



**COLORADO**

**Department of Transportation**

Region 1

To: Keith Stefanik, P.E.,  
CDOT Chief Engineer

From: Jessica Myklebust  
Region 1 Transportation Director

Date: April 26, 2023

Subject: Recommendation to Award the Contract for Construction Manager Services for the Preconstruction Phase of the Vasquez Blvd. from I-270 to 64<sup>th</sup> Ave. Project

One firm, Jalisco International Inc., submitted a proposal to serve as Construction Manager for the pre-construction phase of the Vasquez Blvd Intersection Improvements Project. Although 5 other contractors had previously submitted letters of interest for the project and met with CDOT to discuss the project before the RFP was released, they did not submit proposals. Although the RFP due date did coincide with the release of the Letter of Interest for the Region 4 CO 119 Safety and Mobility Improvements & Bikeway Project, after hearing from several of the firms that did not submit, Region 1 does not believe that a readvertisement would provide significantly different results.

Jalisco International Inc. is a local minority-owned construction firm located in Commerce City one mile from the project site. A responsiveness review of the Jalisco proposal was conducted. The proposal did have some items requiring follow-up which were resolved, and the proposal was considered responsive. The proposal also passed the pass/fail review completed by core members of the project team.

Failure to proceed with the CM/GC delivery method at this time would require pivoting the project delivery to a traditional Design-Bid-Build method. Due to pending ROW acquisition and final design completion timelines, this change would significantly delay the start of construction and put key project funding sources at risk.

Awarding this contract to Jalisco would provide a great opportunity for a smaller minority-owned construction firm to gain valuable Alternative Delivery experience with CDOT. It also shows commitment to the local community through hiring a local firm. The additional procurement time would also jeopardize the projects local agency funding through DRCOG.

Award of the contract is allowed under the following Federal Regulations:

23 CFR 172.7(a)(1)(iv)(D):

*(D) From the proposal evaluation and any subsequent discussions which may have been conducted, the contracting agency shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria. In instances where only two qualified consultants respond*



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*to the solicitation, the contracting agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements that arbitrarily limited competition. Alternatively, a contracting agency may pursue procurement following the noncompetitive method when competition is determined to be inadequate, and it is determined to not be feasible or practical to re-compete under a new solicitation as specified in paragraph (a)(3)(iii)(C) of this section.*

23 CFR 172.7(3)(iii)(C)

(3) **Noncompetitive.** The following requirements shall apply to the noncompetitive procurement method:

- (i) A contracting agency may use its own noncompetitive procedures that reflect applicable State and local laws and regulations and conform to applicable Federal requirements.
- (ii) A contracting agency shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to and receive approval from FHWA before using this form of contracting.
- (iii) A contracting agency may award a contract by noncompetitive procedures under the following limited circumstances:
  - (A) The service is available only from a single source;
  - (B) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
  - (C) After solicitation of a number of sources, competition is determined to be inadequate.
- (iv) Contract costs may be negotiated in accordance with contracting agency noncompetitive procedures; however, the allowability of costs shall be determined in accordance with the Federal cost principles.

Project timeline of outreach events put forth to meet the requirements of 23 CFR:

172.7(3)(iii)(C) the Vasquez Blvd Improvements Project held to solicit the project:

- 01/23/23- “CCA/CDOT/FHWA Transportation Policy Committee Meeting”- Alternative Delivery Program Manager announced the upcoming release of the Letter of Interest for the Vasquez Blvd and 64<sup>th</sup> in an effort to raise awareness of the opportunity. This project was highlighted as a great opportunity for contractors new to alternative delivery to gain some experience.
- 02/15/23-Letter of Interest (LOI) Request was posted to the Alternative Delivery Program Website.
- 02/16/23- e-mail with a link to the posted LOI, sent to Randy Drennan of Colorado Contractors Association along with a request for distribution to CCA members.



- 02/24/23- Draft RFP published to the Alternative Delivery Website
- 03/01/23- LOI Deadline- six letters of interest received.
- 03/08/23- virtual pre-proposal meeting held with all six LOI submitters in attendance.
- 03/08/23-03/10/23- all six LOI submitters request and attend one-on-one meetings
- 03/15/23- Responses to Industry Request for Clarifications to the RFP are published
- 03/15/23-Final RFP published and posted to BidNet, all six companies are sent copies of the Final RFP
- 4/05/23-Proposals for the Vasquez Blvd Improvement project were due at 2:00pm at which time CDOT had received only one proposal from an interested firm. The Proposal was from Jalisco International Inc. (Jalisco).

The Region 1 project team on behalf of the Region 1 Regional Transportation Director recommends that the project move forward with a Noncompetitive award to Jalisco International Inc., to perform as Construction Manager for the pre-construction phase of the Vasquez Blvd. Project.

The procurement EOC provided concurrence with the recommendation on 4/25/2023

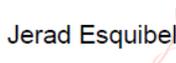
Your authorization to award the contract to Jalisco International Inc. is hereby requested.

Submitted By:

 Digitally signed by Jessica Myklebust  
Date: 2023.05.02 17:11:00 -06'00'

Jessica Myklebust  
Region 1 Transportation Director

Concurrence:

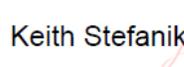
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Date: 2023.05.03 11:54:37 -06'00'

Jerad Esquibel,  
Director of Project Support

 Digitally signed by Matthew D. Pacheco  
Date: 2023.05.03 09:51:56 -06'00'

Matthew Pacheco  
Alternative Delivery Program Manger

Approval/Authorization:

 Digitally signed by Keith Stefanik  
Date: 2023.05.03 12:15:33 -06'00'

Keith Stefanik, Chief Engineer