

I-70 East Project RFQ Comment Responses (As of April 20, 2015)

The Colorado High Performance Transportation Enterprise and the Colorado Bridge Enterprise (together, the “Procuring Authorities”) are providing the following responses to questions submitted by prospective Proposers in connection with the Request for Qualifications to Design, Build, Finance, Operate and Maintain the I-70 East Project (the “RFQ”) issued March 25, 2015. Capitalized terms used but not defined herein have the meanings given to them in the RFQ. The Procuring Authorities are providing these responses in accordance with Section 5.1.2 of Part B of the RFQ. While the Procuring Authorities intend these responses to facilitate prospective Proposers’ review of the RFQ, such responses do not constitute an addendum for purposes of Section 4.3 of Part B of the RFQ.

No.	RFQ	Question	Response
1	Part A, Section 1; “General Reference Project” (b)	The General Reference Project definition includes any transportation infrastructure project “that either achieved substantial completion during the 10 years prior to, or was under construction as at, the date of this RFQ”. Please confirm that the phrase “the date of this RFQ” refers to the submission date (i.e. June 22, 2015).	The Procuring Authorities intend to replace the phrase “the date of this RFQ” with “the SOQ Deadline” in a future addendum.
2	Part A, Definitions and Rules of Interpretation, Page 8 – Rating Agencies	Please consider adding Dominion Bond Rating Service Limited (DBRS) as an additional listed rating Agency for the Project. DBRS ratings opinions have been accepted on several recent US transportation P3’s including Pennsylvania Rapid Bridge Replacement and the I-4 Ultimate Projects. DBRS has been identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.	Proposers may include DBRS as a “Rating Agency” for the purposes of its limited use in the RFQ. The Procuring Authorities intend to clarify this in a future Addendum.
3	Part D, 1.3.4.a. Part D, Volume 1 Submission Requirements, Part 2 and 4	In addition to the required Key Personnel job positions, we would like to identify a select number of additional management personnel. Will we be allowed to attach a limited number of supplemental resumes to Form I? We ask this question with consideration of PART D, 1.3.4.a. which requests that proposers not electively include any information or materials in addition to what has been specifically requested.	Attaching additional resumes to Form I for personnel other than Key Personnel is not permitted. However, the Procuring Authorities draw Proposers’ attention to Sections 2.1.3, 2.1.4 and 2.2 of the Volume 1 Requirements (in relation to Section 2.2, noting the response to RFQ Comment 6 below) and Section 1.1 of the Volume 2 Requirements which, among other things, require Proposers to submit details of their management structures and availability of non-financial resources (including personnel). Proposers may therefore consider whether to include professional experience details of any management personnel in their SOQs in complying with such Sections.

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4	Part D, Volume 1 Requirements, 2.2	This section requests a narrative description of “non-financial resource commitments”. Please confirm that “non-financial resource” means personnel to staff the Project.	<p>Non-financial resources may include, but are not limited to, personnel.</p> <p>The Procuring Authorities’ intent in this provision is to encourage each Proposer to identify the availability of any such resources that may, in its view, enhance such Proposer’s qualifications. The Procuring Authorities therefore intend to revise the introduction to Section 2.2 of the Volume 1 Requirements in a future Addendum to read as follows:</p> <p>“Narrative description of:</p> <p>(i) the current and expected workloads; and</p> <p>(ii) with respect to Core Proposer Team Members only, the availability of non-financial resources, which resources (A) may, in a Proposer’s discretion, be relevant to the Procuring Authorities’ Substantive Evaluation, and (B) by their nature cannot readily be hired for a particular project, for each of:...”</p> <p>Corresponding revisions would also be made to Annex A to Form A to the RFQ.</p>
5	Part D, Section 2.2.1 Originals and Copies a. ii.	<p>What is the desired quantity of binders for Volume 2, Section 4 – Financial Information sub-Volumes (1 Original, 6 Copies)? At 7 copies, the voluminous nature makes this requirement conflict with environmental stewardship policies.</p> <p>We respectfully request that 1 Original and 1 Copy along with 7 Electronic Copies be provided for all Volume 2, Section 4 – Financial Information sub-Volumes.</p>	The Procuring Authorities do not intend to change the current requirement
6	Part E, Form F; Instructions, (2),(a)	For Equity Members, Form F sets a minimum limit of 30% direct or indirect equity investment in a project in order to qualify as relevant experience. We note the evaluation criteria is principally	(1) With respect to one of the assumptions on which the prospective Proposer’s comment is based, as indicated in the instructions to Form F Reference Project experience can relate to two different

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		<p>concerned with the Proposer’s demonstrated experience “successfully closing the financing of Reference Projects”. Generally speaking, during the development phase of a project, the equity members participate more or less equally in the preparation of the proposal; negotiation of the project agreement; preparation of the plan of finance; and, subsequently, the activities required to move from commercial to financial close. Therefore, we respectfully request that 30% threshold be changed to 10% to allow the Equity Members the opportunity to demonstrate their individual project finance experience. As an aside, two of the four U.S. transport projects to have achieved financial close within the past 12 months have included at least one equity member with less than 30% equity investment.</p>	<p>evaluation criteria – i.e. Sections 1.1.b (technical) and 2.1.a (financial) of the Substantive Evaluation Criteria. Therefore, it is not accurate to state that ‘the evaluation criteria [related to Equity Member experience on Reference Projects] is <u>principally</u> concerned with the Proposer’s demonstrated experience “successfully closing the financing of Reference Projects”’ (emphasis added).</p> <p>(2) With respect to the balance of the prospective Proposer’s comment, the Procuring Authorities intend to revise the instructions to Form F in a future Addendum to <i>partially</i> accommodate this comment. Through these revisions, the Procuring Authorities intend to allow the submission of Reference Project experience for Equity Members that had at least a 10% direct or indirect equity investment (including shareholder loans) in the company acting as the developer for a Reference Project, but only if that Equity Member (or its Affiliate) also was a lead construction contractor for that Reference Project (i.e. it had at least 30% of the primary responsibility for the project’s construction).</p> <p>For Equity Members that do not satisfy the above test, the Procuring Authorities intend to retain the existing 30% direct or indirect minimum equity investment requirement.</p>
7	Part E, Form I; Notes	<p>With regard to the Quality Manager position, the body of Form I states “To be seconded to/employed by Developer” while Note 39 indicates “The Quality Manager must be employed by Developer.” Please confirm the Quality Manager may be seconded to the Developer.</p>	<p>Confirmed. The Procuring Authorities intend to clarify this in a future Addendum.</p>
8	Part E, Form I;	<p>To clarify, is the job position defined as</p>	<p>Correct. This position is intended to be the individual</p>

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	Construction Manager	Construction Manager intended to be the individual responsible for managing all aspects of the design-build contract? Typically, this position would be referred to as the Design-Build Project Manager and would be the top position in the Lead Contractor's organization. The Design Manager and the Construction Manager would typically report to the Design-Build Project Manager.	responsible for managing all aspects of the design and construction work. The Procuring Authorities intend to clarify this in a future Addendum.
9	Part E, Form G; Safety, A. (1)	In the Table included in Section A.(1) of the Form, the OSHA Incident Rate is requested in two different rows – first in the “Other Incidents” section, and again in the “Safety Metrics” section at the end of the table. We believe the row in the “Safety Metrics” section should be labeled “EMR” as is referenced in note (g) below the table. Can you please confirm that our EMR data is to be presented in the last row of the table?	Confirmed. The Procuring Authorities intend to correct this in a future Addendum.
10	Part E, Form G; Safety, B. (7)	The beginning of the question begins “With respect to no. (7) above.” Can you please confirm the question should read “With respect to no. (6) above?”	Confirmed. The Procuring Authorities intend to correct this in a future Addendum.