\text{Incident Rate} = \frac{(\text{Number of Injuries and Illnesses}) \times 200,000}{\text{Total Hours Worked}}$$

$$\text{Lost Work Day Index} = \text{Number of Lost Work Days} \times 200,000$$

$$\text{Cost of Accident per Employee} = \frac{\text{Total Cost of Accidents}}{\text{Average Number of Employees}}$$

$$\text{Experience Modification Rating} = \frac{\text{Actual Claims per Year}}{\text{Expected Claims Based on Past 3 Year Trending}}$$

UNDER PENALTY OF PERJURY, I CERTIFY THAT I AM THE COMPANY'S OFFICIAL REPRESENTATIVE AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, FOLLOWING REASONABLE INQUIRY; THE FOREGOING IS TRUE AND CORRECT.

BY: _____ PRINT NAME: _____
(SIGNATURE)

TITLE: _____ DATE: _____

[Please make additional copies of this form and attach additional sheets as needed]

Form D
Submitter's Receipt for Addenda/Clarifications

Submitter's Name: _____

The undersigned acknowledges receipt of the addenda to the RFQ as indicated below.

ADDENDA

Addendum/Clarification No.:	_____	Dated:	_____
Addendum/Clarification No.:	_____	Dated:	_____
Addendum/Clarification No.:	_____	Dated:	_____
Addendum/Clarification No.:	_____	Dated:	_____
Addendum/Clarification No.:	_____	Dated:	_____

FAILURE TO ACKNOWLEDGE RECEIPT OF ALL ADDENDA MAY CAUSE THE SOQ TO BE CONSIDERED NON-RESPONSIVE TO THE SOLICITATION. ACKNOWLEDGED RECEIPT OF EACH ADDENDUM MUST BE CLEARLY ESTABLISHED AND INCLUDED WITH RESPONSE TO THE RFQ.

*BY: _____ PRINT NAME: _____
(SIGNATURE)

TITLE: _____ DATE: _____

* Authorized representative of Submitter or Joint Venture members. If Submitter is not yet a legal authority, the Major Participants must sign Form D.

[Please make additional copies of this form as needed]

Form E

Certificate of Prequalification

UNDER PENALTY OF PERJURY, I CERTIFY THAT I AM THE OFFICIAL REPRESENTATIVE OF

_____ [COMPANY NAME], AND THAT

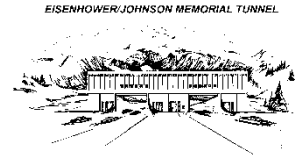
_____ [COMPANY NAME] IS CURRENTLY PREQUALIFIED
TO PERFORM WORK FOR CDOT.

BY: _____
(SIGNATURE)

PRINT NAME: _____

TITLE: _____

DATE: _____



Form F
CDOT Eisenhower/Johnson Memorial Tunnels
Department of Law
Background Check Authorization & Disclosure Form

It is the policy of the Department of Law to conduct a thorough background check of all final candidates for employment. The background check includes a criminal background check, reference, and previous/current employer check, and (for attorney candidates) a check for professional sanctions in any state(s) where a license has been held.

The criminal background check includes the department making an inquiry to the Colorado Bureau of Investigation (CBI) to ascertain whether the candidate has a criminal history. A hiring authority may extend a conditional offer of employment pending the results of this inquiry. Upon hire, fingerprints are also submitted for processing by both CBI and the Federal Bureau of Investigation (FBI). Employment is deemed conditional pending the results of the full criminal background check.

Adverse information itself is not necessarily disqualifying. However, false, incomplete, or inaccurate information, including failure to disclose a material fact during this process may be grounds for disqualification from employment.

If the applicant believes the background information obtained (via fingerprint search) is inaccurate, an applicant may challenge such accuracy. It is the applicant's responsibility to correct such information as set forth in Title 42, U.S.C., Section 14616, Article IV(c); Title 28, C.F.R., Section 50.12(b); Title 5, U.S.C., Section 552a (e)(3). The procedure to correct this information is set forth in Title 28, C.F.R., Section 16.34.

Full Name: _____
Last First Middle

Alias and/or Maiden Name: _____

Role in Project (i.e., Engineer, Fire Protection Expert, Construction Expert, etc.): _____

Home Address: _____
Address City State Zip Code

Date of Birth: _____ Place of Birth (e.g., State): _____

Male Female Social Security #: _____ Eye Color: _____

Ethnicity: _____ Height: _____ Weight: _____ Hair Color: _____

If you have ever been convicted of a crime or currently have charges pending, provide the details of the charges, dates of conviction and city and state of jurisdiction (include felonies, misdemeanors, deferred judgments, deferred sentences, and pleas of no contest):

Provide a copy of one of the following:

- Driver's License
- Passport

Attorneys only:

List all states where attorney licenses have been held.

Certification and Authorization: I certify that I have read, understand, and accept the terms described in the *Background Check Authorization & Disclosure Form*. I understand that initial hiring and continued employment with the Colorado Department of Law is contingent upon the satisfactory completion of the criminal background check process. I hereby authorize representatives of the Colorado Department of Law to make any and all appropriate inquiries regarding my background and waive, release, and discharge its employees and agents from any and all claims that may result from such actions. I certify that all information provided herein is true, complete and accurate. I understand that any false or incomplete information may be cause for disqualification from employment.

Signature of Applicant

Date