



**Department of
Transportation**

**LOWER WESTCHESTER BRIDGE
BUNDLE**

DESIGN-BUILD PROJECT

PIN 8101.46, D900049

**REQUEST FOR QUALIFICATIONS
GENERAL INSTRUCTIONS**

March 29, 2019

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1.0 INTRODUCTION AND GENERAL INFORMATION

This Request for Qualifications (“RFQ”), issued by the New York State Department of Transportation (the “Department”), seeks Statements of Qualifications (SOQs) from qualified firms (“Proposers”) interested in performing design, construction, quality control, construction inspection and other identified activities for the Project.

The Project involves Design-Build services for the Project as described in Appendix A.

This RFQ is issued pursuant to the Department’s authority under the Infrastructure Investment Act (the Act). The Act authorizes the Department and other specified authorized state entities to use Design-Build contracts for capital projects related to the state’s physical infrastructure, subject to the requirements set forth in the Act. This RFQ will be the mechanism by which a short list of Design-Build firms will be established. At the Department’s discretion, anywhere from three (3) to five (5) firms may be short-listed.

The Department seeks Proposers who are qualified and prepared in all respects to undertake the complete design and construction of the Project. SOQs will only be accepted from Proposers intending to provide all required services for the Project. The Department will not consider responses from firms not offering to provide all required services.

This RFQ is the first step of a two-step best value procurement process. In order to be invited to proceed to the second step of the procurement process, which is responding to a Request for Proposals (RFP), a Proposer must provide a timely response to this RFQ and be shortlisted by the Department for the Project as described herein.

1.1 ABBREVIATIONS AND DEFINITIONS

Refer to Appendix D for abbreviations and definitions of terms used in this RFQ.

1.2 PROJECT GOALS

The Department’s general goals and objectives for the Project are to:

- 1) Ensure a long-service life for all Project elements to satisfy long term preservation goals.
- 2) Ensure the safety of the traveling public.
- 3) Maximize the impact of the public investment in the Project by:
 - a) Providing cost-effective solutions.
 - b) Sequencing construction to minimize effects on vehicular traffic operations;
 - c) Reducing future maintenance requirements; and
 - d) Minimizing impacts on the environment.
- 4) Deliver the Project safely, on schedule and within budget.
- 5) Ensure coordination with all utility owners, third parties and Project stakeholders and any adjacent construction projects.
- 6) Provide best value to the Department.
- 7) Provide improved operational efficiencies in and around the project area.

1.3 ROLE OF THE DEPARTMENT

In the context of the Project, the Department is responsible for:

- A) Obtaining the appropriate environmental clearances and other permits as detailed in the RFP, except those specifically assigned to the Design-Builder;
- B) Overall Project administration;
- C) Contract procurement and administration;
- D) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of Short-Lists and selection of the Best Value Design-Builder for the Project;
- E) Identification of the Department's Designated Project Manager for the Project as the point of contact for all communication during the design and construction phase;
- F) Quality Assurance Oversight and audit of the Design-Builder's design and construction activities, including Quality Assurance and Verification Sampling and Testing;
- G) Independent Assurance;
- H) Providing information for inclusion in the RFP allowing Proposers to adequately prepare their Proposals;
- I) Providing, if necessary, for rights-of-way and easements identified in the RFP;
- J) Assisting in securing, if necessary, agreements with utility companies, utility owners and other third parties;
- K) Final acceptance of the Work and payment for Work performed; and
- L) DBE program oversight and compliance review.

At the Department's sole discretion, the Department may use consultants, retained by the Department, to fulfill one or more of the responsibilities noted in this Section 1.3, provided that the Department will be responsible for overseeing the performance of any such consultants.

1.4 PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES AND PROJECT STATUS

This RFQ is being issued concurrently with the process of development and review of the final scope of work for the Project. Any Work described herein is subject to adjustment as a result of the process.

Nothing contained in this RFQ is intended to modify, limit or otherwise constrain the process or commit the Department, or any other entity, to undertake any action with respect to the Project, including selection of a Design-Builder or the design and construction of the Project.

The Department is conducting a study to determine if a Project Labor Agreement (PLA) is warranted on this project.

Refer to Appendix A for a description of the Project and information regarding the Proposer's responsibilities and other information regarding the status of the Project.

1.5 PROJECT SCHEDULE

The anticipated Project Schedule is described in Appendix A.

1.6 CONTRACT TYPE

The Contract will be a lump sum Design-Build contract.

1.7 PAYMENT AND LIQUIDATED AND/OR GENERAL DAMAGES

The Contract will provide for a method of periodic payments. A description of the method of periodic payment will be provided in the RFP.

The Contract may include provisions for the assessment of liquidated damages for failure to meet interim milestones, deadlines or provisions. If so, details will be provided in the RFP.

1.8 GOVERNING LAW

The laws of the United States and the State of New York govern the RFQ, RFP and the Contract.

1.9 QUALITY ASSURANCE/QUALITY CONTROL

The Contract Documents place a significant responsibility on the Design-Builder for the quality of the project. The Design-Builder will be performing quality management activities under a definition of Quality Control (QC) that encompasses traditional quality control and certain activities traditionally performed as quality assurance by the Department, and the Department's Quality Assurance (QA) role may therefore exclude such activities. The Design-Builder will have responsibility for the quality of the Work conducted and materials utilized under the Contract. Proposers are to be thoroughly knowledgeable with the quality requirements of the Contract and the role and responsibility of the Design-Builder prior to preparing their Technical Proposals and Price Proposals, and if selected, execution of their responsibilities within the Project's Quality Control Program.

The Design-Builder will be required to plan, implement, and provide a Quality Control Plan for both design and construction.

The Design-Builder's Quality Control Plan must follow the requirements of 23 CFR Part 637 and the Contract Documents. In addition, the Design-Builder's Quality Control Plan shall follow the Design and Construction Quality Control Plan Format provided in the RFP. The Department will review and approve the Design-Builder's Quality Control Plan to assure that it meets the guidelines and minimum requirements established by the Department. The Design-Builder shall maintain ownership of the Plan, shall be fully responsible for its execution, and shall maintain sole responsibility for the quality of the Work. As part of the acceptance procedure, the Department will conduct verification sampling and testing of material testing, as well as conduct audits, in-depth inspections, and reviews of Work to ensure workmanship, and that in-process and completed Work, meets contract requirements.

The Design-Builder will be required to have, as part of the Design-Build Team, a Quality Manager who will be responsible for the oversight of the preparation of the Quality Control Plan, and direct supervision of the implementation of the Quality Control Plan, and for ensuring its compliance for both design and construction. This individual shall be a direct report to senior management of the Design-Builder, and will not directly report to the Design-Builder's Project Manager.

For design, the Quality Manager shall ensure that the design firm on the Design-Build Team implements the quality control procedures specified in the Design-Builder's Quality Control Plan for design activities.

For construction, the Design-Builder will be required to have, as part of the Design-Build Team, a Professional Engineering Firm to perform Construction Inspection, and a Materials Testing Firm or Laboratory to sample and test materials as specified in the Quality Control Plan and/or as required by the project specifications. The Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory may be the same company or separate companies, but in either case, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory must be independent of the Designer(s), Constructor(s) and any of the Principal Participants or any party with an equity interest, that are included in the Proposer's proposed team. In addition, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory shall not be an equity participant on the Design-Build Team.

The Professional Engineering Firm performing Construction Inspection will be required to inspect all construction operations and perform construction quality control of the Design-Builder for conformance to the Design-Build plans, specifications, the Quality Control Plan and the Contract requirements. They will also act as a field review component during design and construction as plans are being developed to ensure that the plans and specifications the Designer is providing are constructable for the conditions found in the field. The Professional Engineering Firm's inspection, measurement, and testing activities must adhere to, and be in accordance with, all of the requirements set forth in NYSDOT Policies, manuals, engineering bulletins, engineering instructions, the Contract documents, and the Quality Control Plan.

Unless otherwise modified in the RFP, the Department will furnish at its own expense, off-site Quality Assurance, including, inspections and testing of steel, cement, asphalt, concrete and asphalt aggregates, concrete sewer and drainage pipe, and such other materials as are customarily tested by Department forces or by separate contracts. Those items that will be tested by the Department will be described in the RFP.

The Materials Testing Firm or Laboratory shall report to and support the Construction Inspection Professional Engineering Firm.

The Construction Inspection Professional Engineering Firm shall report to the Design-Build Quality Manager and shall coordinate with the Department's Quality Assurance Engineer.

The Professional Engineering Firm providing construction inspection will enforce the specifications and identify in a timely manner local conditions, methods of construction, errors on the plans, or defects in the work or materials which would conflict with the quality of work required, or compromise the successful completion of the project.

All records must be kept in accordance with the Manual of Uniform Record Keeping (MURK) and the Contract requirements. The Construction Inspection Professional Engineering Firm must take all measurements and collect all other pertinent information necessary to prepare a project diary describing the progress of the work, specific problems encountered, daily inspection reports, survey notes, photographic and video records of various phases of construction, and other pertinent data, records and reports which may be required by MURK or the Contract. The Construction Inspection Professional Engineering Firm will be required to prepare the above mentioned project diary and daily inspection reports using the NYSDOT SiteManager Program. Access to the SiteManager Program will be provided by the Department.

The Department will establish and maintain its own Quality Assurance organization and/or utilize an independent Quality Assurance organization to conduct verification sampling and testing on material testing, oversee and/or perform quality audits, in-depth inspections of the Design-Builder's management, design, construction and any other Project activities, the Design-Builder's Quality Control procedures and verify the quality of the final product. The Department may utilize independent Consultants to perform design and/or construction Quality Assurance of the Design-Builder's Work.

If the Department should process solicitations for design and/or construction Quality Assurance contracts, a Firm may be included in proposals for the Design-Build contract and submit proposals for the Quality Assurance contracts. However, any Firm that is on the selected Design-Build Team will automatically be removed from consideration for the Quality Assurance contracts.

No Construction shall begin nor shall payments be made before the Design-Builder's Quality Control Plan is approved by the Department.

1.10 INSURANCE, BONDING, LICENSING AND SECURITIES

Details regarding insurance requirements for the selected Proposer will be specified in the RFP. The Department will require the selected Proposer to provide evidence of insurance by certified copy of complete policy or policies endorsed.

Each Proposer submitting a Proposal will be required to provide a Proposal Bond or other form of security acceptable to the Department, as specified in the RFP. The selected Proposer will be required to provide Performance and Payment Bonds and/or other security acceptable to the Department as provided in the RFP.

Prior to Contract execution, all Persons participating in the procurement and/or the Contract must obtain all certificates of authorization, licenses and permits and take all necessary steps to conduct business in the State of New York and perform the Work required under the Contract, including proposing and carrying out a contract consistent with the laws of the State of New York.

1.11 RULES OF CONTACT

The following rules of contact shall apply during the Contract procurement process, which began upon issuance of the RFQ and will be completed with the execution of the Contract. The rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, e-mail or formal written communication.

The specific rules are as follows:

- A) Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only with designated contact persons. The Department's Designated Representative for this procurement is specified in Appendix A.

The Department's Designated Representative shall be the Department's single point of contact and source of information for this procurement;

- B) After the Short-List is announced, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with

regard to the Project or the Proposals. However, subject to the limitations in the ITP Section 1.8.3 of the RFP, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information between the teams. Proposers shall provide the Department's Designated Representative with all required written certifications received from its subcontractors at time of SOQ submission;

- C) Contact between each Proposer and the Department (questions and responses to questions) shall only be through the Department's Designated Representative;
- D) Unless otherwise specifically authorized by the Department, or in this RFQ, a Proposer may contact the Department only through the Department's Designated Representative and only in writing by e-mail. The Proposer's contacts with the Department shall only be through a single representative authorized to bind the Proposer;
- E) Communications between a Proposer and the Department's team of staff and consultants is allowed during any joint workshops and meetings organized by the Department;
- F) Neither a Proposer nor its agents may contact employees of the Department or consultants under contract with the Department for this Project, including staff members, members of any SOQ evaluation committee and any other person who will evaluate SOQs, regarding the Project, except through the process identified above;
- G) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer and result in any other remedy under the Procurement Lobbying Law.
- H) The Department will not be responsible for or bound by:
 - (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Department's Designated Representative.
- I) Neither a Proposer nor its agents may contact any Federal or State official, or stakeholder staff regarding the Project. Stakeholder staff includes employees of:
 - 1) FHWA; and
 - 2) State and federal agencies engaged in the Project or otherwise having jurisdiction over the Project.

Information regarding the Project will be posted on the Department's Project web site.

Proposers are advised to monitor the web site regularly. The Department is not obligated to notify potential proposers of posted information, including Addenda, to the RFQ and/or the RFP.

1.12 PROPOSER QUESTIONS

The Department will consider questions submitted in writing by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing by e-mail to the Department's Designated Representative.

Only written requests by e-mail will be considered. No oral requests will be accepted. No requests for additional information or clarification to any other Department office, Consultant, employee or the FHWA will be considered. All responses to Proposer questions on the RFQ will

be disseminated only by posting on the Department's web site. Responses will not indicate which Proposer raised particular questions. Responses to questions will not be mailed out.

Only questions received by 12:00 P.M. (Noon) Eastern Time on the date specified in Appendix A will be addressed.

Questions must include the requestor's name, address, telephone number and e-mail address, and the Proposer that he/she represents.

For the sake of clarity, the Department may consolidate or rewrite questions, and may post multiple sets of questions and answers. The last response will be posted on the Department's web site on the date indicated in the procurement schedule in Appendix A.

1.13 RFQ ADDENDA

If necessary, the Department will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated only by posting on the Department's web site. Addenda will not be mailed out. Proposers are advised to visit the Department's web site regularly to check for addenda. The final addendum will be posted on the Department's web site not later than seven (7) calendar days prior to the SOQ Due Date. If an additional addendum is required within seven (7) days of the SOQ due date, the SOQ Due Date shall be revised such that there will be seven (7) days or greater from the final addendum to the SOQ due date.

It is anticipated that the Department may also use the Department's web site to present general market-related inquiries and to receive replies to these inquiries from industry practitioners. These general questions-and-answers would not form part of the SOQ process for the Project, and any replies received would not be included within the SOQ evaluation for any Proposer.

1.14 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Proposer will be notified officially in writing whether or not it has been selected for the Short-List. The Short-List will be posted on the Department's web site after all short-listed firms have been notified. Notifications may be expected no later than the date specified in Appendix A.

1.15 COSTS

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including preparing an SOQ, attending any briefing(s), workshop(s) or meeting(s), and/or providing supplemental information.

1.16 ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS

Only prospective Proposers who are capable of completing the Project in its entirety will be considered eligible to be included in the Short-List; and

Proposer organizations, including Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory(Laboratories), and Key Personnel identified in the SOQs submitted by Proposers must remain intact for the duration of the procurement process and the subsequent Contract. A shortlisted Proposer may propose substitutions for participants; however, such changes will require written approval by the Department. Approval may be granted or withheld in the

Department's sole discretion. During the RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the RFP Instructions to Proposers. Requests by shortlisted Proposers for changes in any of the Principal Participants or Design-Build Team will be particularly scrutinized. The Proposer should carefully consider the make-up of its team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

The Key Personnel identified in the Statement of Qualifications (SOQs) have standing both in qualifying the team for short-listing and in contributing to the Team's Quality Evaluation Factor score in the evaluation of their Project proposal, which could lead to their Selection of Best Value Proposal. Therefore, it is imperative that the Key Personnel remain intact not only throughout the procurement process, but for the duration of the Project until Project Completion. Failure to maintain Key Personnel, identified in a Proposer's Proposal, throughout the duration of the Project shall result in a Key Personnel Change Assessment Fee in the amount of \$15,000 for each Key Personnel position substitution, regardless of whether the Department accepts the alternate personnel as equal or better.

The Key Personnel identified in the SOQs are considered important to the success of the Project. Individuals serving in certain Key Personnel positions cannot serve the same or even different Key Personnel positions on other ongoing Department Design-Build projects. The Design Manager and the Quality Manager positions identified in this RFQ are two such positions. Additional restricted Key Personnel positions may be identified in the RFP. These restricted Key Personnel positions shall not serve on more than one ongoing Department Design-Build Project at the same time. Proposers shall not include the names of individuals associated with the Design Manager and Quality Manager in their SOQ if they have been included as any Key Personnel position in the SOQs or Proposals for any other Department Design-Build project(s) that will be ongoing at the same time. Similarly, Proposers shall not include the names of individuals associated with these two Key Personnel positions if they are currently serving as any Key Personnel position on any other Department Design-Build Project(s). If unsuccessful in being short-listed, or unsuccessful in being selected as Best Value, or if for the Quality Manager, the Design-Build project has completed its construction work, or for the Design Manager if the Design-Build project has completed 75% of final design work (accepted by the Department) at time of SOQ submission; then those Key Personnel are available for other Design-Build solicitations. Confirmation of such completion of either construction work and/or final design work has to be verified by the existing Department's Project Manager for that project. This information shall be provided by the proposers to the designated representative at time of SOQ submission. Proposers, who fail to comply with these restrictions risk being disqualified from this procurement.

Proposers that make changes to the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory(Laboratories), or Key Personnel identified in the SOQs without Department approval may be disqualified from the contract.

Design-Builders should be aware that the seven Key Personnel positions identified in the RFQ shall be carried forward to the RFP. The scoring of those Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of those seven Key Personnel positions in the Proposals submitted from the shortlisted firms. The scoring of those Key Personnel will not be altered for those seven positions, even if the shortlisted firm(s) has proposed and received Department approval for substitution of one or more participants that meet the required equal or better requirement for change in Key Personnel.

1.17 PROPOSAL STIPEND

The Department will provide payment of a stipend to Proposers on the Short-List who submit a Proposal in response to the RFP, subject to certain stipulations. The Proposer selected for contract award will not be eligible for such payment. Details and a sample contract will be provided in the RFP. No Proposer will be obliged to accept an offer of a stipend. Any Proposer that declines to accept payment of a stipend will be required to sign a waiver to its right to payment. The amount of the stipend is included in the RFQ, Appendix A.

1.18 BUY AMERICA

The Project is subject to Buy America policies, which require a domestic manufacturing process for all steel or iron products that are permanently incorporated in a Federal-aid highway or bridge construction project. The regulations permit a minimal use of foreign steel and iron in the amount of \$2,500 or one-tenth of one percent, whichever is greater, to be used in the Project. At a Proposer's request, the Department may, but will not be obligated to, seek a waiver of Buy America requirements if grounds for such waiver exist. The Proposer will be required to comply with the applicable Buy America requirements unless such waiver is sought and granted. The RFP will require Proposers to provide appropriate certifications regarding compliance with Buy America requirements.

1.19 IRAN DIVESTMENT ACT OF 2012

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. This act may be viewed in its entirety at:

<http://www.ogs.ny.gov/about/regs/docs/ida2012.pdf>.

Pursuant to SFL § 165-a (3)(b), the Commissioner of the Office of General Services (OGS) has developed and maintains a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). The list may be found on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

By submitting a Proposal in response to the RFP or by assuming the responsibility of a Contract awarded hereunder, the Proposer (or any assignee) certifies that, it will not utilize, on such Contract, any subcontractor that is identified on the prohibited entities list.

Additionally, any Design-Builder seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the Department receive information that a Design-Builder (or any assignee) is in violation of the above-referenced certification, the Department will offer the Design-Builder (or any assignee) an opportunity to respond. If the Design-Builder (or any assignee) fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Department shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Design-Builder in default.

The Department reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a

responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

1.20 RFQ QUESTIONS AND ANSWERS

Interested parties may forward questions to the Department's Designated Representative at any time after posting of the RFQ, but questions must be submitted no later than the date specified in the Procurement Schedule included in Appendix A.

2.0 PROCUREMENT PROCESS

2.1 OVERALL PROCUREMENT PROCESS

The process for procurement of the Contract will use best value as a basis of selection. The Department intends to award the Contract to the Proposer who provides the Proposal with the best combination of price and quality factors.

The procurement process will include two steps:

- A) RFQ (Determination of Short-List); and
- B) RFP (Selection of Design-Builder from Proposers on the Short-List who submit Proposals).

2.1.2 RFQ

The purpose of the RFQ is to allow the Department to determine the Short-List of Proposers that will be invited to submit Proposals for the Project. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include information addressing each pass/fail and quality evaluation factors identified herein. Refer to Section 4.0 for SOQ submittal requirements and evaluation factor objectives and requirements.

2.1.3 RFP

The purpose of the RFP is to allow the Department to select the Design-Builder whose Proposal offers the Best Value for the Project. The RFP will provide specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation and the evaluation rating guidelines for the RFP step of the procurement. The RFP will initially be issued as a draft, with the intent of engaging the Proposers on the Short-List in its review before finalization.

For informational purposes, and team building purposes, the following summarizes elements of the RFP evaluation and proposal package as currently anticipated by the Department:

- A) Evaluation factors for each RFP may include, but not be limited to:
 - 1) Pass/Fail:
 - a) Legal (including compliance with state licensing requirements);
 - b) Financial (review of updated financial documentation, surety commitments, etc.);
 - c) Administrative (responsiveness of the Proposal);
 - d) DBE Compliance; and

- e) Price Proposal (including provision of Proposal Bond).
- 2) Quality (these factors may also include subfactors):
- a) Design-Build Organization and Process
 - Key Personnel: The Department anticipates the inclusion of the following key personnel as evaluation factors in the RFP:
 - i. Lead Structural Engineer
 - ii. Lead Civil Engineer
 - iii. Lead Geotechnical Engineer
 - iv. Environmental Compliance Manager
 - v. Lead Hydraulic Engineer
 - vi. Project Superintendent
 - vii. Quality Manager
 - viii. Design Manager
 - ix. Project Manager
 - x. Resident Engineer
 - xi. Resource Provider

 - Overall Design-Build Team Organization
 - i. Design-Build Team Organizational Chart
 - ii. Design-Build Team Communication Protocol
 - iii. Initial Quality Control Plan
 - b) Design-Build Approach to the Project (Technical Solutions)
 - Project Understanding
 - Design Approach
 - Construction Approach (Means and Methods)
 - c) Schedule
 - CPM Schedule
 - Project Completion/Interim Milestone
 - Gantt Chart
- 3) Price
- B) Information to be submitted in the Proposals shall include, but not be limited to:
- 1) The roles and responsibilities of the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s) and the Materials Testing Firm(s) or Laboratory (Laboratories); and their relationships in the organization;
 - 2) Legal documents demonstrating ability to enter into a Contract with the Department;
 - 3) Proposal Bond;

- 4) Specified certificates and representations;
- 5) Description of the Design-Build Organization Structure and Communication, with emphasis on managing and producing a quality Project, including: team organization structure, team communication protocol, and initial quality control plan.
- 6) Design-Build Approach with emphasis on innovations (as appropriate), including: design and construction approaches, proposed materials, quality, durability and maintainability, etc., knowledge of the complexities, and potential risks associated with the project;
- 7) Schedule, with emphasis on expediting construction and minimizing disruptions to the travelling public, including: design and construction activities, critical path, construction staging, detours and activity durations;
- 8) Affirmative commitment to provide the identified Key Personnel;
- 9) A Price Proposal;
- 10) Any specified design documents and conceptual diagrams/sketches.

While price is an important factor in the RFP step of the procurement, quality factors will also be significant in determining the best value for the success of the Project. The RFP requirements and evaluation and selection procedures are designed to allow the Department to conduct a comprehensive evaluation of quality in addition to considering the price offered, thus allowing the Department to determine which Proposal is the best value. At the end of the evaluation of the Proposals, the Department will perform an assessment of the price and the quality factors and shall identify the Proposer that has offered the most advantageous (best value) Proposal. The Department reserves the right to request revised Proposals following initial evaluations. The evaluation process will be described in more detail in the RFP.

The description of RFP terms and conditions contained herein, including the anticipated scope of services, evaluation factors and submittal requirements, is preliminary and subject to modification in the RFP.

2.2 PROCUREMENT SCHEDULE

The anticipated procurement schedule is shown in Appendix A.

3.0 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS (SOQ)

3.1 EVALUATION OBJECTIVES

The objective of the RFQ step of the procurement is to create a Short-List of the most highly qualified Proposers with the general capability (quality, financial and management), capacity and experience necessary to successfully undertake and complete the Work for the Project. The Design-Builder will have primary responsibility to plan, design, construct, manage and control the Project and to complete the Project on or ahead of schedule and on or under the Contract price. The Department expects high responsibility standards of the Design-Builder and this is reflected in the quality evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

3.2 REVIEW AND EVALUATION OF THE SOQ

The information submitted in accordance with the RFQ will be evaluated in accordance with both the pass/fail factors listed in Section 3.3.1 and the quality evaluation factors provided in Section 3.3.2. These evaluation factors are further defined in Section 4.4.2.

Evaluation of the SOQs will be based on information submitted in the SOQs or otherwise available to the Department and will involve both pass/fail and quality evaluation factors. Evaluation of the Proposals will be based on information submitted in the Proposals or otherwise available to the Department and will involve both pass/fail and a combination of price and quality evaluation factors. Proposers should note that both the SOQ and Proposal must be self-contained, i.e. all of the information necessary to make a complete and comprehensive evaluation must be contained within the Proposer's SOQ and Proposal. Proposers should not assume that any Department staff, that will be involved in the evaluation of the SOQs or Proposals, will have general knowledge of the firms or its Key Personnel.

3.3 EVALUATION FACTORS FOR THE RFQ PHASE

The Department has identified the following factors and/or sub-factors that are of particular importance to the Department. This information is provided here to assist Proposers in organizing their teams and preparing their SOQ.

3.3.1 Pass/Fail Evaluation Factors

A) The pass/fail evaluation factors are:

1. Legal;
2. Financial;
3. Backlog and Capacity; and
4. Vendor Responsibility.

B) Pass/Fail ratings will be based on the following criteria:

1. Demonstrated capability to enter into a contractual relationship with the Department and a declaration of willingness to do so;
2. Demonstrated capability to provide required bonds and guarantees and to meet other financial requirements of undertaking and completing the Work;
3. Demonstrated capacity to successfully complete the design and construction of the Project, considering current, committed and potential workload;
4. Proper identification of all Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), as well as the Materials Testing Firm(s) or Laboratory(Laboratories);
5. Determination that the Design-Build Team members are responsible vendors; and
6. Proper submittal of the required information per the requirements of the RFQ.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for quality rating detailed in Section 3.3.2. If a Proposal fails any single pass/fail requirement resulting in a Deficiency, the SOQ will be declared unacceptable, the quality factors will not be rated, and the Proposer will not be included on the Short-List.

3.3.2 Quality Evaluation Factors

The quality evaluation factors to be evaluated in the SOQs are:

- A) Organization and Key Personnel;
- B) Experience of the Firms;
- C) Past Performance; and
- D) Compliance with SOQ Format and Organization Requirements.

The relative weights of the quality evaluation factors are included in Appendix A.

During this evaluation, ratings will be assigned for various sub-factors (see Section 4.4.2) within each quality evaluation factor. The ratings assigned to each sub-factor will be compiled to determine an overall quality evaluation factor rating. The ratings assigned to the quality evaluation factors will be compiled to determine an overall quality rating for the SOQ.

3.4 REQUESTS FOR CLARIFICATION BY THE DEPARTMENT

The Proposer shall provide accurate and complete information to the Department. If information is not complete, the Proposer's SOQ can be considered non-responsive. If the information provided requires clarification, the Department will notify the Proposer and request that the clarification be submitted within 24 hours or a time deemed appropriate by the Department. Proposers will not be allowed to participate further in the procurement of the Project until all information required is provided. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Department with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected documents. If a response is not provided, within the time frame specified by the Department, the SOQ may be declared non-responsive.

The Department may waive technical irregularities in the form of the SOQ that do not alter the quality or quantity of the information provided.

The Department may, at its sole discretion, request clarifications from Proposers during the SOQ evaluation and Short-List process.

All requests and responses shall be in writing by e-mail. Responses shall be limited to answering the specific information requested by the Department.

The Department does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the Department elects to conduct interviews, the Proposers shall be notified in writing or by email.

Proposers must submit follow-up responses to inquiries by the Department. Responses shall be submitted to the Department's Designated Representative by e-mail no later than the deadline specified in the Department's request for clarification.

In the event that a material error is discovered in the RFQ during the SOQ evaluation process, the Department will issue an addendum to the RFQ and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

3.5 DETERMINATION OF THE SHORT-LIST

The Department will establish a Short-List, for the Project, of an appropriate number (as determined by the Department) of the most highly qualified Proposers in order to ensure adequate competition (typically a minimum of three (3) and a maximum of five (5)).

3.6 SHORT-LIST PROTEST

The Department's decision of the Proposers to be included on the Short-List shall be final and shall not be appealable, reviewable or reopened in any way, except as provided in Section 5.0. Persons and entities participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and other requirements of this RFQ.

Subject to applicable New York law, contents of SOQs, less proprietary information, to the extent protected under applicable New York State law, will become public information upon execution of the Contract.

4.0 REQUIREMENTS OF SOQ SUBMISSION

4.1 SUBMITTAL REQUIREMENTS

All SOQs must be received at the Department's submittal address no later than 12.00 pm (Noon) Eastern Time (ET) on the SOQ Due Date specified in Appendix A.

The front cover of the SOQs must be clearly marked with the Project name, Proposer name, and date of submittal, and enclosed in one or more sealed containers. SOQs received after 12:00 pm (ET) on the SOQ Due Date will not be considered, consistent with State law requirements.

Where multiple containers are used by a Proposer to submit an SOQ, the Proposer shall label each container "Package # of ##" where # denotes the number of the container, and ## denotes the total number of containers being submitted by the Proposer.

4.2 SUBMITTAL ADDRESS

Submittals shall be submitted by either mail or hand delivery to the Department's Designated Representative at the address shown in Appendix A.

Each Proposer shall be responsible for obtaining a written receipt, appropriate to the means of delivery, from the Department office specified in this Section 4.2, at time of delivery of its SOQ. It is the Proposer's sole responsibility to ensure delivery of its SOQ to the Department by the time and at the place specified herein, and the Department shall therefore have no liability or responsibility regarding delivery of a Proposer's SOQ.

4.3 PAGE LIMIT, FORMAT AND QUANTITIES

Refer to Appendix B for details of page limits, requirements for the formatting of SOQ submissions and details of the number of copies to be submitted.

4.4 CONTENT OF SOQ

This Section 4.4 describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Appendix B. Required forms for the SOQ are

contained in Appendix C. Any material modification to the forms may result in the SOQ being declared non-responsive.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.4.2. Lengthy narratives containing extraneous information are discouraged. If the Proposer's organization has not yet been formed, information regarding the future organization shall be provided as appropriate to allow the Department to determine whether the future organization will meet applicable requirements once it is formed. The preparer shall attach the required written certification from subcontractor(s) serving on more than one proposal team as discussed in section 1.11 Rules of Conduct.

4.4.1 Cover Letter

The Proposer shall provide a cover letter (no more than two pages) indicating its desire to be considered for the Project and stating the official names and roles of all Principal Participants and Design-Build Team members. The Proposer shall identify a single point of contact for the Proposer and the address, telephone and fax numbers and e-mail address, where questions should be directed. Authorized representative(s) of the Proposer's organization shall sign the letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives of all Principal Participants shall sign the letter.

The Proposer shall attach to the cover letter the completed acknowledgment of receipt form (Appendix C Form AOR) acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Department. The preparer shall attach the required written certification from subcontractor(s) serving on more than one proposal team as discussed in section 1.11 Rules of Conduct.

4.4.2 Evaluation Factor Objectives and Requirements

In providing a SOQ, Proposers should be guided by the overall Project goals and objectives in Section 1.2 and the specific RFQ objectives and requirements listed in Sections 4.4.2.1 through 4.4.2.8. The SOQ evaluation ratings described in Section 3.3 will reflect how well a SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors.

4.4.2.1 Legal (Pass/Fail)

A) Objective:

To confirm the Proposer is or will be legally constituted, able to submit a Proposal and enter into the Contract, complete the Work, that the members of the Proposer's team either hold or commit to obtaining all required Professional Licenses, and to identify Proposers whose Materials Testing Firm(s) or Laboratory(Laboratories) is(are) AASHTO certified.

B) Requirements and information to be provided in Section 1 of the SOQ:

- 1) Form L-1 (Appendix C), Proposer's Organization Information, for the Proposer's organization.

- C) Requirements and information to be provided in Section 1 of the SOQ if the Proposer is a joint venture or partnership of different firms:
- 1) Identity of the Lead Principal Participant of the entity, if any (Form L-1, Appendix C); and
 - 2) Percent equity share held by each member (Form L-1, Appendix C); and
 - 3) If the Proposer has already been legally constituted, full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the joint venture agreement, limited liability company operating agreement or partnership agreement; and
 - 4) If the Proposer has not yet been legally formed, a description of the proposed legal structure and draft copies of the underlying documents, including:
 - i) All significant terms of the joint venture* or partnership, including the rules relative to the administration of the joint venture, limited liability company or partnership, including dealing with deadlock situations;

*If a joint venture has not been established with a valid Federal Employer Identification Number and NYS Vendor ID Number, the Joint Venture agreement should contain language naming a “Designated Member” who shall receive payment of any potential stipend on behalf of the joint venture and that the Designated Member’s right to receive the stipend survives termination of the Joint Venture agreement should it be terminated prior to the payment of the stipend
 - ii) Description of how the joint venture, limited liability company or partnership will operate administratively and technically;
 - iii) A teaming agreement or comparable document setting forth the equity members’ agreement to form the organization; and
 - iv) If a Proposer has not yet been legally formed at the time of the submission of their Proposal to the Department, the Proposer must be legally formed before the Department will Award or execute a Contract with the Proposer. If there is a delay, for any reason whatsoever, in the forming of the legal entity, the Award, contract execution and the notice to proceed will be postponed until the legal entity is fully formed. The resulting delay shall not change any of the contractual interim milestone or final completion dates in the Contract and Proposal and liquidated damages will be assessed for each day the interim milestone or final completion dates are not met. If the Proposer has not yet been legally formed within 7 calendar days of designation of best value, the Department may, at its discretion, reject the Proposal and proceed to award the Contract to the Proposer having the apparent next best value Proposal.
 - 5) An express statement from each of the equity members of the entity as to their joint and several liabilities.
- D) Requirements and information to be provided in Section 1 of the SOQ:
- 1) Submit notarized Power of Attorney for each Principal Participant indicating the authority to bind the Principal Participant’s representative to sign for that Principal Participant the submitted SOQ;

- 2) Submit notarized Power of Attorney from each Principal Participant indicating the authority of the Proposer’s designated point of contact to sign documents for and on behalf of the Proposer’s organization; and
 - 3) Use Form L-3 (Appendix C) to submit a copy of the Certificate of Authorization to provide Engineering Services issued by the New York State Education Department for the appropriate team members, or submit documentation on Form L-3 (Appendix C) demonstrating the ability to obtain said Certificates and licenses, in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.
- E) Procurement Lobby disclosures for the Proposer or, if the Proposer has not yet been formed, for each of its proposed members, in the two forms provided at:
- <https://www.dot.ny.gov/main/business-center/consultants/non-architectural-engineering/active-solicitations>
- which shall be presented in Section 1 of the SOQ.
- F) Verification that the Materials Testing Firm(s) or Laboratory(Laboratories) is(are) AASHTO certified.

4.4.2.2 Financial (Pass/Fail)

- A) Objective:
- 1) To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding capacity and the capability to effectively manage the scheduled cash flow as well as any unanticipated cash flow needs of the Project; and
- B) Requirements and information to be submitted – Surety Letter(s):
- 1) Provide a letter from a surety or insurance company indicating that the Proposer is capable of obtaining Proposal, Performance and Payment Bonds covering the Design-Build Contract;
 - 2) The bonding/security capacity levels in Table 4.1 represent minimum levels necessary to pass the Pass/Fail criteria of Section 3.3.1 for the Contract;
 - 3) The letter must state that the surety or insurance company is rated AA-/Aa3 by two nationally recognized rating agencies or at least A-VII by A.M. Best and Company, be listed on Treasury Department Circular 570 and be on the list of companies approved by the State of New York;
 - 4) The letter must specifically state that the surety/insurance company has evaluated the team’s backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team’s amount of current backlog and utilized bonding capacity; and
 - 5) Letters indicating “unlimited” bonding/security capability are not acceptable.

Table 4.1

Proposal Bond/ Security	Payment Bond/ Security	Performance Bond/ Security
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5% of Proposal Amount	100% of Contract Amount	100% of Contract Amount
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- C) The Contract Amount is not anticipated to exceed the amount shown in Appendix A.

4.4.2.3 Backlog and Capacity (Pass/Fail)

- A) Objective:

To identify Proposers with sufficient capacity, considering current, committed and potential workload and past level of contract activity, to successfully complete the design and construction of the Project.

- B) Requirements and information to be submitted:

Submit Form B (Appendix C), Backlog Information, for each Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory. Limit backlog information to the office(s)/division(s) of the firms that will be performing Work on the Project.

4.4.2.4 Vendor Responsibility – (Pass/Fail)

- A) Objective:

To identify Proposers with firms and/or personnel with a history of financial, legal, integrity, or performance issues that could adversely impact the Project generally.

- B) Requirements and information to be submitted:

Vendor Responsibility Questionnaire: All firms of the Design-Build team shall submit a Vendor Responsibility Questionnaire (VRQ). Construction Contractors shall supply the CCA-2 form. See Appendix C. Note the VRQ form used by the New York State Thruway Authority is not sufficient. The VRQ may also be submitted on-line using the OSC VendRep system, and include a receipt of submission in the SOQ instead of a hard copy of the VRQ.

4.4.2.5 Organization and Key Personnel (Quality)

- A) Objective:

- 1) To identify Proposers that can manage all aspects of the Contract in a satisfactory, timely, and effective manner, successfully integrate the various parts of its organization in relation to Design-Build, and coordinate with the Department in a cooperative and functional manner; and
- 2) To identify specific Key Personnel with demonstrated experience and expertise, and a record of producing satisfactory work on projects of a similar nature to this Project.

- B) Requirements and information to be submitted:

- 1) Organization chart and communication structure (Solid lines for organization and colored dash lines for communication) among the Principal Participants,

Construction Firm(s), Design Firm(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory(Laboratories), and specific Key Personnel;

- 2) A narrative for communication protocols fully describing the roles, responsibilities and reporting relationships of key personnel. Provide a clear explanation of how the Design-Build Team will function within the team, and with the Department, to accomplish the project goals.
- 3) Form R – Summary of Individual’s Experience shall be submitted. Form R shall be completely filled out with no blank lines/spaces (use N/A where an answer is not needed). References shall be owners for whom the individual has performed project work for in the past five (5) years and shall not be current employers of the individual. Please explain any gaps in chronology of qualifying experience.

C) Requirements for Key Personnel:

Key Personnel are listed below and should meet the qualifications described in Appendix A. Proposed staff with qualifications less than those described in Appendix A will receive a reduced score compared to staff that meet or exceed the described qualifications.

- 1) Project Manager;
- 2) Design Manager;
- 3) Quality Manager;
- 4) Resident Engineer;
- 5) Lead Hydraulic Engineer;
- 6) Lead Geotechnical Engineer; and
- 7) Environmental Compliance Manager.

Key Personnel overlap verification requirements on NYSDOT Design-Build projects as per Section 1.16 of the General Instructions.

4.4.2.6 Experience of the Firms (Quality)

A) Objective:

To identify the best Design-Build Teams with demonstrated experience, expertise, capacity in, and record of producing quality Work on projects possibly similar in nature to this Project;

- 1) To identify Proposers that have:
 - i) Experience in successfully managing and constructing projects of similar type as this Project;
 - ii) Experience in successfully completing Design-Build projects of similar type, and possibly scope as this Project;
 - iii) Experience in successfully managing the construction sequencing, maintenance of traffic and community interaction aspects of Projects; and
- 2) To identify Proposers whose design team has successfully managed and completed the design of infrastructure projects and who have a record of developing designs that are cost effective, innovative and sustainable;

- 3) To identify Proposers who will effectively manage all aspects of the Contract in a quality, timely and effective manner and will integrate the different parts of its organization collectively and with the Department in a cohesive and seamless manner;
 - 4) To identify Proposers that have the technical and management experience and expertise to plan, organize, execute the design and construction and assure the quality of the Project;
 - 5) To identify Proposers whose Design and Construction Inspection Professional Engineering Firms preferably have past NYSDOT experience; and
- B) Requirements and information to be submitted:
- 1) Using Form E-1 (Appendix C), Project Description, provide no more than five (5) past project descriptions for the Constructor(s), five (5) for the Designer(s), three (3) for the Construction Inspection Professional Engineering Firm(s), and three (3) for the Materials Testing Firm(s) or Laboratory(Laboratories). Past projects must have been active within the last 15 years, and may be ongoing. An emphasis should be placed on projects having a scope, size, and/or complexity comparable to that anticipated for the Project; or project aspects comparable to that anticipated for the Project.

4.4.2.7 Past Performance (Quality)

- A) Objective:
- 1) To identify Proposers with firms or personnel that have successfully completed projects on time and on or under budget, including transportation and infrastructure projects;
 - 2) To identify Proposers that have records of managing contracts to minimize delays, claims, dispute proceedings, key personnel change assessment fees, litigation and arbitration;
 - 3) To identify Proposers with a record of providing a safe work environment; and
 - 4) To evaluate the record of DBE compliance for each firm included in the SOQ in terms of achieving or making good faith efforts towards achieving past contract DBE goals.
- B) Requirements and information to be submitted:
- 1) Using Form PP-1 (Appendix C), Past Performance, provide the information requested for **each project** for which Form E-1 was prepared. The Narrative should be a self-assessment of the Firm's performance on the project, in accordance with Objectives 1) and 2) above. The Narrative should then explain any cost overruns, schedule delays, claims, litigation, key personnel change assessment fees, and liquidated damages associated with the project. Form PP-1 shall not exceed two pages in length per project.

With respect to the information solicited in this Section 4.4.2.8, failure to provide this information, conditional or qualified submissions to requests or questions posed (such as "to our knowledge", "to the extent of available information", "such information is not readily available", "such information is not maintained in the

manner requested”, etc.), incomplete or inaccurate submissions or non-responsive submissions may, in the sole discretion of the Department, lead to a low evaluation rating for this evaluation factor or result in a deficiency that would cause the Department to declare the SOQ non-responsive. The proposer may include any extenuating circumstance it believes important regarding any assessment of liquidated damages, fines, or adverse findings assessed against the firm on the Design-Build team.

- 2) All Other Projects: For all other projects each Design-Build Team member has been involved with over the last 10 calendar years, submit the following information, organized by Design-Build Team member:
 - a) Claims, dispute proceedings, litigation and arbitration proceedings: Provide an explanation for any claims, dispute proceedings, litigation, and arbitration proceedings that were submitted, over the past ten calendar years, to the NYSDOT Commissioner’s office, or other agency’s equivalent, as part of a formal dispute resolution process, as outlined in Section 105-14, Disputed Work and Dispute Resolution, of the Standard Specifications (for Design-Bid-Build Projects); and
 - b) Liquidated damages: Describe any contract which resulted in assessment of liquidated damages against any Design-Build Team member involving amounts in excess of \$25,000 for any one project over the past ten calendar years. Describe the causes of the delays, the length of the delays, and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.

Provide information relative to past fees assessed to the contractor/designer/CI firm involving key personnel change assessment fees for having changed key personnel following award of a previous Design-Build contract (on-going or completed). Provide the owner’s name and the name of its current representative (and current phone and e-mail address) who can be contacted for additional information.

If one or more of the Design-Build Team members have no information to provide in response to this Section, submit a declarative statement to that effect. Each Design-Build Team member’s response to this Section shall not exceed two pages in length.

- 3) Safety: Submit Form S (Appendix C), Safety Questionnaire, for each Design-Build Team Member in accordance with the instructions at the top of the Form;
- 4) Experience Modification Rate: Each firm on the Proposer’s team shall submit a letter from their current workers compensation insurance carrier stating the expiration date of the policy and the current EMR rate. The EMR supplied by the Constructor(s) and the Construction Inspection firm(s) for the current year will be scored in the following ranges according to the table below:

Experience Modification Rate (EMR) Most Recent Completed
0.8 or less
Between 0.8 and 1.2
1.2 or greater

If there is more than one Prime Constructor and / or Prime Construction Inspection firm, then the EMR score will be averaged to obtain a single EMR score for the Constructors and / or Construction Inspection firms. A single average weighted EMR score will be determined by combining the EMR score for the Constructor(s) (75% weighting) with the Construction Inspection firm(s) (25% weighting).

- 5) DBE Program Experience: Submit Form DBE (Appendix C), Record of DBE Program Experience – Tables 1-5, for each Principal Participant, Constructor, Designer and Construction Inspection Professional Engineering Firm, reflecting record of compliance with DBE requirements in their contracts for the past five (5) years. The projects listed on Form DBE shall be the most recent of the projects listed on Form E-1 and Form PP. Utilization Reports shall be submitted for all projects listed on Table 4. For closed projects, provide the Final Utilization Report. For ongoing projects, provide the Current Utilization Report.

4.4.2.8 Compliance with SOQ Format and Organization Requirements

- A) Objective:
 - 1) To identify Proposers that have complied with the requirements of the RFQ for the format and organization of the Statement of Qualifications.
- B) Requirements and information to be submitted:
 - 1) Fully comply with the requirements listed in the RFQ and Appendix B for the content, format and organization of the Statement of Qualifications, including but not limited to content of Drawings, format of narratives, completion of all required forms, submission of required numbers of originals and copies, etc.

5.0 PROTESTS

This Section 5.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision rendered on any protest, as provided herein, shall be final and conclusive. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend and hold the Department and its directors, officers, officials, employees, agents, representatives and consultants, harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees and damages incurred or suffered as a result of such actions. The submission of an SOQ shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

5.1 WRITTEN PROTESTS ONLY

All protests must be in writing. Protests shall be submitted to the Protest Official designated below:

Jan McLachlan
Attention: Lower Westchester Bridge Bundle
Legal Affairs Division
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232, USA

Email: Jan.McLachlan@dot.ny.gov

with a copy also sent to the Department's Designated Representative at the address identified in RFQ, Appendix A.

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Department in an effort to reach resolution.

5.2 PROTEST CONTENTS

- A) All Protests must include the following:
- 2) The name and address of the Proposer;
 - (i) The Contract number;
 - (ii) A detailed statement of the nature of the protest and the grounds on which the protest is made;
 - (iii) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury; and
 - (iv) A summary of the remedy being requested.
- B) The protestor must demonstrate or establish a clear violation of a specific law, regulation or procedure.
- C) The Department will not be obligated to suspend or postpone the procurement process in any manner during the protest.
- D) If the protest is denied, the protestor may be liable for the Department's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by the Department as a consequence of the protest. If the protest is granted, the Department shall not be liable for payment of the protestor's costs, including, but not limited to, legal and consultant fees and costs.

5.3 TIME FOR FILING

- A) Protests filed before the SOQ Due Date:

A protest based on alleged improprieties in the solicitation shall be filed before said SOQ Due Date. A protest based on alleged improprieties arising from modifications to the original solicitation shall be filed not later than the next closing date for receipt of SOQs following the modification.

B) Protests filed after selection of Shortlisted Proposers:

If the Department selects the shortlisted Proposers, a debriefing will be made available to any Proposer that submitted a SOQ in response to this Request for Qualifications. A qualifying Proposer, if it wishes to have a debriefing, must make a request in writing to the Department's Designated Representative indicated in RFQ, Appendix A, within four (4) business days of notification of the shortlist. The Department will make every effort to ensure that debriefings occur within seven (7) business days of the Department's receipt of a Proposer's request. An unsuccessful Proposer may not file a protest until after the debriefing. The protest shall be filed no later than four (4) business days after the debriefing.

5.4 PROTEST DISCUSSIONS

The Protest Official may, in his/her discretion, discuss the protest with the protestor prior to issuance of the Protest Official's written decision. The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by the Protest Official or his/her designee, whose decision shall be final and conclusive. The Protest Official or his/her designee shall issue a written decision regarding any protest.

5.5 RIGHT OF APPEAL

- A) In the event that a protestor receives an unfavorable decision from the Protest Official to its protest, the protestor shall have the right to appeal the decision of the Protest Official by submitting a written appeal to the Commissioner or designee within seven (7) days after receipt of the decision of the Protest Official, with a copy sent to the Department's Designated Representative. The Department will appoint a Protest Committee of at least three (3) members to review the protest and the decision of the Protest Official;
- B) The Protest Committee will notify the protester in writing in a prompt manner of its decision regarding the protest and the appeal; and
- C) If the matter is not resolved after the appeal, the protestor may continue the protest by appeal to judicial authority.

5.6 IRREVOCABILITY OF STATEMENT OF QUALIFICATIONS PENDING RESOLUTION OF PROTEST

All SOQs shall be irrevocable until final administrative and judicial disposition of a protest.

6.0 DEPARTMENT'S RIGHTS AND DISCLAIMERS

6.1 DEPARTMENT'S RIGHTS

The Department may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Department reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all SOQs;
- B) Issue a new RFQ;
- C) Cancel, modify or withdraw the RFQ;
- D) Issue addenda, supplements and modifications to this RFQ;
- E) Modify the RFQ process (with appropriate notice to Proposers);
- F) Appoint a Selection Committee and/or evaluation teams and Selection Official to review SOQs, and seek the assistance of outside technical experts in the SOQ evaluation;
- G) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- H) Revise and modify, at any time before the SOQ Due Date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. The Department will post any such revisions or modifications on the Department's web site. The Department may extend the SOQ Due Date if such changes are deemed by the Department, in its sole discretion, to be material and substantive;
- I) Hold meetings and exchange correspondence with the Proposers responding to this RFQ to seek an improved understanding and evaluation of the SOQs;
- J) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- K) Waive minor weaknesses, minor informalities and minor irregularities in SOQs;
- L) Disqualify any Proposer whose conduct/and or SOQ fails to conform to the requirements of the RFQ.
- M) Seek clarification of and revisions to SOQs.
- N) Prior to opening of the SOQs, direct Proposers to submit modifications addressing subsequent RFQ amendments.
- O) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's SOQ and/or to determine a Proposer's compliance with the requirements of the RFQ.
- P) Disqualify any Proposer that changes its SOQ without Department written approval; and/or
- Q) Refuse to consider an SOQ or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - 1) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Department (or other State agency);
 - 2) Default on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);
 - 3) Unsatisfactory performance by the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the

Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);

- 4) Issuance of a notice of debarment or suspension to the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory;
- 5) Submittal by the Proposer of more than one SOQ for the same work under the Proposer's own name or under a different name;
- 6) Existence of a conflict of interest or evidence of collusion between a prospective Proposer (or any Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) and other Proposer(s) (or Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) in the preparation of an SOQ or Proposal for any Department construction project;
- 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory is responsible, which in the judgment of the Department might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded;
- 8) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory to submit and certify a Vendor Responsibility Questionnaire to the Department, or other agency prior to the SOQ Due Date; and/or
- 9) Submittal by the Proposer of an SOQ that contains any false information or statements, or references to any documents that have been proven to be falsified.

The RFQ does not commit the Department to enter into a Contract, nor does it obligate the Department to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Legislature of New York, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and the Department, and the subsequent executive enactment of these appropriations.

In no event shall the Department be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to the Department, has been executed and authorized by the Department and approved by all required parties and, then, only to the extent set forth therein.

6.2 DEPARTMENT'S DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Department specifically disclaims the following:

- A) Any obligation to award or execute a Contract pursuant to this RFQ; and
- B) Any obligation to reimburse a Proposer for any costs it incurs under this RFQ.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

7.0 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY

7.1 POLICY

The Department shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any U.S. Department of Transportation (DOT) assisted contract or in the administration of 49 CFR Part 26.

7.2 DBE PARTICIPATION GOAL

For Federal-aid contracts, projects are subject to USDOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this Project.

The overall goal for DBE participation has yet to be determined for this Project and will be included in the RFP. The Department is currently in the process of securing required approvals of the proposed goal.

7.3 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFPs.

8.0 CONFLICT OF INTEREST

Federal regulations prohibit the hiring of any person or organization that has a “conflict of interest.” Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, firms that have been identified as having conflicts of interest that prevent their consideration for the pending project are shown in Appendix A. Proposers may not include the services of the firm(s) identified in Appendix A.

Proposers utilizing firm(s) identified in Appendix A will be disqualified from participating in this Project.

9.0 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of the Project and the performance of the Contract.



**Department of
Transportation**

**LOWER WESTCHESTER BRIDGE
BUNDLE**

DESIGN-BUILD PROJECT

PIN 8101.46, D900049

REQUEST FOR QUALIFICATIONS

APPENDIX A

PROJECT INFORMATION

March 29, 2019

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APPENDIX A TO REQUEST FOR QUALIFICATIONS

A

1.0 PROJECT SCOPE AND BACKGROUND

The Project involves Design-Build services for the Lower Westchester Bridge Bundle (the “Project”). The Project is located in the towns of Mount Pleasant, Rye and Mamaroneck, villages of Pelham and Mamaroneck, and city of Mount Vernon, Westchester County, New York.

The project will involve five full bridge replacements, including the demolition of the existing structures and complete construction of replacement bridges. In addition, a culvert (C890715) on the Hutchinson River Parkway northbound off-ramp is proposed to be replaced with a bridge sized structure. The project also involves reconstruction of a portion of the Saw Mill River Parkway to alleviate flooding of the Parkway during rain events. Highway work for the full replacement bridges is anticipated to be significant and will include approach work to tie into the new structures.

The project also includes environmental features at the US Route 1 bridge (BIN 1000040) site including: tidal waters, tidal wetlands, endangered species, essential fish habitat, and several National Register eligible or listed architectural resources, retaining walls, and the adjacent former Union Bank building. Additionally, the bridge is within the New York State Coastal Zone Management Area and the Village of Mamaroneck Local Waterfront Revitalization Program area. Endangered species and essential fish habitat at or near the bridge is expected to result in time of year restrictions on in-water work and other contract requirements related to in-water work, the details of which will be provided in the RFP.

BIN No.	County	Carried	Crossed	Spans	Existing Bridge Length (ft)	Bridge Roadway Width (ft.)	Existing Type of Bridge
5500100	Westchester	Lincoln Avenue	Hutchinson River Parkway	1	63'	46'	Concrete
3348300	Westchester	Lincoln Avenue	Hutchinson River	1	35'	44'	Concrete
5500859	Westchester	Saw Mill River Parkway	Saw Mill River	1	27'	61'	Stringer/Multi-Beam Girder, Steel
5500839	Westchester	Saw Mill River Parkway	Saw Mill River	1	29'	61'	Stringer/Multi-Beam Girder, Steel
1000040	Westchester	US Route 1	Mamaroneck River	1	50'	53'	Concrete Arch

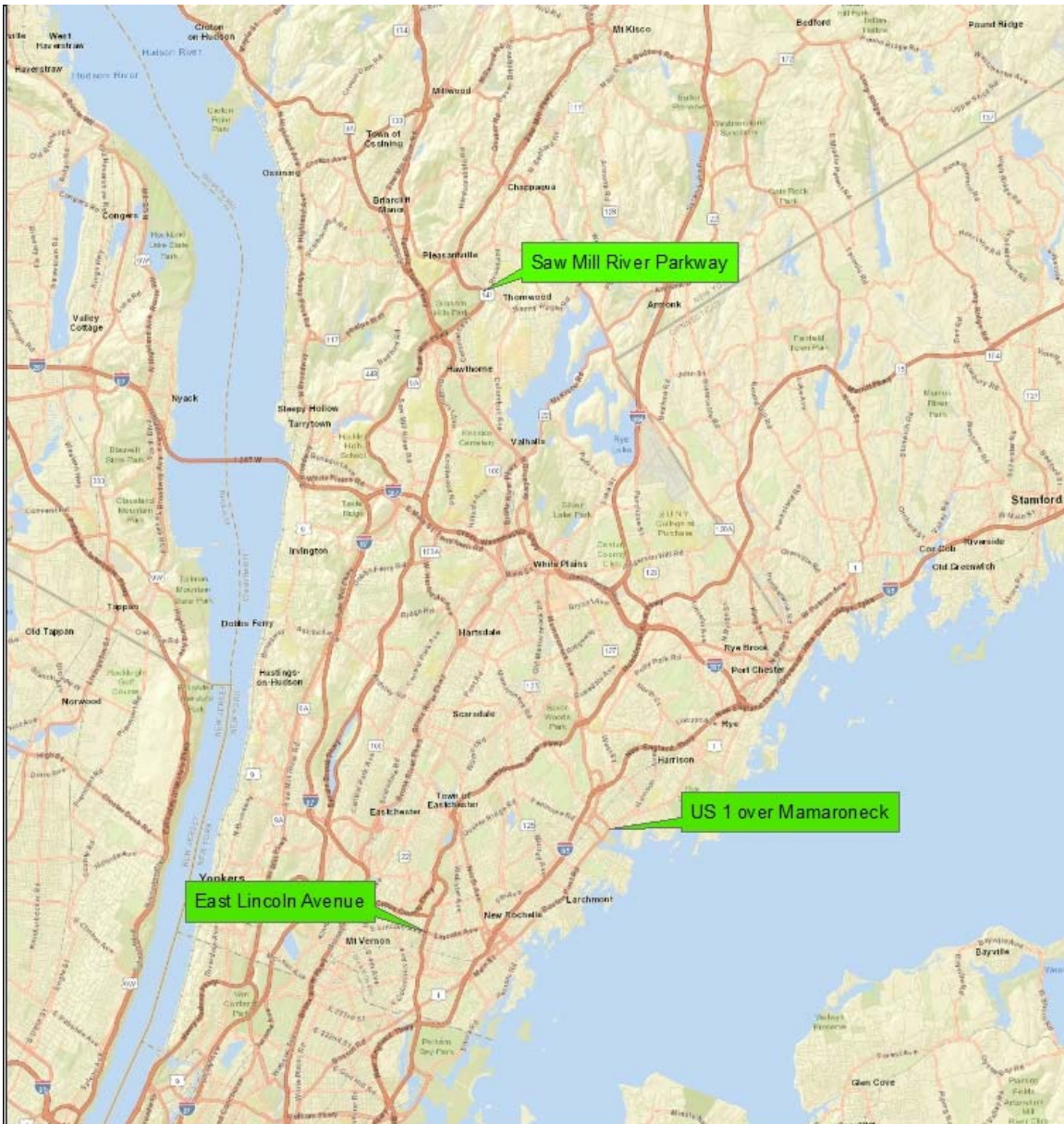
The Project scope of work will include but is not limited to the following:

Full bridge replacement shall include but not be limited to the following work at each structure:

- Removal of the existing substructures and superstructures

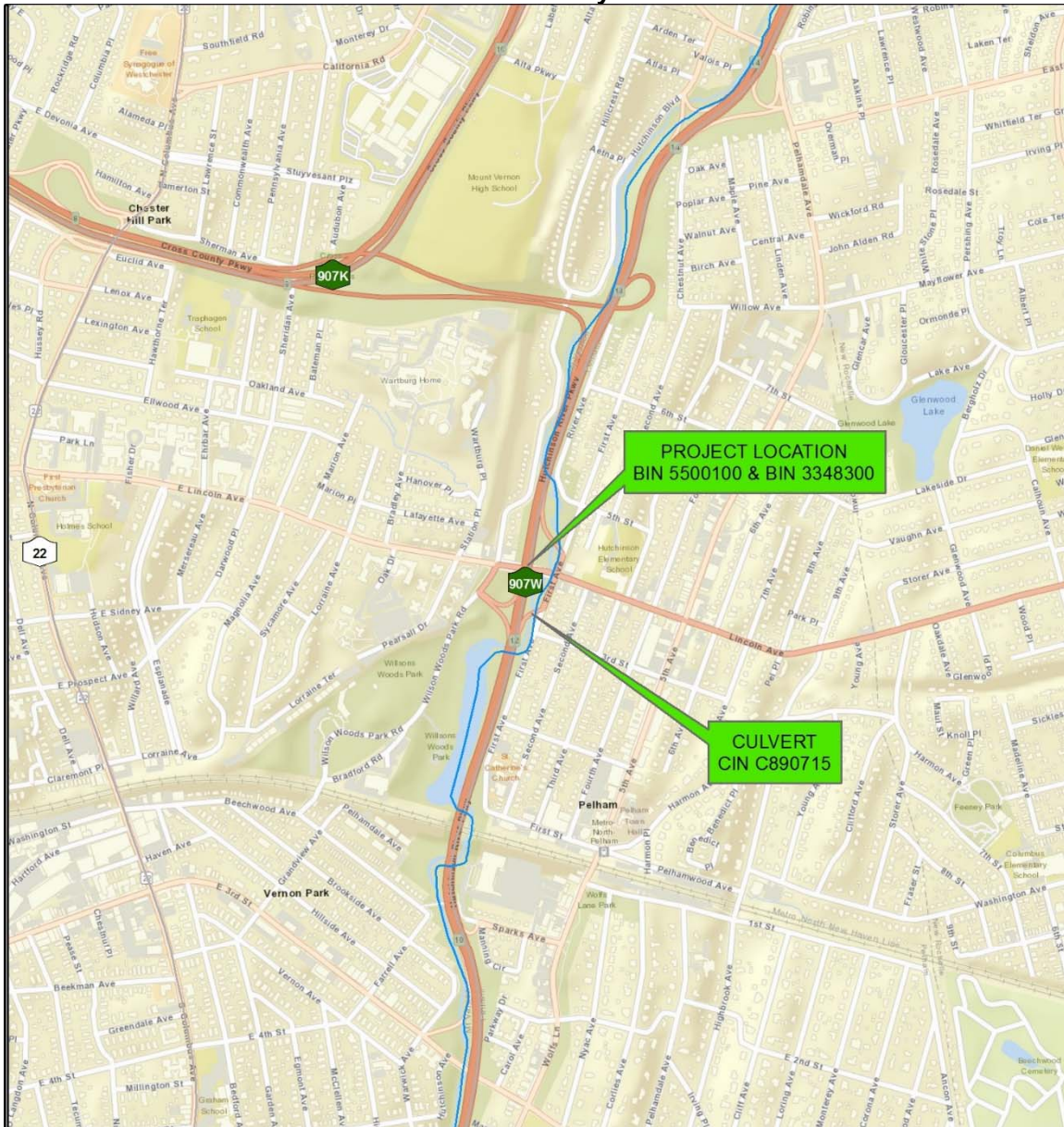
- Replacement of the existing bridges; including new foundations, substructures, superstructures, approach slabs, and highway approaches within the existing ROW.
- These bridges and the adjacent highways are subject to frequent flooding. The new replacement structures and potential highway approach work the Department anticipates will require a significantly larger structure than existing and profile modifications. This increase will be determined, in part, by hydraulic analysis of the surrounding area.
- Replacement of existing traffic signals
- Highway construction and reconstruction
- Work zone traffic control
- Coordination for the relocation and/or preservation of existing utilities impacted by construction activities
- Acquisition of a US Army Corps of Engineers permit with a pre-construction notification triggered by cultural resources, endangered species, essential fish habitat, and coastal zone considerations for in-water work.
- Acquisition of an Individual Section 401 Water Quality Certification and Article 25 Tidal Wetlands Permit from New York State Department of Environmental Conservation and an individual concurrence consistency determination from New York State Department of State for in-water work.
- Remediation and disposal of asbestos containing material
- Fabrication and installation of new guide railing and bridge railing
- Coordination with the local community to inform them of potential impacts and mitigations during various construction stages.
- Coordination with the entity having ownership and maintenance jurisdiction.

2.0 PROJECT LOCATION



	<p>Legend</p> <p>Scale: 1 inch = 16,000 feet</p>		PROJECT LOCATION MAP		
			Design Build Contract Westchester County		
STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION REGION 8			PIN	DATE	FIGURE
					1

Lincoln Avenue and Hutchinson River Parkway Location



		PROJECT LOCATION MAP		
		Bridge Replacement Town of Pelham and City of Mount Vernon Westchester County		
		STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION REGION 8		
		PIN 8101.46us	DATE 3/19/2019	FIGURE 1

Scale: 1 inch = 1,000 feet

Saw Mill River Parkway Location



US Route 1 Location



3.0 PROJECT WEB SITE

Information regarding the Project will be posted at the following web address:

<https://www.dot.ny.gov/main/business-center/designbuildproject49>

The following documents shall be posted to the Project website prior to the issuance of the Draft RFP:

- Final Design Report
- Existing ROW
- Survey Data
- Hydraulic Survey and Hydraulic Cross Section Report
- As-Built or Record Plans of Roadways and Structures within the Project Limits
- Bridge Inspection Reports
- Bridge Load Ratings
- Geotechnical Investigations
- CADD files
- Preliminary Hydraulic Reports
- MOA between SHPO, NYSDOT and FHWA (BIN 5500100 & BIN 1000040)

Additional documents may be posted to the project website when they become available. Proposers are advised to check the Project web site regularly.

4.0 PROJECT CONTRACT AMOUNT

The Project Contract amount is anticipated to exceed \$100 million.

5.0 PROJECT SCHEDULE

The current anticipated date of Contract Award for the Project is February 2020 with Project Completion no later than August 2022. Interim milestones for the project may also be established.

6.0 PROCUREMENT SCHEDULE

The following represents the current procurement schedule for the Project. The schedule is subject to change at the discretion of the Department.

Activity	Due Date
RFQ Issued	March 29, 2019
Final Date for Receipt of RFQ questions	May 28, 2019
Final Date for RFQ Addenda and/or Answers to Questions	June 3, 2019
SOQ Due Date	June 11, 2019
Shortlisted DB Teams Announced	July 11, 2019
Draft RFP Issued	July 12, 2019

Activity	Due Date
Draft RFP Information Meeting	July 30, 2019
Final RFP to Shortlisted Firms	August 14, 2019
Proposals Due	November 6, 2019
Best Value Selection/Designation Announced	December 11, 2019
Contract Award	February 2020
Notice to Proceed Issued	February 2020

7.0 PROJECT STATUS

The following list is a summary of the status of work that has been completed or is being completed by the Department for the Project. This list is indicative, and is not comprehensive.

- Topographic Survey: Control surveys and design-level photogrammetry are to be provided in electronic format in the Reference Documents or RFP.
- Subsurface Survey: Available geotechnical information is to be provided in the Reference Documents prior to issuance of the Draft RFP.
- Scope of Work: A detailed description of the Work to be performed for the Project will be provided in the RFP;
- Utilities: Studies are being conducted to identify existing utilities, the results of which will be provided in the RFP;
- Right-of-Way (ROW): The Department will undertake any necessary ROW acquisition(s);
- Environmental: The appropriate environmental clearances will be obtained by the Department prior to issuance of the Final RFP, except those identified in the RFP to be specifically assigned to the Design-Builder;
- NEPA and SEQR: All NEPA and SEQR requirements will be satisfied prior to issuance of the RFP.

8.0 DEPARTMENT'S DESIGNATED REPRESENTATIVE FOR THE PROCUREMENT

The Department's' Designated Representative for the procurement is:

Suzan Ibrahim
Attention: Lower Westchester Bridge Bundle
Contract Management Bureau
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232, USA

e-mail: Suzan.Ibrahim@dot.ny.gov

9.0 QUALITY EVALUATION FACTORS FOR THE RFQ PHASE

The quality evaluation factors to be evaluated in the SOQs and their relative weighting are:

- Organization and Key Personnel (30%);
- Experience of the Firms (30%);
- Past Performance (35%); and
- Compliance with SOQ Format and Organization Requirements (5%).

10.0 REQUIREMENTS FOR PROJECT KEY PERSONNEL

Key Personnel are preferred to have experience on projects of a similar size, type of work, and complexity as this Project, and should meet the qualifications described below. Proposed staff with qualifications less than those described below will receive a reduced score compared to staff that meet or exceed the described qualifications. Any requirements described as “**shall** have...” or “**shall** be...” are determined to be minimum response requirements.

- Project Manager: Shall** have a minimum of 10 years, but preferably 15 years of demonstrated experience in construction and construction management of bridge and/or transportation and/or infrastructure projects, with preferably similar size and type of work as this Project, and preferably including projects with compressed timelines, and community information requirements. Such experience in construction and management-of-construction should include at least one bridge infrastructure construction project having a construction value in excess of \$25,000,000. The Project Manager, who should have Design-Build experience and have extensive project management experience, can hold only this one Key Personnel position. It is preferred, but not required, that this individual be licensed and currently registered as a Professional Engineer in the State of New York. The Project Manager **shall** dedicate no less than 100% of their work time to this project.
- Design Manager: Shall** be licensed and currently registered as a Professional Engineer in the State of New York, **shall** be an owner or employee of the Designer and **shall** have a minimum of 10 years demonstrated experience in managing design for infrastructure and bridge projects, preferably of similar scope as this Project. The Design Manager should have Design-Build experience, and should have specific experience on projects of similar size and type. The Design Manager can hold only this one Key Personnel position. The Design Manager **shall** dedicate no less than 50% of their work time to this project.
- Quality Manager: Shall** have demonstrated experience in bridge design and infrastructure construction with at least 10 years experience in quality management, quality assurance and quality control activities, including preparation and implementation of Quality Plans and procedures for design and construction. The Quality Manager shall additionally have at least 5 years experience in the design of bridges, highways and civil infrastructure; at least 5 years experience in construction field engineering and inspection of bridges, highways and civil infrastructure; and at least 5 years of Project Management experience. The Quality Manager can hold only this one Key Personnel position. The Quality Manager should have experience of quality systems based on ISO 9001, and should have experience with the quality systems of the Department in both design and construction standards. The Quality

Manager **shall** dedicate no less than 100% of their work time to this project for the first year and no less than 30% thereafter.

- d) **Resident Engineer:** Should have demonstrated at least 10 years experience in bridge and highway construction inspection, and **shall** meet one of the following:
1. Licensed and currently registered as a Professional Engineer in the State of New York with at least 5 years experience as a Resident Engineer and **shall** have performed these duties on a project within the last 5 years; or
 2. NYSDOT Construction Engineer in Charge (EIC) experience greater than 10 years; or
 3. NYSDOT Regional Construction Engineer (RCE) or Area Construction Supervisor (ACS) experience which must include no less than 5 years EIC experience.

The Resident Engineer **shall** dedicate no less than 100% of their work time to this project.

- e) **Lead Hydraulic Engineer: Shall** be licensed and currently registered as a Professional Engineer in the State of New York and shall have at least 10 years experience in the hydraulic evaluation of bridges over water.
- f) **Lead Geotechnical Engineer: Shall** be licensed and currently registered as a Professional Engineer in the State of New York and **shall** have a minimum of 10, but preferably 15 years of experience, which should include the following: planning and overseeing subsurface exploration programs for highway structures/facilities; the development of design soil/rock profiles, for the purpose of geotechnical analysis, design, and construction; design of structure foundations and earth support structures; analysis and design for static and dynamic (seismic) loading under current LRFD; analysis and design of mitigation measures for embankment settlement and stability; analysis and design of both temporary and permanent earth support structures; and interpreting geotechnical instrumentation programs.
- g) **Environmental Compliance Manager:** Shall have a minimum of 10 years demonstrated direct experience in the environmental permitting process and associated requirements, environmental design, and construction management and compliance on transportation projects with complex environmental permitting requirements and commitments. This experience should be in relation to federal permitting requirements and environmental regulatory agencies and should also include experience with New York State permitting requirements. The Environmental Compliance Manager should have experience in managing others in environmental activities, with highway and bridge engineering drawings and concepts, and working cooperatively with design engineers and construction staff.

11.0 DESIGN-BUILDER'S RESPONSIBILITIES

The selected Design-Builder shall be responsible for furnishing all labor, material, equipment, services and support facilities for the following summary list, in addition to any other items that will be detailed fully at the RFP stage:

- Design and construction of all Project components;

- Project design and construction management;
- Support to project-related public information activities;
- Coordination with Project stakeholders, other contractors and utility owners;
- Coordination of DBE/Local Workforce Initiative;
- Design Quality Control;
- Construction Quality Control;
- Construction Inspection;
- Laboratory Testing of Materials;
- Environmental mitigation and compliance plan including monitoring, and securing permits and approvals necessary for the work not acquired by the NYSDOT;
- SWPPP Document preparation;
- Additional environmental investigations, permitting, monitoring and investigations associated with or resulting from the Design-Build Proposer's actions including but not limited to staging areas, haul routes and other activities necessary for construction;
- Work zone traffic control and access to properties;
- Project safety and security;
- Surveys and geotechnical investigations;
- Harmful and hazardous materials remediation;
- Drainage and erosion control;
- Excess material handling and disposal;
- Required clearances, licenses, construction easements and permits for Design-Builder's work sites, staging areas, temporary work access, storage areas, etc., both on and off site;
- Ancillary work, such as access roads, driveways, temporary fencing, relocation of drainage, and work sites;
- Coordination and relocation of utilities and municipal drainage facilities;
- Site clearance;
- Maintenance of the Project during the Contract period; and
- Operations and maintenance manuals, as-built drawings, and records of the new construction.

12.0 CONFLICT OF INTEREST

Federal regulations prohibit the hiring of any person or organization that has a "conflict of interest." Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, the following firms have been identified as having conflicts of interest that prevent their consideration for the pending project. Due to a conflict of interest based on services currently being provided that are related to this Project, Proposers may not include the services of the following firm(s):

- WSP
- Lochner
- LKMA

Proposers utilizing firm(s) identified above will be disqualified from participating in this Project.

13.0 PROPOSAL STIPEND

Subject to the requirements and limitations set forth in the Stipend Agreement, to be included in the RFP, the Department shall pay to each Stipend-Eligible Proposer, and the Stipend-Eligible Proposer agrees to accept as full compensation for its Work Product, an amount (the “Stipend Amount”) equal to 50% of the Proposer’s total Qualified Costs, as substantiated in accordance with the provisions of the Stipend Agreement, not to exceed \$225,000.00.



**Department of
Transportation**

**LOWER WESTCHESTER BRIDGE
BUNDLE**

DESIGN-BUILD PROJECT

PIN 8101.46, D900049

Request For Qualifications

APPENDIX B

**FORMAT AND ORGANIZATION FOR
STATEMENT OF QUALIFICATIONS**

March 29, 2019

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1.0 FORMAT AND ORGANIZATION FOR STATEMENT OF QUALIFICATIONS

The outline presented in this Appendix B shall be followed for preparing the Statement of Qualifications (SOQ). Specific content requirements for each section of the SOQ are described in the RFQ, as referenced in the outline. This format has been created to facilitate responses to the RFQ and the SOQ evaluation and Short-List process.

The SOQ shall be submitted in two separate volumes. Each Volume shall consist of loose-leaf pages placed in a separate 3-ring binder. The inside and outside surfaces of each binder, and both sides of all dividers, shall be solid and shall contain only text with no pictures, renderings or graphics. Text shall be in a standard font, a minimum of ten points in height, single-spaced. Pages shall be 8-1/2 by 11 inch white paper with simple lettered/numbered dividers for each section/subsection. All narrative pages shall contain text only with no pictures, renderings graphics, or internet links. Single sided pages shall be used. Number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2; 3-1, 3-2, etc.). Center page numbers at the bottom of each page.

Unless indicated on a specific Form, the supplied Forms are not to be altered:

- A. Photographs or external web links are not to be included in the Forms.
- B. All required information must be contained in the Form. Do not reference any other Attachments or Appendices.
- C. All headers and footers supplied with the Form must be included, and
- D. Corporate Logos are not to be inserted.

Any Form found to be altered may, at the discretion of the Department's Contract Management Bureau, be removed from the SOQ before evaluation. All required information must be contained in the Forms.

A CD or USB Thumb Drive shall also be submitted, containing two separate PDF files of Volume 1 and Volume 2. The CD or USB Thumb Drive shall be unlocked, and not require passwords to open either of the PDF files. The CD or USB Thumb Drive shall be located securely in the signed original Volume 1.

1.1 VOLUME 1: ADMINISTRATIVE SUBMISSION

For Volume 1, only 1 signed original and 5 copies shall be submitted. Volume 1 shall be submitted separately from Volume 2. The signed original shall be identified as such on the cover(s) and shall be marked "SIGNED ORIGINAL". Each copy shall be identified on the cover(s) as "Copy # of 5 copies."

Volume 1 shall contain the cover letter, Form AOR, written certification from subcontractors serving on more than one proposal team (Section 1.11), and the following four sections:

- A. Section 1 – Legal
- B. Section 2 – Financial
- C. Section 3 – Backlog and Capacity
- D. Section 4 – Vendor Responsibility

Note: If submitting a printed copy of the Vendor Responsibility Questionnaire, the associated financial information included may be submitted in a sealed envelope, but must be securely attached to Volume 1, Section 4 of the SOQ.

Volume 1 Section No.	Required Information	RFQ Reference
	General: <ul style="list-style-type: none"> • Cover Letter (maximum 2 pages); and • Form AOR Acknowledgement of Receipt. • Written Certification from the Subcontractor(s). 	4.4.1
Section 1	Legal: <ul style="list-style-type: none"> • Form L-1; • Identity of Lead Principal Participant (on Form L-1); • Percent share of each Principal Participant (on Form L-1) • Form L-3; • Additional information if JV, LLC, or partnership; • Procurement Lobbying Law Forms (2 forms); • Legal Documents; and • Statement of joint and several liability. • Verification of AASHTO Certification of the Materials Testing Firm or Laboratory. 	4.4.2.1
Section 2	Financial: <ul style="list-style-type: none"> • Surety Letters. 	4.4.2.2
Section 3	Backlog and Capacity: <ul style="list-style-type: none"> • Form B. 	4.4.2.3
Section 4	Vendor Responsibility: <ul style="list-style-type: none"> • Vendor Responsibility Questionnaire. 	4.4.2.4

1.2 VOLUME 2: TECHNICAL SUBMISSION

For Volume 2, one signed original and 10 copies shall be provided. Volume 2 shall be submitted separately from Volume 1. The signed original shall be identified as such on the cover(s) and shall be marked “SIGNED ORIGINAL”. Each copy shall be identified on the cover(s) as “Copy # of 10 copies.”

Volume 2 shall be packaged with three separate sections:

- A. Section 5 – Organization and Key Personnel
- B. Section 6 – Experience of the Firms
- C. Section 7 – Past Performance

Volume 2 Section No.	Required Information	RFQ Reference
Section 5	<p>Organization and Key Personnel:</p> <ul style="list-style-type: none"> • Organization structure (one 11” X 17” page per D-B Team Organization & Communication Chart); and • Communication Protocol Narrative (maximum 5 pages per D-B Team narrative) • Form R for Key Personnel; • If applicable, statement from Department’s Project Manager verifying Design is 75% complete and accepted by the Department and/or construction work is complete for Design Manager and Quality Manager, respectively (maximum 1 page each position). 	4.4.2.5
Section 6	<p>Experience of the Firms:</p> <ul style="list-style-type: none"> • Form E-1 (No more than three (3) for the CI Firm(s), three (3) for the Materials Testing Firm(s) or Laboratory (Laboratories), five (5) for the Construction Firm(s) and five (5) for the Design Firm(s)). 	4.4.2.6
Section 7	<p>Past Performance:</p> <ul style="list-style-type: none"> • Form PP (One Form PP for each project for which a Form E-1 was prepared. Each Form PP not to exceed two pages per project); • All Other Projects (not to exceed two pages for each Design-Build Team member); • Form S; • Copy of the Experience Modification Rate (EMR); and • Form DBE. 	4.4.2.7

Proposers should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

The information shall be easily reproducible by normal black and white photocopying machines.

SOQs will become the property of the Department. Copies of each SOQ will be retained by the Department, after the SOQ evaluation process has been completed, for the Project files.



**Department of
Transportation**

**LOWER WESTCHESTER BRIDGE
BUNDLE**

DESIGN-BUILD PROJECT

PIN 8101.46, D900049

REQUEST FOR QUALIFICATIONS

APPENDIX C

SOQ FORMS

March 29, 2019

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APPENDIX C

FORMS

<u>Form AOR</u>	Acknowledgement of Receipt
<u>Form B</u>	Backlog Information
<u>Form E-1</u>	Project Descriptions
<u>Form PP</u>	Past Performance
<u>Form L-1</u>	Proposer's Organization Information
<u>Form L-3</u>	Authorization to Provide Professional Services in New York State
<u>Form DBE</u>	Record of DBE Program Experience
<u>Form S</u>	Safety Questionnaire
<u>Form R</u>	Summary of Individual's Experience
<u>VRQ</u>	State of New York Vendor Responsibility Questionnaire. (Available on the Office of the State Comptroller's Web site: http://www.osc.state.ny.us/vendrep/forms_vendor.htm). Only the Contractor should submit the Construction (CCA-2) form. All other firms should submit the standard For-Profit VRQ.

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FORM AOR

**ACKNOWLEDGMENT OF RECEIPT OF
RFQ, ADDENDA AND RESPONSES TO QUESTIONS**

(to be attached to SOQ cover letter)

NAME OF PROPOSER

We hereby acknowledge receipt of Lower Westchester Bridge Bundle RFQ, dated March 29, 2019 and subsequent responses to questions and Addenda issued by the Department, as listed below.

Add additional lines in tables below, if needed.

Addendum number:	Date issued by Department:

Responses to questions number:	Date issued by Department:

Bidders on New York State procurements subject to competitive bidding are required to submit a Certification on Sexual Harassment in bids. By submission of this Statement of Qualifications (SOQ), each prospective bidder and each person signing on behalf of any prospective bidder certifies, and in the case of a joint bid each party thereto certifies its own organization, under penalty of perjury, that the bidder has implemented a written policy addressing sexual harassment prevention in the workplace, and provides annual sexual harassment training to all its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the Labor Law.

SIGNED	
DATE	

New York State Department of Transportation

NAME (printed or typed)	
TITLE	

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FORM B

BACKLOG INFORMATION

Insert more rows if needed.

Form B Table 1 CONTRACTS IN FORCE						
NAME OF PROPOSER						
Proposer Entity	Name of firm	Number of contracts in force	Total contract value (US\$ millions)	Value of work remaining by year (US \$ millions)		
				2017	2018	2019
CONTRACTORS						
DESIGNERS						
CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM						
MATERIAL TESTING FIRM OR LABORATORY						

New York State Department of Transportation

Insert more rows if needed.

Form B Table 2 OUTSTANDING PROPOSALS and BIDS			
NAME OF PROPOSER			
Proposer Entity	Name of firm	Number of proposals / bids outstanding	Total potential value (US\$ millions)
CONTRACTORS			
DESIGNERS			

FORM E - 1
PROJECT DESCRIPTION

Complete a copy of Form E-1 for each past project, as explained in the General Instructions. Do not alter the Form, other than typing in text. Fields may be expanded to accommodate additional text, as long as completed Form is no more than two (2) pages in length. Do not include photographs or web links. NYSDOT reserves the right to contact any Owner to verify the information provided.

PROPOSER						
Name of firm						
Role of firm	Contractor:			Designer:		
	Construction Inspection Engineering Firm:			Material Testing Firm or Laboratory:		
Experience (years)	Roads/Streets:		Bridges:		Utility Relocations:	
DESCRIPTION OF PAST PROJECT						
Name of project						
Location						
Brief description						
Nature of work for which firm was responsible						
Past project aspects/ similarities to the Project in this RFQ						
List any awards or citations received						
Owner details (department, agency, authority, etc.)	Owner Name					
	Address					
	Contact name					
	Telephone and e-mail					
	Contract Reference #					
Contract Award Date				Final Contract Value (US\$):		

New York State Department of Transportation

Indicate if the Project involves one or more of the following situations, if any:

A Design-Build Project

Construction experience for a replacement bridge structure

Design experience for a replacement bridge structure

N/A Construction experience in bridge rehabilitation

N/A Design experience in bridge rehabilitation

Construction experience for highway construction

Design experience for highway construction

N/A Experience in the design of highway interchanges

Design-Bid-Build Project with Best Value selection

FORM PP

PAST PERFORMANCE

PROPOSER			
Name of firm			
DESCRIPTION OF PAST PROJECT			
Name of project from FORM E-1			
Contract Value as Bid: (US\$)		Final Contract Value (US\$):	
% of total work done by Firm:		Commencement date:	
Planned completion date as Bid:		Actual completion date:	
Claim Amount (US\$)		Any Litigation? (yes or no)	
Liquidated Damages >\$25k #		Total (US\$)	
Key Personnel Change Assessment Fee #		Total (US\$)	

NARRATIVE

1) Self-Assessment:

2) Explanations:

Use the space below to explain any or all of the following situations if they occurred on the project (Form PP may be up to two pages in length per project if necessary):

- a. Final Contract Value or Expected Contract Value exceeds the Contract Value as Bid. Describe the reason(s) why the project costs were over budget.
- b. Justification of why the project is/was behind schedule.
- c. Amount of Claims is greater than \$0. Detail the number and amount of each claim.
- d. Litigation. Describe background behind litigation, current status, etc..
- e. Amount of Liquidated Damages greater than \$25,000. Detail the number of issues and amount of Liquidated Damages for each issue.

Key Personnel Change Assessment Fee – Detail the number of fees assessed and the total value assessed to date.

FORM L - 1

PROPOSER'S ORGANIZATION INFORMATION

Under the category "Other", supply names of subcontractors who will provide services other than Construction, Design, Construction Inspection, or Materials Testing, and indicate the specific service the subcontractor will provide. Add additional lines if necessary.

NAME OF PROPOSER				
Main office and contact details of Proposer				
Main office address:		Contact name		
		Title		
		Telephone No.		
		Email		
Local or regional contact details of Proposer (if different from above)				
Local/regional office address:		Contact name		
		Title		
		Telephone No.		
		Email		
NAME(S) OF PROPOSER ENTITY(IES) Insert more rows below if needed				
Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
CONSTRUCTORS				
DESIGNERS				

FORM L - 1

PROPOSER'S ORGANIZATION INFORMATION

Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM				
MATERIAL TESTING FIRM OR LABORATORY				
OTHER)				
OTHER)				

FORM L - 3

AUTHORIZATION TO PROVIDE PROFESSIONAL SERVICES IN NEW YORK STATE

NAME OF PROPOSER			
NAME OF FIRM PROVIDING DESIGN AND/OR ENGINEERING SERVICES			
EITHER (1) Copy of current Certificate of Authorization to provide Engineering Services issued by the New York State Education Department is attached.	Yes (copy attached)	No (Item (2) applies)	
OR (2) Documentation is attached to this Form L-3 demonstrating the ability to obtain Certificate of Authorization to provide Engineering Services from the New York State Education Department in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.	Yes, documentation attached and further details are given below		
If (2) applies, give details of attached documentation demonstrating ability to obtain the relevant certification / license: (Add additional lines if required.)			

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FORM DBE
RECORD OF DBE PROGRAM EXPERIENCE

By completing the following tables, describe your firm's/team's experience in making good faith efforts to meet or exceed DBE contract goals for past projects. The Design-Builder's past DBE experience will be evaluated based on a demonstrated record of compliance with USDOT's DBE Program regulations for past contracts. Describe your firm's experience in promoting opportunities for DBEs by completing Tables 1-5. This information should include:

- Demonstrated good faith efforts in having met or exceeded DBE participation goals on past contracts, preferably of similar scope.
- Demonstrated success in conducting outreach efforts/events including collaborating with local resources to allow for increased participation of small businesses including DBEs.
- Documented system of tracking and reporting good faith efforts to solicit DBEs proactively and ensure opportunities are communicated effectively.
- Experience coordinating and or facilitating training or mentor-protégé programs for subcontractors including DBEs.
- Demonstrated experience utilizing a broad spectrum of DBEs for work items and as material suppliers in operations that traditionally have been self-performed by contractors.
- A satisfactory record of integrity and business ethics as it relates in administering DBE program regulations.
- Include Utilization Reports for all projects listed on Table 4 – Record of Meeting DBE Contract Goals

A copy of this Form DBE shall be completed for each Principal Participant, Constructor, Designer and Construction Inspection Professional Engineering Firm of the contract. The term "firm" includes any Affiliate including parent companies and subsidiary companies.

NAME OF PROPOSER			
NAME OF FIRM			
ROLE OF FIRM	Principal Participant:		Designer:
	Construction Inspection:		Constructor:
	Other (describe):		

Form DBE - Table 1 RECORD OF DBE OUTREACH	
Briefly provide examples of outreach efforts or events that your firm organized/developed which were used to expand the pool of available and interested DBEs to work on contracts under your direction. Outreach examples should relate to specific highway/bridge contracts which have occurred during the most recent 5 years.	

Form DBE - Table 2 RECORD OF DBE SOLICITATION

Briefly provide examples of effective techniques used by your firm to creatively and proactively solicit DBEs for specific contracts under your direction. Solicitation examples should relate to highway/bridge projects which have occurred during the most recent 5 years. Include types and frequency of solicitations as well as your follow-up procedures and response expectations.

Form DBE - Table 3 RECORD OF DBE PRACTICES

1) Describe your firm's practice of what constitutes an acceptable proposal from a DBE. Include specific attributes of DBE firms that you evaluate.

--

2) Describe your firm's approach on which work items are identified to be performed by DBEs. Provide examples of non-traditional approaches used to find work items for DBEs on highway/bridge projects within the most recent 5 years.

--

3) Describe your firm's experience in promoting opportunities for DBEs through good faith efforts on contracts of similar complexity, within the most recent 5 years.

--

4) Explain your firm's past experience of subcontracting a portion of the "primary work operations" to DBEs that your firm would normally perform with your own workforce, within the most recent 5 years.

--

New York State Department of Transportation

Form DBE - Table 4 RECORD OF MEETING DBE CONTRACT GOALS				
Provide the information requested below for all federally funded projects completed within the most recent 5 years where the firm was the prime contractor or prime consultant. Projects listed on Form DBE shall be the most recent of the projects listed on Form E-1 and Form PP. Insert more rows below if needed. For every contract where the DBE contract goal was not achieved, attach a one page explanation. Other comments may be provided on this page below this table.				
Contract Name & Contract Number	DBE contract goal (%)	DBE commit. at Award (%)	Current or Final Attainment (%) (see Note 1)	Customer Contact Information (Name/ Telephone / Email)

1. Attainment as of date of SOQ submittal.

Form DBE - Table 5 RECORD OF DBE PROGRAM INTEGRITY

List all convictions, charges and/or investigations related to allegations of DBE and MWBE fraud which have been brought against your firm or any subsidiary within the most recent 5 years. For each item listed, describe the precise reasons and circumstances which led to the charges, the outcome (if completed) and your explanation of why this happened and what your firm has done to prevent the situation from occurring again.

--

FORM S

SAFETY QUESTIONNAIRE

Form S Table 1 shall be completed by the Proposer for the Key Personnel indicated.

Form S Table 2, Items 1-8 must be completed for the Constructor(s), Construction Inspection Firm(s) and the Materials Testing Firm(s) as listed in the SOQ. Forms S, Table 2, Items 9 and 10, shall be completed for the Design Firm(s).

Form S Table 1 SAFETY QUESTIONNAIRE FOR PROPOSER						
NAME OF PROPOSER						
To be completed by the Proposer. Indicate the safety record on the most recent project to which the indicated Key Personnel were assigned.						
KEY PERSONNEL	NAME OF MOST RECENT PROJECT	Total hours by all employees on that project (hours)	Number of lost workday cases on that project (number)	Number of restricted workday cases on that project (number)	Number of cases with medical attention only, on that project (number)	Number of fatalities on that project (number)
Project Manager						

New York State Department of Transportation

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM					
NAME OF PROPOSER					
NAME OF FIRM					
ITEM 1	2016	2017	2018		
Provide the following information for the past 3 years:					
Total number of employee hours worked (hours) Do not include non-work time, even though paid.					
Number of lost workday cases (number)					
Number of restricted workday cases (number)					
Number of cases with medical attention only (number)					
Number of fatalities (number)					
ITEM 2	(Insert additional rows if needed)				
Are internal accident reports and report summaries sent to management?					
To what levels of management are accident reports/summaries sent, and how frequently?					
Management level	Sent?		If yes, frequency sent:		
	NO	YES	Monthly	Quarterly	Annually

New York State Department of Transportation

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM							
NAME OF PROPOSER							
NAME OF FIRM							
ITEM 3							
Do you hold site meetings for supervisors?				YES:		NO:	
How often do you hold site meetings for supervisors?							
Weekly:		Twice a month:		Monthly:		Other (specify):	
ITEM 4							
Do you conduct Project Safety Inspections?				YES:		NO:	
How often do you conduct Project Safety Inspections?							
Weekly:		Twice a month:		Monthly:		Other (specify):	
ITEM 5							
Does the firm have a Written Safety Program?				YES:		NO:	
ITEM 6							
Does the firm have an Orientation Program for new hires?				YES:		NO:	
If yes, what safety items are included in the Orientation Program for new hires? (describe below)							

New York State Department of Transportation

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM				
NAME OF PROPOSER				
NAME OF FIRM				
ITEM 7				
Does the firm have a program for newly hired construction or field services staff and newly promoted staff engaged in construction or field services?	YES:		NO:	
If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?				
Safety work practices	YES:		NO:	
Safety supervision	YES:		NO:	
On-site meetings	YES:		NO:	
Emergency procedures	YES:		NO:	
Accident investigation	YES:		NO:	
Fire protection and prevention	YES:		NO:	
New worker orientation	YES:		NO:	
ITEM 8				
Does the firm hold safety meetings that extend to site laborer level?	YES:		NO:	
If yes, how often do you hold safety meetings that extend to site laborer level?				
Daily:		Weekly:		Twice a month:
				Other (specify):

New York State Department of Transportation

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM							
NAME OF PROPOSER							
NAME OF FIRM							
ITEM 9							
Does the firm have a safety program and training for existing and newly hired staff for general safety and for field services?				YES:		NO:	
If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?							
Safety work practices				YES:		NO:	
Office Safety meetings				YES:		NO:	
Emergency procedures				YES:		NO:	
Accident investigation				YES:		NO:	
Fire protection and prevention				YES:		NO:	
New worker orientation				YES:		NO:	
ITEM 10							
Does the firm hold safety meetings prior to engaging in field activities on or near construction sites?				YES:		NO:	
If yes, how often do you hold safety meetings that extend to field activities level?							
Daily:		Weekly:		Twice a month:		Other (specify):	

Please provide the EMR for the current insurance policy: _____

Please provide the EMR for the previous insurance policy (if required): _____

Please provide the EMR for the previous insurance policy (if required): _____

If the rate exceeds 1.2 for the most recent year provided, a written explanation, limited to one page, attached to this form, shall be provided and the two previous years EMRs shall be provided by the Workers Compensation Insurance Carrier. For Firms that do not have an EMR, due to work experience outside the US, a frequency rate table or accident incident rate or similar statistics shall be provided indicating the safety record over the last five years.

Each firm must all submit a letter from their current workers compensation insurance carrier stating the expiration date of the policy and the current EMR rate. The letter is to be included in Volume 2, Section 8 of the SOQ.

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FORM R
SUMMARY OF INDIVIDUAL'S EXPERIENCE

Form R shall be completed by the Proposer for the Key Personnel indicated in RFQ, Section 4.4.2.5. Add lines/pages as necessary. Under "Contact Information", of the Applicants past experience, provide the contact name, phone number, and e-mail address for the Project Owner. NYSDOT reserves the right to contact any Project Owner to verify the information provided. "Project Owner" is not a Prime Consultant or Prime Contractor for which the Firm served as a subconsultant or subcontractor. "Project Name" should include the relevant contract number if available. Relevant experience shall be listed in chronological order, starting with the most recent project. Use N/A where an answer is not necessary or applicable.

Applicant's Information			
Name of Proposer:			
Name of Firm:			
Individual's Name:			
Is Applicant Licensed as a Professional Engineer in the State of New York?	Yes:		No:
NYS Professional Engineering License Number:			
Education:			
Years with this Firm:			
Total Years of Experience:			
Title for Proposed Project:			
Provide Time Committed to Proposed DB Project in next row:			
12 Month period (beg MM/YY- end MM/YY)	Percentage	12 Month period (beg MM/YY - end MM/YY)	Percentage
12 Month period (beg MM/YY- end MM/YY)	Percentage		

Applicant's Past Relevant Experience	
Total number of years of experience meeting the requirements stated in RFQ, Appendix A for the title above:	
The information provided below should confirm the total years stated in the above row.	
Project Name:	
Project Description:	
Project Owner:	
Contact Information:	
Project Cost Value	
Title on Project:	
Individual's Duties & Responsibilities:	

New York State Department of Transportation

Individual's Start Date on Project: MM/YY		Individual's End Date on Project: MM/YY		
Individual's Total Time on Project: (in months)		% of time spent on Qualifying activities		Qualifying time: (in months)
Project Name:				
Project Description:				
Project Owner:				
Contact Information:				
Project Cost Value				
Title on Project:				
Individual's Duties & Responsibilities:				
Individual's Start Date on Project: MM/YY		Individual's End Date on Project: MM/YY		
Individual's Total Time on Project: (in months)		% of time spent on Qualifying activities		Qualifying time: (in months)
Project Name:				
Project Description:				
Project Owner:				
Contact Information:				
Project Cost Value				
Title on Project:				
Individual's Duties & Responsibilities:				
Individual's Start Date on Project: MM/YY		Individual's End Date on Project: MM/YY		
Individual's Total Time on Project: (in months)		% of time spent on Qualifying activities		Qualifying time: (in months)
Explain gaps in chronology for qualifying experience:				

Total Time: Identify the total time the Applicant spent on the project (start date to end date, in months)

% of time on Qualifying activities: Identify the percentage of time spent performing qualifying activities during the Total Time.

Qualifying Time: Calculate the percentage of time spent performing qualifying activities by the total time to determine the number of qualifying months meeting the experience required for the Key Personnel title on the proposed Design Build project as described in RFQ, Appendix A.

Example: Total Time on project is 12 months (1st box) with 50% of time spent on qualifying activities (2nd box) equals 6 months of qualifying time (3rd box).

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**Department of
Transportation**

**LOWER WESTCHESTER BRIDGE
BUNDLE
DESIGN-BUILD PROJECT**

PIN 8101.46, D900049

REQUEST FOR QUALIFICATIONS

APPENDIX D

ABBREVIATIONS AND DEFINITIONS

March 29, 2019

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TABLE OF CONTENTS

1.0 ABBREVIATIONS 1
2.0 DEFINITIONS 2

APPENDIX D TO REQUEST FOR QUALIFICATIONS

This RFQ includes abbreviations and specific defined terms as indicated below.

1.0 ABBREVIATIONS

CM	Construction Manager
CQAE	Construction Quality Assurance Engineer
CQCE	Construction Quality Control Engineer
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DQAE	Design Quality Assurance Engineer
DQCE	Design Quality Control Engineer
DM	Design Manager
DOT	Department of Transportation
FHWA	Federal Highway Administration
IA	Independent Assurance
JV	Joint Venture
M/W/DBE	Minority/Women/Disadvantaged Business Enterprise
N/A	Not Applicable
NEPA	National Environmental Policy Act
PI	Public Information
PM	Project Manager
QA	Quality Assurance
QC	Quality Control
QM	Quality Manager
RE	Resident Engineer
RFP	Request for Proposals
RFQ	Request for Qualifications
ROD	Record of Decision (State & Federal)
ROW	Right(s)-of-Way
SEQR	State Environmental Quality Review
SOQ	Statement of Qualification

2.0 DEFINITIONS

“Addenda/Addendum” means written supplemental additions, deletions, and modifications to the provisions of the RFQ issued by the Department, after the date of issuance of the RFQ.

“Advertisement” means a public announcement inviting prospective Proposers to obtain an RFQ or RFP and submit an SOQ or a Proposal. The Advertisement shall include a brief description of the Work proposed to be the subject of the procurement, with an announcement where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters as the Department may deem advisable to include therein.

“Affiliate” means:

- A) Any Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer or any Principal Participant.
- B) Any Person for which 10% or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:
 - 1) The Proposer;
 - 2) Any Principal Participant; or
 - 3) Any Affiliate under part (A) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

“Clarifications” means a written or oral exchange of information that takes place between a Proposer and the Department after the receipt of all SOQs during the evaluation process. The purpose of Clarifications is to address minor ambiguities, omissions, errors or mistakes and clerical revisions in an SOQ.

“Commissioner” means the Commissioner of the New York State Department of Transportation.

“Conflict of Interest” means that a Person or organization: (1) had or has relations with Persons; (2) engaged or is engaging in activities; or (3) performed or is performing services for NYSDOT or another entity concerning the Project or a related project, that afford such Person or organization with a competitive advantage or that might otherwise impair the Person or organization’s objectivity, or that render such Person or organization unable, or potentially unable, to render impartial assistance or advice on the Project.

“Construction Inspection (CI)” means to inspect all construction operations and to enforce all safety measures (for employees and the traveling public) performed by the Design-Builder to ensure conformance with the contract documents. This includes performing daily inspection and testing activities in accordance with all the requirements set forth in Department policies, manuals, engineering bulletins, and engineering instructions; preparation of applicable MURK forms; preparation of monthly estimates; monitoring compliance to safety procedures, including fall protection and work zone traffic control (WZTC) requirements; monitoring compliance to

environmental requirements. Construction Inspection also includes Contract Administration functions including, but not limited to keeping required records, monitoring the DB Contractor's progress, monitoring certified payroll compliance and processing of payments, monitoring adherence to Equal Opportunity and Labor requirements contained in the contract, taking measurements as required for payment, and maintaining a contemporaneous project diary documenting conformance with the contract documents. The Scope of Work to be performed as part of the Construction Inspection task may be changed after the RFQ Phase.

“Construction Inspection Professional Engineering Firm” means an independent Engineering firm, licensed in New York State to perform Engineering Services and having experience in Construction Inspection as defined herein. This firm shall be included as part of the Proposer's team during the RFP Phase and shall be hired by the Design-Builder to perform Construction Inspection for the Project.

“Construction Manager” means the Design-Builder's designated representative who leads construction activities of the Design-Build Contract, including overall construction oversight, assignment of the construction workforces, coordination of the construction workforces, etc.

“Construction Subcontractor” means a subcontractor on the Proposer's Team that will be responsible for construction of the Project.

“Constructor” means a Principal Participant or subcontractor retained by the Design-Builder, who is involved in the actual construction of the Project.

“Contract” means the written agreement between the Department and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment, and including all provisions required by law to be inserted in the Contract whether actually inserted or not. The Contract will include the Contract Documents and any amendments, supplemental agreements and Change Orders that are required to complete the design and construction of the Work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

“Contract Documents” means the documents identified as such in the Contract, including all provisions required by law to be inserted in the Contract whether actually inserted or not.

“Deficiency” means a material failure of an SOQ to meet the Department's requirements or a combination of significant Weaknesses in an SOQ that increases the risk of unsuccessful Contract performance to an unacceptable level.

“Department” means the New York State Department of Transportation.

“Design-Build (DB)” means a Project delivery methodology by which a single firm has responsibility for the design and construction of the Project under a single contract with the Department.

“Design-Builder” means the Person/Firm(s)/Joint Venture selected pursuant to the RFP that enters into the Contract with the Department to design and construct the Project.

“Design-Build Team” means the Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), and Materials Testing Firm(s) or Laboratory.

“Design Manager” means the Design-Builder’s designated person who shall have primary responsibility for coordination and oversight of the all the Project Designs including design plans, calculations, and specifications He/She shall be a registered Professional Engineer in the State of New York.

“Design Quality Assurance Engineer” means the Department’s representative with primary responsibility for monitoring and/or auditing the Design-Builder’s design and engineering activities for compliance with the Contract requirements and the Design-Builder’s Quality Control Plan.

“Design Quality Control Engineer” means the person appointed by Design-Builder who reports directly to the Design-Builder’s Quality Manager and is responsible for the QC of all Work conducted by the Designer. The Design QC Engineer shall be a New York-licensed professional engineer with similar experience as the Design Manager. The Design QC Engineer shall ensure that checkers are assigned for each design discipline and for each Design Unit and that they are properly scheduled.

“Designer” means a Principal Participant or other entity, licensed in New York State to perform Engineering Services and having experience in bridge and/or highway and/or infrastructure design, that has the primary responsibility for design services for the Project. This entity shall be included as part of the Proposer’s team during the RFP Phase and shall be hired/employed by the Design-Builder to perform design services for the Project.

“Disadvantaged Business Enterprise (DBE)” means a for-profit, small business concern as defined pursuant to Section 3 of the federal Small Business Act (Public Law 85-536, as amended) and Small Business Administration regulations implementing it (13 CFR Part 121) that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it, which meets the definitions set forth in 49 Code of Federal Regulations (CFR) 26.

“Dispute” means a matter of Contract performance or Contract compensation, including granting of extensions of time, in which there is or may be disagreement between the Design-Builder and the Department and which may involve adjustment of Contract Items or the addition of new items to the Contract, extension of time for performance, and/or adjustments in compensation necessitated by the resolution of such disagreement.

“Equity Participant” means any Person holding (directly or indirectly) a 15% or greater interest in the Proposer.

“Independent Assurance (IA)” means activities that are undertaken in accordance with 23 CFR 637.203(a)(2), providing an unbiased and independent evaluation of all the sampling and testing procedures, equipment calibration, and qualifications of personnel (Design-Builder’s or Department’s) used in the Acceptance Program, including the Design-Builder’s QC. The Independent Assurance (IA) agent for the Project will be designated by the Department.

“Lead Principal Participant” means the Principal Participant that is designated by the Proposer as having the lead responsibility for managing the Proposer’s organization.

“Materials Testing Firm or Laboratory” means an independent testing firm or Laboratory having experience in performing Quality Control activities as defined herein. This firm shall be included as part of the Proposer’s team during the RFP Phase and shall be hired by the Design-Builder to perform Quality Control sampling and Testing activities for the Project. The Materials Testing Firm or Laboratory shall report to the Construction Inspection Professional Engineering firm.

“Person” means any individual, firm, corporation, company, sole proprietorship, limited liability company (LLC), joint venture, voluntary association, partnership, trust, unincorporated organization, or other legal entity.

“Principal Participant” means any of the following entities:

- A) The Proposer;
- B) If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the partnership, joint venture or LLC; and/or
- C) Any Equity Participant.

“Project” means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

“Project Manager” means the Design-Builder’s designated representative responsible for all aspects of the Work, including construction oversight, design oversight, project finances, project scheduling, etc. Disputes regarding design or construction that cannot be resolved with the designer or in the field will be brought to the attention of the Design-Builder’s Project Manager for resolution.

“Project Superintendent” means the Design-Builder’s on-site designated representative who oversees the construction of the Design-Build Contract, including directing and coordinating the activities of the Design-Builder’s workforce and all subcontractors, ensuring that the work progresses according to schedule, and ensuring that material and equipment are delivered to the site on time, etc.

“Proposal” means the proposal submitted by the Proposer in response to the RFP, including any revisions thereto. If the RFP requests submittal of best and final offers, the term ‘Proposal’ means the best and final offer submitted by the Proposer, including any revisions thereto.

“Proposer” means a Person submitting a Statement of Qualifications for the Project in response to this RFQ. In the context of responses to the RFP, the term means a firm on the shortlist that submits a Proposal.

“Quality Assurance (QA)” means all planned and systematic oversight actions by the Department necessary to provide confidence that the Design-Builder is performing QC in accordance with the Quality Control Plan, that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended. Quality Assurance includes, but is not limited to, monitoring and verification of design through auditing, spot-checking and participation in the review of the design, and monitoring and verification of construction, manufacturing/process facilities and equipment, on site equipment and QC documentation through auditing, spot

inspections and Verification Sampling and Testing at production sites and the Project Site. Quality Assurance also includes Independent Assurance, consultation and provision of written comments by the Department, documentation of QA activities, final inspection and final acceptance. The Scope of Work to be performed as part of the Quality Assurance task may be changed after the RFQ Phase.

“Quality Assurance Program” means the overall quality program and associated activities including the Department’s Quality Assurance, Design-Builder Quality Control, the Contract’s quality requirements for design and construction to assure compliance with Department Specifications and procedures.

“Quality Control” means the total of all activities performed by the Design-Builder, Designer, Construction Inspection Professional Engineering Firm and the Materials Testing Firm or Laboratory, subcontractors, producers or manufacturers to ensure that the Work performed by the Design-Builder conforms to the Contract requirements. For design, Quality Control activities shall include, but not be limited to, procedures for design quality, checking, design review including reviews for constructability, and review and approval of Working Plans. For construction, Quality Control activities shall include, but not be limited to, procedures for materials handling and construction quality, inspection, sampling and testing of materials both on site and at the plant(s), field testing of materials, obtaining and verifying Materials Certifications, record keeping, and equipment monitoring and calibration, production process control, and monitoring of environmental compliance. Quality Control also includes documentation of all QC design and construction efforts. The Scope of Work to be performed as part of the Quality Control task may be changed after the RFQ Phase.

“Quality Control Plan” means the Design-Builder’s plan for implementing the Design-Builder’s overall quality program and associated activities, including Design-Builder’s QC and procedures to assure and document quality of design and construction activities through reviews, inspections, testing, internal communications, and necessary interfaces with the Department and the Department’s QA activities.

“Quality Manager” means the individual identified by the Design-Builder who is responsible for the overall Quality Control program and Quality Control activities of the Design-Builder, including the quality of management, design and construction. (also referred to as the “Quality Control Manager”).

“Reference Documents” means the documents provided with and so designated in the RFP. The Reference Documents, including Plans contained therein and/or so designated, are not Contract Documents and were provided to the Design-Builder for informational purposes only and are relied upon at the Design-Builder’s own risk.

“Region” means one of 11 geographical subdivisions of the State used to designate or identify the location of the proposed Work.

“Regional Director” means the director, acting through the Commissioner, who is delegated the authority and responsibility to execute the total Department prescribed Work Plans for his/her respective Region.

“Request For Proposals (RFP)” means a written solicitation issued by the Department (and as amended by any Addenda) seeking Proposals (including quality and price) to be used to identify

the Proposer offering the best value to the Department. The RFP will be issued only to Persons who are on the Short-List.

“Request For Qualifications (RFQ)” means the written solicitation, including all Addenda thereto, issued by the Department seeking SOQs in order to identify and Short-List the Proposers to receive the RFP for the Project.

“Resident Engineer” means a qualified individual as specified in the RFQ/RFP, who directs the organization and coordination of the inspectors and the on-site Construction Quality Control inspection of the execution of the construction by the Design-Builder. He/She ensures that the construction is executed in accordance with the approved designs, drawings and specifications related to the work under construction.

“Resource Provider” means the Individual to be specified by the Proposer who has full authority to move resources (personnel and equipment) to advance this Project on schedule, potentially drawing from other ongoing competing work. The Resource Provider should have broad oversight of all construction operations, procurement of equipment and materials, and the assignment of personnel

“Short-List” means the list of Persons that the Department determines are the best highly qualified potential Design-Builders for the Project, based on an evaluation of the SOQs submitted by such Persons.

“Statement of Qualifications (SOQ)” means the information prepared and submitted by a Proposer in response to this RFQ.

“Strength” means a feature or aspect of the SOQ that exceeds the minimum requirements of the RFQ and increases the chance of successful Contract performance. A significant Strength in the SOQ is a feature or aspect that exceeds the minimum requirements of the RFQ and increases the chance of successful Contract performance.

“Verification Sampling and Testing” means sampling and testing performed by the Department, or by a firm retained by the Department, to validate the Design-Builder’s QC sampling and test data that was used in the acceptance decision.

“Weakness” means a flaw in the SOQ that increases the risk of unsuccessful Contract performance. A significant Weakness in the SOQ is a flaw that appreciably increases the risk of unsuccessful Contract performance.

“Work” means all of the administrative, design, engineering, utility support services, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, warranty, documentation, and other duties and services to be furnished and provided by the Design-Builder as required by the Contract Documents, including all efforts necessary or appropriate to achieve final acceptance of the Project and to fulfill the Design-Builder’s warranties. In certain cases, the term is also used to mean the products of the Work.

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