

US 36 Managed Lanes Project
Request for Qualifications
Questions and Requested Clarifications

Post Date: June 17, 2011

#	RFQ Section/Page	Comment/Question	CDOT response
1		Will CDOT provide written confirmation of the Department's findings regarding the Disclosures of Potential Conflicts of Interest requested by the Department April 29, 2011 and submitted May 6, 2011, prior to the RFQ release?	CDOT has determined no conflicts of interest exist.
2	4.2/p. 14	Regarding font size restrictions (" <i>All printing, except for the front cover of the SOQ and resumes, must be Times New Roman, 12-point font.</i> "): to improve document readability and appearance, we suggest a minimum font size of 10- or 11-point for exhibit titles and captions, graphics, and tables, and allow various font sizes—no smaller than 10-point bold—for section headings.	Font size as small as 10 point may be used for exhibit titles, captions, graphics, tables, charts and other illustrative information.
3	Section 3.6.5.3	<p>Section 3.6.5.3 of the RFQ states that each major participant must be prequalified to perform work in the State of Colorado, and certify this status via Form E. According to the CDOT prequalification application, the completed application must be submitted at least 17 days prior to submitting a <i>bid</i> on a project.</p> <p>Since a response to an RFQ is not technically a "bid," please confirm that major participants not currently prequalified with the CDOT must receive confirmation of a prequalified status from the CDOT in order to be responsive in their statement of qualification (SOQ) for the US36 Managed Lane Project.</p>	CDOT's prequalification and bid rules defines "bid" and it requires the offer of prices. In the US 36 situation, a bid will not arise until the short-listed proposers actually submit proposals. There is still time to become prequalified.
4	3.5 Project Management Approach	Which list of approved UDBE eligible firms are the teams required to use for solicitations on this project? RTD, CDOT or the larger Federal List associated with the TIGER money being incorporated into the project funding structure? Or may we use all three lists?	<p>In order for a DBE firm to count toward the DBE project goal, the firm must be a Colorado certified DBE. A list of all eligible DBEs can be found on the Colorado Unified Certification Program Directory at http://apps.coloradodot.info/ucp/.</p> <p>In order for a small business to count toward the aspirational small business goal (ESB/SBE) or any other small business incentive, the business must be a CDOT certified Emerging Small Business (ESB) or a Category 1,2 or 3 RTD certified Small Business</p>

			Enterprise (SBE). The CDOT ESB Directory can be found at http://www.coloradodot.info/content/business/eeo/ESBDirectory.pdf . The RTD SBE Directory can be found at http://www.rtd-denver.com/PDF_Files/BusinessCenter/SBE_Directory.xls .
5	3.3.2 Resumes of Key Personnel	<p>We are requesting additional clarification of the ITS/Tolling Manager position. Is the position focused on:</p> <ol style="list-style-type: none"> 1. The integration of the ITS and Tolling systems design? 2. The installation of the ITS and Tolling equipment in the field? 3. Management of the start-up of the toll collections system for the follow-on toll collection contract? 4. Can the ITS/Tolling Manager be split into two positions? 	Primary work effort for design and installation will be for ITS components. Toll system design and installation and start-up will be provided by others. The responsibilities for the DBC related to tolling will be for the communication and infrastructure components. Due to the fact that the Tolling is infrastructure focused we would prefer to not separate the ITS/Tolling Manager position.
6	General	<p>Section 3.4, Project Understanding and Approach, carries a heavy weighting of the final score. Some of the teams that have formed include design firms that have participated in the development of the EIS and who have not been conflicted out. They have access to electronic files used in the development of this document. In order to insure equitable treatment of all teams, we are requesting the following electronic files be distributed to all teams:</p> <p>A complete set of all CAD and electronic files for the US36 Corridor:</p> <ul style="list-style-type: none"> - All topographic survey, aerial mapping, point/breakline files etc. - All project related Inroads data files (.alg, .dtm, etc.) - All Reference files including all existing and proposed contour, surfaces, utilities, highway/roadway, bridge, lighting, drainage, traffic, environmental, WQ, SWMP, urban design/Landscape Architecture and any underlying or associated files used to construct design or sheet files. - All ROW and property data files - All Geotechnical files - All plan sheet files for the project for all disciplines of work 	CDOT will not be making the requested electronic files available during the Request for Qualifications phase and it is CDOT's opinion that these files are not necessary during the RFQ phase.
7	General	<p>Do all of the forms count toward the 40-page limit? As a Joint Venture with multiple major participants, we must submit multiple copies of most of the forms. Our preliminary count indicates that in addition to the required title page and table of contents, 26 of the available 40 pages would be taken—leaving only 14 pages to respond to the remainder of the proposal requirements.</p>	CDOT agrees with these comments and forms will no longer count towards the 40-page limit. As far as whether a Joint Venture must submit a Form A for each member company, a Joint Venture only needs to submit one Form A. However, if a formal Joint

		We would like to request that the forms be excluded from the page count.	Venture has not been established and only a teaming agreement is involved or another type of arrangement, a Form A must be submitted for each major participant. See also revised Form A for further clarification.
8.	Form A, page 2, D	<p><i>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 Contractor 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.</i></p> <p>1. <u>Complete a separate Contractor Information form for each member company?</u> There is no "Contractor Information Form" included in the RFQ. Can you supply this form, or is it intended that we use the Submitter Information Form?</p> <p><u>Also indicate the name and role of each other financially liable party and attach a separate form?</u> Please clarify the intent of this statement and which form we are supposed to use?</p>	See response to question 7 above.
9.	General	CDOT Transportation Policy Committee Meeting. During this meeting it was discussed that CDOT is evaluating the possibilities of using either a rolling owner controlled insurance program (ROCIP) or project specific owner controlled insurance program (OCIP). It was stated during that meeting that the process was in the discovery phase and that the state's insurance broker IMA was doing a feasibility study. It was stated by a CDOT representative in response to a question from a CCA member contractor that the feasibility study would be shared. So my first question is can we get a copy of the feasibility study that was done?	The feasibility study you requested is still in process and is not available for review.
10.	General	CDOT RFQ states that CDOT has determined it will provide an Owner Controlled Insurance Program for this project. I assume and I am formally asking for your confirmation that there will be a similar RFQ / RFP procurement process to select an OCIP insurance broker to service this program?	Part of the RFP process for the State brokerage service allows us to amend the contract for the selected broker to include new projects and activities. In the interest to expedite the process the short time period to review and possibly implement a ROCIP program, we will be working with the State's broker, IMA of Colorado, Inc. to handle CDOT's proposed ROCIP program. We will not be conducting a new RFP at this time.
11.	Section 3.1	Section 3.1, Introduction, requires the Submitter to execute and submit Form A,	See response to question 7 above.

		<p>Submitter Information. Section D of Form A states that for a Joint Venture, the Submitter is to “Complete a separate Contractor Information form for each member company and attach it to the SOQ.”</p> <p>a) Is the referenced Contractor Information form the same as the Submitter Information Form A?</p> <p>b) If the Submitter is a Joint Venture, are we then required to submit a Form A for the Joint Venture and for each Joint Venture partner?</p> <p>c) Are the Contractor Information forms included in the maximum allowable pages?</p>	
12.	Section 3.1	<p>Section 3.1 states that “If the Submitter is not yet a legal entity, the Major Participants must Sign Form A.” Shouldn’t this just be the equity partners to a joint venture, and not include Major Participants who are only subcontractors?</p>	<p>See response to question 7 above. This request is not limited to equity partners in a joint venture and does include major participants who are subcontractors.</p>
13.	Section 3.2.1	<p>In Section 3.2.1, is the maximum of four projects submitted (Form C) intended to be a maximum of four per team or four per major participant?</p>	<p>It is intended to be four projects per team, not four projects per major participant.</p>
14.	General	<p>We respectfully request that the required Forms be excluded from the maximum allowable page count, and the maximum allowable page count be re-adjusted. As currently written, Joint Ventures and teams with more than one engineering firm as Major Participants are at a significant disadvantage in the SOQ process. A two-party joint venture (depending on the answer to the previous question) may have to expend six pages on Forms A and two pages on Forms B, while a single entity Submitter would only use two pages and one page respectively. Since 60% of the evaluation weighting is in the two categories of Project Understanding and Approach and Project Management Approach, this provides a huge advantage to a team with fewer Major Participants by allowing them to dedicate significantly more pages to these heavily weighted criteria. This is further compounded by joint ventures expending more pages on Form C. We suggest that the maximum page limits be applied to the two Approach Sections in order to provide a level playing field for all Submitters.</p>	<p>Please see response to question 7 above.</p>
15.	Section 3.6.2	<p>In Section 3.6.2, are we required to list contractual relationships where the Submitter is using one of the listed firms as a subcontractor on a project, or only where the Submitter is in a joint venture or other type of partner relationship with the listed firms?</p>	<p>Section 3.6.2 is not limited to joint ventures or other partner relationships. We would like information if contractor is being used as a subcontractor.</p>
16.	Section 4.2	<p>Section 4.2 limits the printing to Times New Roman, 12-point font. Can this restriction be relaxed for charts, tables and other illustrative and graphical information?</p>	<p>See response to question 2 above.</p>

17	Section 3.1	<p>1. Section 3.1 – Introduction (Page 8) Form A</p> <p>a. In the first sentence of this section CDOT has stated, “Provide a letter stating the business name, address, business type (e.g., corporation, partnership, joint venture), business information, and roles of the Submitter and each Major Participant in Form A.”</p> <p>i. On Form A we are unable to find a location where we are to list the Major Participants and their roles. It is not clear to us if the intent was to have Form A completed and submitted for each Major Participant in addition to the Submitter, similar to what is being asked for with regard to Form C and Major Participant experience in Section 3.2.</p> <p>ii. If the intent is to have each Major Participant submit Form A, we would like for CDOT to consider excluding from the page count the Form A submissions. As an example under Section 3.1 assume a team is composed of a sole firm being the Submitter and has identified two Major Participants. Then allowing for a one page introduction letter, separate Form A’s for the three firms, a Title page and Table of Contents a team will have used up 9 of the 40 allotted pages or 25% of the total allowed pages in a section which has no associated scoring. This considerably shortens the amount of available text for the remainder of the Statement of Qualifications which has associated scoring and we would assume is the basis for the short listed firms.</p>	See response to question 7 above.
18	Section 2.6	<p>1. Section 2.6 – Major Participant (Page 4)</p> <p>a. CDOT has defined “Major Participant” to include, “any Subcontractor(s) that will perform work valued at 10% or more of the overall contract amount.” Without having the RFP to clearly define the project workscopes and the associated technical requirements of CDOT it is very difficult to determine the value of the various workscopes involved on this project. As an example, without the RFP defining workscope and technical requirements at this time we do not know if CDOT has or has not a preference or requirement on the type of pavement (i.e. asphalt or</p>	CDOT will not remove this requirement from the Statement of Qualification phase.

		<p>concrete) which would preclude or include specific subcontractors. In addition there may be factors which influence the pavement selection and evaluation criteria a contractor may select in order to be the selected contractor with the Best Value approach.</p> <p>i. We would suggest CDOT remove this requirement at the SOQ Phase and require this to be part of the RFP proposal submission.</p>	
19	Section 3.3.2	<p>2. Section 3.3.2 – Resumes of Key Personnel (Page 10)</p> <p>a. CDOT has requested we provide in Appendix A resumes of Key Personnel who CDOT has identified 8 key staff positions as Key Personnel. Typically in the past on Design Build projects CDOT has provided brief job descriptions and roles and responsibilities of those positions in addition to specific minimum criteria such as years of experience, licensed professional engineer, etc.</p> <p>i. We would ask CDOT review the requirements and expectations of the individuals for these positions and describe those job descriptions, roles and responsibilities and minimum criteria so there is no misunderstanding on the individuals being presented to fulfill those positions.</p>	CDOT will outline the requirements and expectations and what licenses are required for the Key Personnel positions in the Request for Proposals.
20	Section 3.6.2	<p>3. Section 3.6.2 – Organizational Conflicts of Interest (Page 12)</p> <p>a. In the first paragraph the first sentence states, “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 project personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ.”</p> <p>i. This statement is very all inclusive and extends to nearly all levels of participation of anyone involved in the SOQ or eventually the project. The second paragraph in the second sentence refers to “The Submitter must also disclose any current</p>	Section 3.6.2 should all be read together, the requirements of the first paragraph extend to the second.

		<p>contractual relationships where the Submitter is a joint venture or partner with Jacobs Engineering, Apex Design PC, Hartwig & Associates Inc., Yeh and Associates Inc.”</p> <p>ii. Please clarify if the intent of the first paragraph which appears to define the “Submitter’s Team” is intended to extend to the requirements of the second paragraph as well, meaning Major Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors, and key project personnel?</p>	
21		<p>b. In Paragraph 2 of this section the second sentence states, “The Submitter must also disclose any current contractual relationships where the Submitter is a joint venture or partner with Jacobs Engineering, Apex Design PC, Hartwig & Associates Inc., Yeh and Associates Inc.”</p> <p>i. We ask for CDOT to define the term “partner” as this is a word used frequently with associates and team members, (i.e. our partners) however in the legal context may bring forth or remove disclosure requirements as there may not be any legal contractual partnership between the firms in the true legal context of the word “partners”.</p>	<p>“Partner” means a partnership formed through a written agreement.</p>
22		<p>c. In Paragraph 2 the first sentence states, “Disclose: (a) any current contractual relationships with CDOT (by identifying the CDOT contract number and project manager); (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 for the Project by any current CDOT employee, if the Submitter is awarded the contract.”</p> <p>i. It is our understanding that all information provided to in Section 3.6 – Legal and Financial will not count towards the overall page count. Please clarify this disclosure applies to all of the named entities in the first paragraph (i.e. Major</p>	<p>Forms will not count towards the 40-page limit. The disclosures required in Subsection 3.6 .2apply to all of the named entities contained in Section 3.6.2. Other subsections of Section 3.6 apply only to Submitter and Major Participants.</p>

		Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors, and key project personnel) and is not limited to the Submitter only.	
23		Question 13 clarified that it is intended for each team to submit four projects on Form C. In order to fully address the eleven relevance criteria noted in Section 3.2.1 Submitter Experience, Form C will be more than one page in length. We could not find any page limit restrictions information on Form C in the RFP. Please confirm that Form C can be longer than one page each.	Form C can be more than one page.
24	Section 3.2.2	<i>... provide a brief statement of current and projected workloads awarded by CDOT and RTD.</i> 1) We assume current workload is an indication of total dollar volume for projects already under contract 2) We are unable to come to consensus as to what you mean by "projected" workload. Please describe the information you would like us to provide for projected workload.	Projected workload is considered awarded contracts and as of yet not under Contract.
25		Is Form C restricted to 1 page? Would CDOT be agreeable to it being no more than 2 pages per project?	Form C is not restricted to one page. CDOT will not limit Form C to two pages.
26		Can we provide resumes for other personnel, in addition to the key personnel required?	Yes, additional resumes can be included.
27		This section states that licenses and certifications required by the RFP shall be in place prior to NTP. What credentials or licenses are required for the Key Personnel listed in the Request for Qualifications?	The licenses and certifications required will be defined in the RFP and not in the RFQ.
28	Section 3.3.2	Section 3.3.2 clearly states that resumes for Key Personnel will not be counted towards the overall SOQ page limit. If we were to include resumes for value-added staff, in addition to the key positions listed in the RFQ, would they be counted towards the page count?	The additional resumes will not be counted towards the page count.
29		We are working on the SOQ for the above job and need to review the as-built drawings and plans for the existing facility. We are looking for existing roadway alignment, bridge details, drainage details, etc. Is this information available in the CDOT ftp site for downloading? If so, please help us access the information.	The requested information will not be made available during the RFQ phase of this procurement.