



Vermont Agency of Transportation

REQUEST FOR QUALIFICATIONS

I-91 Bridge Improvements

Bridges 96-3N & 96-3S

Town of Lyndon, Vermont

PROJECT NO. Lyndon IM 091-3(53)

October 11, 2022

VTTrans Mission and Vision

Through excellent customer service, provide for the safe and efficient movement of people and goods.
A safe, reliable, and multimodal transportation system that grows the economy, is affordable to use and operate, and serves vulnerable populations.

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1.0 INTRODUCTION

The Vermont Agency of Transportation (VTrans) releases this Request for Qualifications (RFQ) to solicit Statements of Qualifications (SOQ) from those entities (Bidders) interested in contracting to serve as the Design-Builder for the completion of the Interstate 91 (I-91) Bridge Improvement Project “LYNDON IM 091-3(53)” in Caledonia County, Vermont. VTrans is seeking an innovative Design-Builder to bring creativity and problem-solving skills to the design and construction of this project.

The purpose of this RFQ is to solicit information that will enable VTrans to determine which Bidders:

- Are the best qualified to successfully execute the design and construction of the Project; and
- Will be invited to submit proposals in response to VTrans’ Request for Proposals (RFP) in the second phase of the Design-Build selection process.

1.1 Notifications to Bidders

All potential bidders shall be made aware of the following:

- An RFQ Information Package is available to interested Bidders through VTrans’ FTP site. Interested Bidders should contact VTrans’ Point of Contact for specific information on how to obtain this package. The RFQ Information Package may include informational documents such as: location maps, existing plans, base survey plans, photographs, and inspection reports.
- VTrans reserves the right to modify the project scope and/or the Project Goals prior to issuance of the Request for Proposals (RFP).
- Bidders are directed to the VTrans Design-Builder contracting web site for additional information regarding VTrans’ Design-Builder Program:
[http://vtranscontracts.vermont.gov/Design Build - Resources | Agency of Transportation \(vermont.gov\)](http://vtranscontracts.vermont.gov/Design_Build_-_Resources_|_Agency_of_Transportation_(vermont.gov))
- All costs associated with developing or submitting documents in response to this RFQ solicitation and/or in providing oral or written clarification of its content shall be borne by the Bidder. The Agency assumes no responsibility for these costs. Refer to Section 2.8 for additional information about costs for developing a Proposal in response to the RFP.
- It is intended that an award pursuant to this RFQ and subsequent RFP will be made to a Design-Builder Team who will assume all aspects of the Work. Joint venture(s) and sub-contract(s) are permitted. Joint venture parties and sub-

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consultant(s) shall be clearly identified in the RFQ and RFP along with the type and scope of work anticipated to be performed in the Project.

- Submissions in response to this solicitation are considered to be irrevocable for a period of not less than three hundred and sixty-five (365) calendar days following the established due date and may not be withdrawn without the express written permission from VTrans.

Bidders must possess and demonstrate a working familiarity with the requirements outlined in the Vermont Agency of Transportation Standard Specifications, 2018 ed. <https://vtrans.vermont.gov/highway/construct-material/construct-services/pre-contractspecifications/active>

- Bidders are advised that all materials submitted to VTrans for consideration will be considered to be public records as defined in 1 V.S.A. § 317 (2012), except for data covered by the confidentiality given under 23 U.S.C. § 112(b)(2)(F) (2012) and will be provided for inspection at the VTrans Office of Contract Administration immediately upon request once the contract is executed.
- All Bidders must have internal control systems in place that meet federal requirements for accounting. These systems must comply with requirements of 48 CFR 31, “Federal Acquisition Regulations, Contract Cost Principles and Procedures,” and 23 CFR 172, “Administration of Engineering and Design Related Service Contracts.”
- All work performed on this Project shall be completed using English Units.
- In accordance with 23 USC 313, the FHWA Buy America provisions shall apply to all work performed under this contract.

1.2 Communication with VTrans and Project FTP Site

All questions related to this RFQ shall be forwarded to Point of Contact Stacy Andre, **Administrative Services Manager, Contract Administration**, by e-mail at ConstructionContractingInquiry@vermont.gov. The Point of Contact and her designated team in the VTrans Contract Administration office are the only individuals authorized to discuss this RFQ with interested parties, including Bidders. All communications with VTrans’ Point of Contact about the Project or this RFQ shall be in writing via email. VTrans will not be bound by any oral communications.

Communication with VTrans personnel other than the listed Point of Contact regarding this procurement is prohibited and may result in the rejection of your proposal. It is a condition of submitting a SOQ that the Bidder accepts and agrees unconditionally that if they have contact, in any way, with anyone other than the listed Point of Contact, including a VTrans evaluator involved in the short list selection process for this project, either during or following the RFQ process, regarding the selection process or outcome of the selection process, then that Bidder will be completely barred

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from being awarded a contract by VTrans for 365 days from the date of that Bidder contacted the VTrans evaluator. The only valid point of contact for questions about the selection process or outcome is the VTrans Point of Contact.

SOQs will be received electronically via an FTP site. To upload the SOQ, a bidder must obtain a user account. This account will be provided when Contract Administration receives a request via e-mail. Please submit the request for a user account by e-mailing the Point of Contact via email at Contract.Administration.Inquiry@Vermont.gov, subject reference “**FTP Account Proposal Access Request for Lyndon IM 091-3(53)**”. User login and account guidance on how to access proposal documents, plans, and uploading instructions will be provided by separate e-mail(s). Please submit your request as soon as possible and no later than four (4) business days before the SOQ due date to ensure time to set up the user account(s).

2.0 GENERAL INFORMATION

2.1 Project Overview

The Project is located in Lyndon, Vermont on I-91 approximately 1.2 miles north of Exit 24. A location map is included in the RFQ Information Package.

The project includes the replacement of the existing corrugated galvanized metal plate pipes (CGMPP) on I-91; bridge 96-3N (8’ diameter x 366’ long under an average fill depth of 70’) and bridge 96-3S (8’ diameter x 308’ long under an average fill depth of 55’). The existing structures were built in 1973, and currently have a culvert rating of 5 (Fair), and a channel rating of 6 (Satisfactory).

The Project includes, but is not limited to:

- Complete replacement of bridges 96-3N and 96-3S.
- Maintaining streams and waterways.
- Maintaining a minimum of one lane of I91 northbound and one lane of I91 southbound at all times.

The total project length is approximately 3.7 miles along I-91, including the traffic control limits.

This description and project length are approximate only and based on the VTrans Base Technical Concept. The final project length may vary depending on the Design-Builder’s concept submitted in the Technical Proposal in response to the RFP.

No permanent right-of-way impacts are anticipated for this Project. Securing all temporary rights-of-way shall be the responsibility of the Design-Builder.

The Town of Lyndon owns a municipal waterline within the project limits. This waterline may require temporary and/or permanent relocations to facilitate construction

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of the Project. The specific scope of work related to the waterline will be detailed in the RFP.

The Design-Builder Work under this Project will consist of providing the necessary design and construction, including design quality management and construction quality control.

VTrans' has estimated the approximate contract value for this Design-Build project at \$20,000,000.

2.2 Project Goals

The following goals are very important to VTrans. Team qualifications to meet and exceed VTrans' expectations of these goals must be explained in the Statement of Qualifications (SOQ):

- Minimize and manage the impacts to the highway mobility, including but not limited to continued and effective flow of traffic during construction. Develop and implement a comprehensive Transportation Management Plan (TMP).
- Environmental Plan and Commitments – Minimize and mitigate environmental impacts. Provide effective communication and coordination with State and Federal environmental regulatory agencies.
- Cultivate a project culture of excellent communication, coordination and partnering with VTrans, FHWA and project stakeholders. With the goal of resolving project issues at the lowest level.
- Provide a safe, resilient, and best value design that meets or exceeds the latest edition of AASHTO LRFD Bridge Design Specifications, and VTrans structural, hydraulic, and geotechnical design standards. New structures should meet or exceed a 100-year design life while minimizing maintenance.
- Provide effective design quality management - Develop and implement a quality control and quality assurance program for design-related tasks.
- Maintain a High-Quality Public Involvement Approach – Provide proactive and accurate information for distribution to stakeholders.
- Develop and provide a comprehensive and robust constructability review process.
- Develop and provide a comprehensive and robust construction quality control program for all construction-related tasks.
- Provide superior Project Management with effective processes to successfully deliver the completed project while meeting all the project goals.

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2.3 Design-Builder’s Scope of Work

The anticipated scope of work to be undertaken by the Design-Builder for this Project will include all design and construction activities necessary to complete the project. A brief description of this anticipated work is listed below:

- Design activities
 - Preparation of Administrative submittals
 - Conduct additional Project survey as needed for design and construction
 - Perform additional Geotechnical and/or Ground Water investigation as needed
 - Design of permanent transportation facilities and temporary works required by the Design-Builder.
 - Providing Quality Control and Quality Assurance for Project design.
 - Acquiring all remaining environmental permits or approvals.
 - Conduct additional ROW acquisition services if required due to Design-Builder’s modification from the Base Technical Concept shown in the RFP or if needed for temporary rights to facilitate the work proposed.
 - Coordinate and perform, additional utility relocations and adjustments if required due to Design-Builder’s modification from the Base Technical Concept shown in the RFP or if needed for temporary accommodation to facilitate the work proposed.

- Construction Activities:
 - Construction, maintenance, and removal of temporary facilities
 - Performing roadway and bridge construction.
 - Demolition, removal, and disposal of existing structures.
 - Providing Quality Control for construction.
 - Maintaining compliance with permit conditions; and
 - Providing overall project management, public relations, accountability, and overall project safety.
 - Stream diversion and ground water management as necessary to construct the project.

Bidders are advised that VTrans is in the process of completing NEPA Documentation in accordance with the requirements of the National Environmental Policy Act (“NEPA”). For this project, it is anticipated that the NEPA Document may consist of a Categorical Exclusion (“CE”). The completed CE will be included in the RFP.

Design services shall address all items necessary for design, construction and safe operation of the temporary configuration(s) and completed facility. A required minimum pavement thickness of sections and design values will be provided by VTrans in the RFP for bidding purposes. The Design-Builder will be responsible for the construction of the pavement.

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The Design-Builder Team’s Environmental Commitments Officer (ECO) will be responsible for providing VTrans with any environmental studies in support of reevaluating any previously obtained permits and resource clearances required by the Design-Builder’s proposed design that are acceptable to the Agency. Design-Builder Team shall note that they are solely responsible for any costs and schedule delays due to permit acquisition, modifications, environmental studies, and NEPA Documentation reevaluations associated with Design-Builder’s proposed design concept and no time extensions will be granted.

The Design-Builder will obtain all necessary state and federal water quality permits and wetland/stream mitigation or compensation (unless otherwise noted herein) required to accomplish the Work that have not otherwise been obtained by VTrans at the time of the RFP. This includes but may not be limited to performing all design and fieldwork to support acquisition of any applicable water quality permits, including any permit modifications and/or inclusion of specialist for mitigation of endangered species.

Copies of all permits and modified permits will be provided to VTRANS.

Construction services are anticipated to include, but are not limited to, the following elements: supplement and verify provided survey, roadway, pavement markings, signs, traffic control, bridge structures, retaining walls, geotechnical investigation, materials analysis, landscaping to include re-vegetation of disturbed areas as required, drainage, erosion prevention and sediment control, and compliance with all other environmental requirements and commitments including those from state and federal water quality permits, as well as all environmental commitments from the NEPA Document.

The Design-Builder shall be responsible for implementing a complete design quality management program for all design-related tasks. The program shall be a systematic quality control procedure to ensure the quality of the project design.

The Design-Builder shall also be responsible for implementing a complete and comprehensive construction Quality Control Program for all construction activities. The Quality Control Program shall be comprehensive and systematic in its approach to each construction activity as well as consistent with VTrans’ Standard Specifications for Construction. VTrans will be conducting routine construction inspection activities for this project for the purposes of auditing Construction Quality Control activities and performing Quality Assurance and verification testing.

In compliance with 23 CFR 637.207, FHWA required Validation and Independent Assurance will be performed by VTrans and/or a designated representative for the purpose of independently performing and reviewing the Quality Assurance processes. Such activities in no way alleviate the Design-Builder from their own Quality Control requirements. Additional reference information for QA of Design-Build contracts has been published in FHWA’s TECHBRIEF No. FHWA-HRT-12-039 “Construction Quality Assurance For Design-Build Highway Projects”.

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2.4 Procurement Process

VTrans will use a two-phase process for the selection of a Design-Builder. This RFQ represents the first phase in the selection process. The Technical Evaluation Committee (TEC) will evaluate the SOQ documents based on the criteria in this RFQ and recommend the qualifying bidders for Short-list consideration.

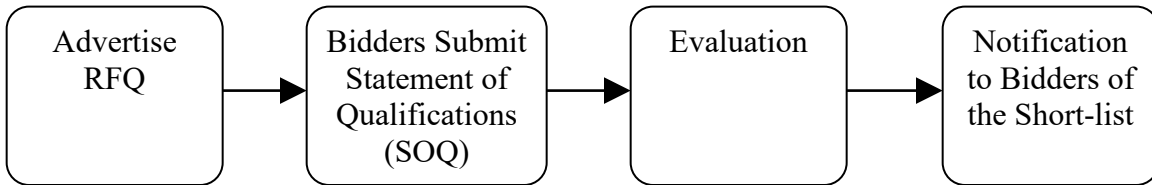
The TEC will present the Short-list recommendations to the Chief Engineer for approval and subsequent acceptance by the Secretary of Transportation and FHWA. VTrans will issue formal notification to the short-listed Bidders, each of whom will be issued the RFP for preparation of Proposal documentation. Only the Bidders on the Short-list will receive the RFP and be allowed to submit Proposals.

VTrans has a goal to Short-list the three (3) highest-ranked Bidders based upon the evaluation criteria established in this RFQ; however, a minimum of two (2) Bidders and a maximum of five (5) Bidders may be Short-listed. VTrans may increase or decrease the number of Short-listed Bidders, if it is in the best interest of VTrans to do so.

The second phase of the selection process begins with issuing the RFP to the selected Bidders. Those Design-Build teams may then submit Proposals (consisting of technical proposals and sealed price proposals). The TEC will evaluate and rank each of the Proposals in line with selection criteria defined in the RFP. The TEC will provide a written final selection recommendation defining the top-ranked Bidder for award of a fixed price Design-Builder Contract by the Agency. Pending formal acceptance by the Chief Engineer, Secretary of Transportation and State approvals, award preparation will commence outlining all contractual requirements and accepted pricing. The procurement process is depicted in the flow chart shown in Figure 1.

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STEP ONE – REQUEST FOR QUALIFICATIONS



STEP TWO – REQUEST FOR PROPOSALS

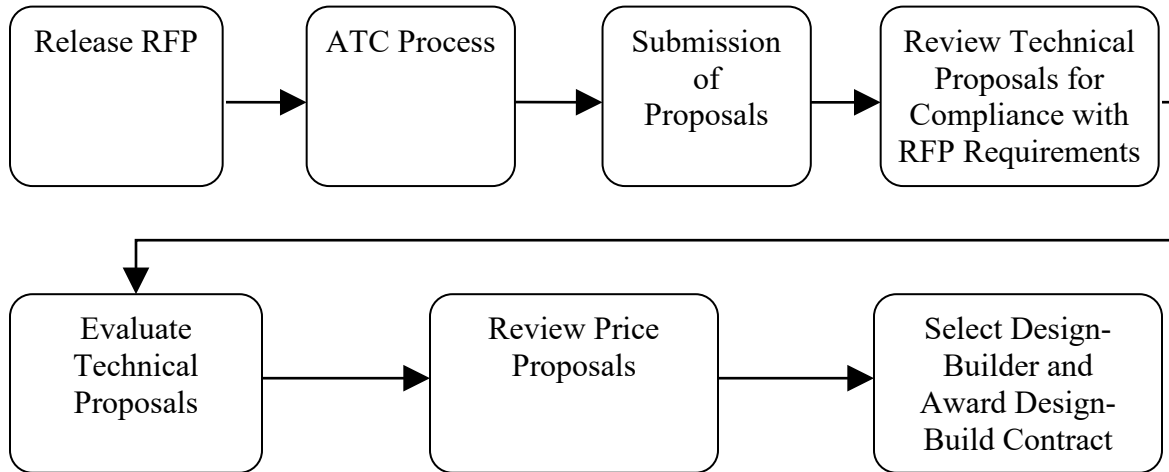


Figure 1: Procurement Process Flowchart

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2.5 Procurement Schedule

The current schedule includes Substantial Completion of the Project on or before August 15, 2025.

VTrans currently anticipates conducting this procurement in accordance with the following list of milestones. This schedule is subject to revision and VTrans reserves the right to modify this schedule as it finds necessary, at its sole discretion.

- Advertise RFQ October 11, 2022
- Deadline to submit questions October 27, 2022
at 4:30 P.M. (prevailing local time)
- VTrans will respond to questions November 8, 2002
- SOQs are due November 17, 2022
At 4:30 P.M. (prevailing local time)
- Evaluation and recommendations complete December 2022
- Notification to Bidders of the Short-list January 2023
- RFP Release Date February 2023
- Proposals are due June 2023
- Award Date October 2023

2.6 Technical Evaluation Committee (TEC)

The TEC appointed by VTrans will be comprised of a chairperson and a minimum of five (5) other members from VTrans familiar with the subject Project. The TEC will score each evaluation criterion in the RFQ. The TEC will be responsible to present the final selection recommendation for Agency approval. In addition to the appointed TEC members, VTrans may use any appropriate subject matter experts to aid in evaluating the submittals. Subject matter experts will act in an advisory capacity only and will not score any documentation. The identity of the TEC members and subject matter experts will remain confidential.

Confidentiality and security critical to the integrity of the evaluation and selection process will be maintained to the extent allowed by law. All qualifications and proposal documents will be securely stored. To the extent allowed by law, documents will not be accessible to the public, to Bidders, or to VTrans employees not involved in the selection process.

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2.7 RFQ Documents

Each Bidder is responsible for reviewing the RFQ Documents and submitting questions regarding any aspect of such documents. Such questions shall be submitted to VTrans' Point of Contact within the time specified in Section 2.5 of this RFQ.

In the event that it becomes necessary to revise, modify, clarify, or otherwise alter this RFQ, including VTrans' responses to questions and requests for clarification, such RFQ Change shall be posted to the VTrans Contract Administration Bid Opportunities Design-Build webpage. Additionally, the RFQ and any subsequent addendums will be posted on the VTrans FTP Website and here: <https://vtrans.vermont.gov/contract-admin/bids-requests/design-build>.

RFQ CHANGES WILL NOT BE EMAILED. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ANY RFQ CHANGES ISSUED.

2.8 Proposal Payment

VTrans assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or the subsequent RFP. All such costs shall be borne solely by each Bidder and its team members.

VTrans intends to pay those Short-listed Bidders who submit a responsive proposal, but who are not awarded the Design-Builder Contract, a Proposal Payment in the amount of **\$50,000**. Further details about eligibility for such payment will be set forth in the RFP.

In consideration for receiving the Proposal Payment, each unsuccessful Short-listed Bidder shall:

- Acknowledge that VTrans reserves the right to use any ideas or information contained in the SOQ or Proposal in connection with any Contract awarded for the Project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful short-listed Bidders.
- Provide VTrans a release from any liability, damage, claim, or protest made by the Bidder relative to the procurement of this Project.

The Proposal Payment eligibility requirements as well as the considerations and scope of any such payments will be further defined in the RFP.

No Proposal Payment will be paid for submitting a SOQ.

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3.0 STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS

This section describes the requirements that all Bidders must satisfy in submitting SOQ(s). Failure of any Bidder to submit its SOQ in accordance with this RFQ may result in rejection of its SOQ.

3.1 Due Date, Time and Location

All SOQs must be submitted via the FTP sited by the due date and time set forth in Section 2.5. When uploading/submitting the SOQ(s), the following naming convention shall be used: **Statement of Qualifications_ABConsulting_LyndonIM0913(53).pdf**

Delivery Methods:

ELECTRONIC via FTP Site: Electronic proposals submitted via VTrans FTP site is the only form of proposal submittal that will be accepted.

EMAIL: Emailed proposals will not be accepted.

US MAIL: Mailed proposals will not be accepted.

HAND DELIVERY: Hand-carried proposals will not be accepted.

EXPRESS DELIVERY: Express delivery proposals will not be accepted.

FAX BIDS: Faxed proposals will not be accepted

Late submissions will be rejected and not considered. VTrans accepts no responsibility for misdirected or lost proposals.

3.2 SOQ Format

This section describes the format for presentation of the SOQ. Refer to Section 4 of this document for a description of specific information that must be included in the SOQ.

If VTrans determines that a SOQ does not comply with or satisfy the format of this section, VTrans may find such SOQ to be non-responsive.

Submit your completed proposals to the Office of Contract Administration, Agency of Transportation, via the provided FTP site, prior to the deadline specified in Section 2.5.

The SOQ shall be consolidated into one pdf file. The SOQ shall be bookmarked with sections corresponding to the order set forth as follows:

- Letter of Submittal
- Bidder’s Team Structure and Key Personnel Resume Forms
- Past Performance and Experience Work History Forms
- Quality Program
- Project Understanding, Approach and Controls
- Project Safety
- Vermont Certificate of Authority

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- Evidence of Surety
- Debarment Forms

The SOQ shall not exceed twenty (20) pages. All pages that count toward the page limit shall be numbered consecutively. The pages shall be formatted as 8½” x 11” sheets. Font shall be size 12. (Only the Work History Forms shall be formatted as 11” x 17”.)

The following information will **not** be counted against the above referenced page limit:

- Letter of Submittal
- Key Personnel Resume Forms
- Work History Forms
- Project Safety Information OSHA (or VOSHA) citations and OSHA 300A Summary Forms
- Vermont Certificate of Authority
- Evidence of Surety
- Debarment Forms
- Blank pages that have been identified with the text “This Page Left Intentionally Blank” and have not been assigned a page number.

Each Key Personnel Resume Form shall be limited to 2 pages per person.

Each Work History Form shall be limited to one page per each project (minimum of 3 and maximum of 5 projects).

All pages shall include page number references in the lower right-hand corner. It is acceptable for the page number to be within the page margins.

4.0 CONTENTS OF STATEMENTS OF QUALIFICATIONS

This section describes the specific information that must be included in the SOQ. The format for the presentation of such information is described in Section 3.

The RFQ phase of the procurement process enables Bidders to demonstrate their qualifications to perform the Project and enables VTrans to evaluate those qualifications in selecting a Short-list. Bidders are advised that the SOQ should include specific information that will demonstrate the qualifications, experience, and expertise required by this RFQ. Bidders are advised that it is not the intention of VTrans to receive Project specific design or engineering recommendations as part of the SOQ.

Bidders shall be aware that VTrans reserves the right to conduct an independent investigation of any information identified in a SOQ by contacting project references, accessing public information, contacting independent parties, or by any other means.

VTrans reserves the right to request additional information from a Bidder during the evaluation of that Bidder’s SOQ.

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Refer to Section 5 of this document entitled “EVALUATION PROCESS FOR THE STATEMENTS OF QUALIFICATIONS” for information pertaining to the “rating scale” and the “rating descriptions”.

4.1 Letter of Submittal

Bidders shall provide a Letter of Submittal on the Bidder’s letterhead identifying the official representative and point of contact for the Bidder relative to the SOQ. The letter shall identify such representative’s title, address, phone and fax numbers, and e-mail address, and be signed by an authorized representative of Bidder’s organization. If the Bidder is a joint venture, an authorized representative from each joint venture participant shall sign the letter.

Accompanying the Letter of Submittal shall be the remainder of the SOQ, wherein the Bidder shall specifically address the following:

4.2 Bidder’s Team Structure and Key Personnel

The elements described in Section 4.2 have a maximum value of **30 points** allocated.

This section will be evaluated based on the quality of the Key Personnel and the Bidder’s Organizational structure to manage the project and achieve the project goals. The Bidders are expected to present responsibilities, report relationships and functional relationships clearly with logical and appropriate reporting lines, incorporate all Key Personnel to provide confidence that the team structure can deliver the Project in accordance with the contract requirements and illustrate that all project risks will be effectively managed through personal competence and accountability.

A response to this section shall include all the following information:

- Bidder shall furnish an organizational chart showing the lines of authority, communication, and identifying major functions to be performed and their reporting relationships internally within the Team and externally with VTrans in managing, designing, and constructing the Project.
- Bidder shall furnish a narrative describing the functional relationships among participants for the organizational chart, including any sub-consultant and/or major subcontractor that the Bidder considers critical to the success of the Project.
- Bidder shall provide the identity of and information about the Key Personnel listed below at a minimum.
- In addition to the Key Personnel identified in the RFQ, Bidder may propose additional Key Personnel as they deem appropriate to add value to the project. Such Key Personnel shall then comply with all the requirements stipulated for Key Personnel in the RFQ.

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- Bidder shall provide information demonstrating that each of the Key Personnel is qualified to perform their roles and has previous experience working on transportation projects in similar roles.
- For each Key Person identified below, Bidder shall provide a Key Personnel Resume Form attached hereto as Attachment 4.2 of this RFQ.
- Key Personnel Resume Forms shall include each licensed professional's Vermont registration number and expiration date in accordance with Section 9.4.
- Each Key Personnel Resume Form shall be limited to two (2) pages.
- Each of the roles defined below must be filled by a different individual.
- At a minimum, the Bidder shall provide the identity of and information about the following Key Personnel.

4.2.1 Design-Build Project Manager – This individual will be required to be on the project site a minimum of once per week and in attendance at all project meetings. The Design-Build Project Manager shall be responsible for the overall management, design, construction, environmental compliance, quality management and contract administration for the Project. The Design-Build Project Manager shall be responsible for creating and updating the Project Schedule. This individual shall have a minimum of ten (10) years' experience as a project manager on transportation projects with responsibility for the above mentioned tasks. The reference projects should be similar complexity with construction costs that are in excess of \$5,000,000.

4.2.2 Design Manager – This individual shall be responsible for coordinating all individual design disciplines and ensuring the overall Project design is in conformance with the Contract Documents. The Design Manager shall be responsible for establishing and overseeing Design Quality for all disciplines involved in the design of the project, including: review of design, working plans and drawings, project specific traffic control plans and updates, specifications, and constructability for the Project. The Design Manager shall be responsible for coordinating with the Quality Assurance Manager to assist with identifying, providing and reviewing construction quality assurance requirements related to the design. This individual shall be able to demonstrate ten (10) years of relevant experience with bridge structure design, roadway design, and transportation management. The Design Manager shall be responsible for oversight of additional ROW procurement and following the applicable VTrans policy, State Statutes and Federal CFRs. This individual shall be a registered, licensed, Professional Engineer in the State of Vermont in accordance with Section 9.4.

4.2.3 Construction Manager – Team member of the Design-Builder, who will be required to be on the Project site for the duration of all construction operations, shall be responsible for managing all construction activities, including all QC activities to ensure the materials used and work performed meet contract requirements and the “Released for Construction” plans and specifications. The Construction Manager shall be responsible

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for on project safety. This individual shall also oversee implementation of the Traffic Control Plan for the project and be the key point of contact for issues arising relative to the traffic control. This individual shall be responsible for coordinating with the Environmental Commitments Officer to ensure compliance with all permit conditions and environmental requirements. This individual shall be able to demonstrate ten (10) years of relevant experience with construction management of transportation projects, implementation of construction work zone traffic control, and critical path construction scheduling. The Construction Manager shall possess relevant licensing, certification(s), and training necessary to perform the construction oversight responsibilities for this Project.

Public Relations Officer (PRO): This individual shall be responsible for building and maintaining positive relations between the Design-Builder, VTrans, project stakeholders, and the general public. The PRO shall be responsible for keeping the public and project stakeholders informed of the Design-Builder’s activities and how those activities may affect them. The PRO shall also be responsible for fielding any comments/complaints from interested third parties and the public and communicating resolutions to such. The PRO shall work collaboratively with the VTrans Director of Communications and Public Outreach to provide content for social media, VTrans websites and press releases. This individual shall have a minimum of five (5) year’s experience managing public relations for similarly sized projects.

4.2.4 Environmental Commitments Officer (ECO): This individual shall be the environmental lead for the Design-Builder and the single point of contact for all matters relating to the Project environmental impacts. This includes review, clearance and permitting for on and off-site activities, developing an environmental commitments matrix and ensuring that all commitments are met. The ECO shall be the single point of contact with regulators that require environmental permits for the Project. The ECO will have oversight of a weekly project site inspection by qualified staff and attend at all project collaboration meetings and be onsite during all major construction operations. The ECO shall be directly responsible for on-site implementation of all environmental commitments. Such person shall be knowledgeable in the principles and practices of EPSC and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all EPSC measures selected to control the quality of stormwater discharges from the construction site. This individual will be knowledgeable with state and federal permitting requirements and the conditions typically required by permitting agencies on transportation projects in Vermont. This individual shall have a minimum of five (5) year’s experience and shall be able to demonstrate relevant certification(s) and training. The ECO shall have authority to immediately stop construction activities as necessary to halt non-compliant construction activities. The ECO shall be responsible for all inspection and record keeping with regard to EPSC measures.

4.3 Past Performance and Experience

The elements described in Section 4.3 have a maximum value of **30 points** allocated.

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This section will be evaluated based on the extent to which the Bidder's team including subcontractors have demonstrated experience in their respective team assignment in successfully delivering projects with similar scope and complexity. The Bidder shall provide sufficient information to enable VTrans to understand and evaluate the experience of the Bidder's team on similar projects.

Please note that the experience of individual members is evaluated under Section 4.2 and not under this section. Further, the evaluation will consider the applicability of this work history and lessons learned to the extent which provides confidence to VTrans that the Project and risks will be effectively managed through personal competence and accountability.

The Bidder shall identify on the Contractor Work History Form (Attachment 4.3 A) a minimum of three (3) but no more than five (5) relevant projects by Contractor / Subcontractor, focusing on what the Bidder considers most relevant in demonstrating its qualifications to serve as the Contractor for this Project. Bidder shall identify on the Designer Work History Form (Attachment 4.3 B) a minimum of three (3) but no more than five (5) relevant projects by the Designer/Sub-consultants, focusing on what the Bidder considers most relevant in demonstrating its qualifications to serve as the Designer for this Project. Bidder shall identify the design professional or construction entity with whom it contracted or worked with as a partner for each project and indicate whether it is the same team as submitted for this Project. A narrative description for each project shown shall be included on the Work History Form with a discussion of the project's performance with respect to schedule and budget including total original costs, total of change orders, claims history, and/or legal actions.

The Bidder shall identify any major sub-consultant and/or major subcontractor that the Bidder considers critical to the success of the Project and provide sufficient information to enable VTrans to understand the experience of such sub-consultant or subcontractor. Sub-consultant and subcontractor information, if provided, shall be included as part of the Contractor and Designer's Work History Forms. Each Work History Form shall be limited to one (1) page per project.

A response to this section shall include all the following:

4.3.1 Contractor Work History:

- The Work History Forms contain relevant projects that were active in the past ten (10) years.
- Previous projects listed are similar in scope and/or complexity to this Project.
- Previous experience demonstrates the Bidder's understanding of key issues for this Project, including, but not limited to:

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- Previous experience with construction of buried structures (culverts, pipes, and drainage structures) under deep embankments, and support of excavation systems
 - Previous experience with trenchless construction of buried structures and related geotechnical aspects.
 - Previous experience with construction of stream restoration projects.
 - Previous experience with Design-Build contracting projects and/ or submission of Alternative Technical Concepts (ATC).
 - Implementing and maintaining safe and effective traffic control
 - Maintaining good public relations.
- Previous projects listed were \$5,000,000 or greater in total construction cost.

Describes clear, convincing ways in which past good performance and/or lessons learned will be used for the benefit of the Project.

4.3.2 Designer Work History:

- The Work History Forms contain relevant projects that were active in the past ten (10) years.
- Previous projects listed are similar in scope and/or complexity to this Project.
- Previous experience demonstrates the Bidder’s understanding of key issues for this Project, including, but not limited to:
 - Previous experience with design of buried structures and related geotechnical and groundwater aspects.
 - Previous experience with design of trenchless buried structures and related geotechnical and groundwater aspects. Include previous experience with obstructions in trenchless operations.
 - Previous experience with geomorphic and stream simulation design.
 - Design of safe and efficient traffic control plans,
 - Understanding and experience with environmental permits and environmental commitments for Vermont transportation projects.
- Previous projects listed were \$5,000,000 or greater in total construction cost.

Describes clear, convincing ways in which past good performance and/or lessons learned will be used for the benefit of the Project.

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4.4 Quality Program

The elements described in Section 4.4 have a maximum value of **15 points** allocated.

VTrans requires that the Design-Builder Team assume the role and responsibility of providing all design related Quality Control (QC) and Quality Assurance (QA) and all daily construction related Quality Control.

4.4.1 Design Quality Management

The Bidder must explain how they will provide QC and QA for the design elements of the project inclusive of all pure design and all construction engineering. Include the names of personnel performing QC functions and the names of the Design QA reviewers. Describe the procedures and organization of the design QC and QA program, including how the construction contractor, design engineer, sub-contractors, sub-consultants, and VTrans will interface with each other.

The Bidder shall demonstrate how design QC and QA functions will be performed independently to maintain the integrity of the QC and QA process. To ensure organizational independence, the QA organization shall be distinct and separate from the design and construction production staff. All key personnel performing design QA functions shall be exclusively designated to such and shall not be assigned to perform conflicting duties or production work.

The following subfactors will be evaluated:

- Extent to which the Bidder’s approach to design QC and QA provides independence between the designer’s organization.
- Extent to which the Bidder’s QC and QA approach is consistent with VTrans’ own QC and QA practices for the design as well as the ability to demonstrate effective measures for ensuring and maintaining compliance with the contract.
- Effectiveness of the Bidder's approach to Design Quality Management to ensure well structured, easily audited documents that facilitate VTrans’ review.
- Approach to incorporating constructability reviews into the design review process.
- Extents to which the Bidder’s QC and QA approach demonstrates effective quality management, incorporates formal constructability reviews and inspection performance expectations prior to final plan development, and incorporates designers at appropriate stages of construction.

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4.4.2 Construction Quality Assurance

In accordance with 23 CFR 637, this project is subject to a quality assurance program to assure that the materials and workmanship incorporated into the construction project are in conformity with the requirements of the Released for Construction plans and specifications.

The Quality Assurance on this project shall be subject to the VTrans Quality Assurance Program (QAP), dated May 1, 2022, inclusive of any subsequent addendums or revisions.

Under the QAP, VTrans will assign a Quality Assurance Manager (QAM) to facilitate the QA functions retained by VTrans.

Under the QAP, the Design-Builder will be responsible for all Construction related Quality Control functions.

Preparation of formal Quality Control and Quality Assurance Plans will be required of the Design-Builder. The Project Quality Control and Quality Assurance Plans shall be split into two distinctive and separate documents: Design Quality Management and Construction Quality Control.

The Bidder must explain how their Design-Build Team will provide comprehensive and systematic QC for all construction elements of the project. Include an organizational chart and provide the names of personnel performing QC functions. Describe what the procedure and organization of the construction QC will be, including how the construction contractor, design engineer, sub-contractors, sub-consultants, and VTrans will interface with each other.

The following subfactors will be evaluated:

- Extent to which the Bidder’s approach to construction QC demonstrates effective measures to maintain compliance with materials and workmanship requirements of the contract specifications.
- Approach to QC organization and communication between the Design-Build Team, VTrans QAM, and VTrans Independent Assurance.
- Extent to which the Bidder’s QC approach is consistent and integrated with VTrans’ QAP.
- Effectiveness of the Bidder's approach to construction QC to ensure well structured, easily audited documents that facilitate VTrans’ review.
- The Bidder’s approach to correcting quality issues that arise during construction, including an appropriate communication plan, corrective action procedures, and process documentation.

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- Approach to incorporating constructability reviews into the construction QC process.

4.5 Project Understanding, Approach and Controls

The elements described in Section 4.5 have a maximum value of **20 points** allocated.

Bidders shall provide sufficient information to enable VTrans to evaluate the Bidder's understanding of tasks involved and approach to managing, designing, and constructing the Project and controlling the scheduling of work to meet major milestones and the contractual completion date(s), including any sample work plans which address the possibility of early completion.

Each Bidder shall describe their understanding of the Project; describe their approach to managing the Project, including but not limited to construction administration, coordination, the identification of risk factors and a description of how the Bidder intends to maximize the benefits of the Design-Builder process. Bidders are reminded that it is not the intention of VTrans to receive Project specific design or engineering recommendations as part of the SOQ.

In addition, the Bidder will be evaluated on the effectiveness of procedures for tracking progress, roles, and responsibilities for reporting results internally and externally, and its proposed methods for addressing delays.

The following subfactors will be evaluated:

- Approach to design and construction processes related to the various elements of the project. Demonstration of commitment to frequent, clear, honest, and responsive communication internal to the Bidder's team.
- Approach to effectively and efficiently coordinating and communicating with VTrans, emergency services, and local municipalities.
- Approach to effective public outreach and engagement.
- Approach to dispute resolution methodology between the Contractor, subcontractor, Designer, and subconsultants.
- Demonstration of schedule controls that will effectively identify, report, and mitigate threats to the baseline project schedule.
- Approach to project scheduling for the design and construction activities with an explanation of how the Bidder and the Key Personnel will use the schedule to deliver the project on or before the completion date. Approach to schedule recovery should be included.

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- Demonstration that the Bidder has a thorough understanding of the Design-Builder process and describes how the Bidder will use the Design-Builder process to deliver the best value to the Project.

4.6 Project Safety

The elements described in Section 4.6 have a maximum value of **5 points** allocated.

Describe the means and methods by which the Bidder will develop and maintain compliance with a safety plan for the Project, both inside and outside of the construction work area, including vehicular traffic control through and adjacent to the construction area. Bidders shall also discuss measures that are planned to be implemented that will promote project safety. Bidder shall provide sufficient information to enable VTrans to understand and evaluate the capability of the Bidder to provide a safe working environment for all associated with or affected by the Project.

The following sub-factors will be evaluated:

- Extent to which the Bidder’s team members demonstrate skills and experience necessary to provide a safe work environment and efficient traffic control.
- Extent to which Bidder provides evidence of a company-wide culture of safety awareness and practice.

Bidder shall provide the following mandatory information:

- Bidder lists three (3) relevant previous projects where the Bidder was under contract doing active work within the past ten (10) years which demonstrate a culture of safety on transportation projects similar in scope and/or complexity to the Project.
- Relevant and verifiable evidence of good performance or lessons learned from previous experience and give convincing ways in which lessons learned or past good performance will be used for the benefit of the Project.
- Lead Contractor’s numeric Experience Modification Rating, the rating year and the name of the Insurance Company issuing the rating for each of the past six (6) years.
- List of all OSHA (VOSHA) citations for the five (5) calendar years prior to the calendar year of the RFP release against the lead Contractor, the date of each occurrence, a detailed summary of the events surrounding the citations and their dispositions.
- Lead Contractor’s OSHA 300A Summary Forms for each of the past five (5) years. Also, provide the lead Contractor’s Recordable Incidence Rates (RIR) and Lost Time Incidence Rates (LTIR) for each of the past five (5) years.

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4.7 Required Forms

4.7.1 Vermont Certificate of Authority – All business entities are required to be registered with the Vermont Secretary of State’s Office. Foreign Professional Corporations and Foreign Professional Limited Liability Companies must possess a State of Vermont Certificate of Authority or Certificate of Good Standing from the Vermont Secretary of State’s Office to render professional services.

The Bidder shall provide evidence that the lead Contractor and Designer are registered with the Secretary of State to do business in the State of Vermont. The Bidder shall comply with all Vermont Certification Requirements.

In accordance with the Vermont Statutes 11A V.S.A. Chapter 15, no foreign corporation (a corporation established other than in Vermont) has the right to transact business in this State until it has procured a Certificate of Authority to do so from the Office of the Secretary of State (802)-828-2363. **IF APPLICABLE, A COPY OF BIDDER’S CERTIFICATE OF AUTHORITY OR CERTIFICATE OF GOOD STANDING MUST BE INCLUDED AS PART OF THE SUBMITTAL.**

Any Bidder who does **NOT** have a current Certificate of Authority or Certificate of Good Standing for the firm **MUST** acknowledge non-compliance with this requirement, **MUST** demonstrate the ability to obtain a Certificate of Authority or Certificate of Good Standing, and **MUST** confirm in writing that, if selected for the project, will expedite acquisition of Certificate of Authority or Certificate of Good Standing. The letter of acknowledgement **MUST BE INCLUDED AS PART OF THIS SOQ SUBMITTAL.**

4.7.2 Evidence of Surety - Include evidence from a surety or insurance company in accordance with the VTrans Policies and Procedures on Prequalification, Bidding and Award of Contracts stating that the Bidder is capable of obtaining a Materials and Labor Bond and a Compliance Bond based on the current estimated contract value referenced in the above Section 2.1, Project Overview, which bonds will cover the entire Project. The evidence of surety shall clearly state the financial rating categorization and reference the estimated contract value as identified in the Project Overview, in a manner similar to the notation provided below: “As surety for [the above named Contractor], [XYZ Company] with A.M. Best Financial Strength Rating [rating] and Financial Size Category [Size Category] will furnish a 100% Performance Bond and 100% Labor and Materials Payment Bond in the amount of the anticipated Design-Builder contract value, and said bonds will cover the Project and any warranty periods on behalf of the Contractor, in the event that such firm be the successful bidder and enter into a contract for this project.”

4.7.3 Prequalification – The Bidder is hereby notified that the lead Contractor (or Contractors if Joint Venture) for this project is not subject to Contract Specific Prequalification, as referenced in the VTrans Policies and Procedures on Prequalification, Bidding, and Award of Contracts Agency Policy.

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4.7.4 Debarment Forms – Indicate, by executing and returning the attached Certification Regarding Debarment Forms, set forth as Attachments 4.7.4A and 4.7.4B, if Bidder, or any subconsultant, subcontractor, or any other person or entity identified as a member of Bidder’s organization associated therewith in the capacity of owner, partner, director, officer, or in any position involving the administration of Federal or State funds:

4.7.4.1 Is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency.

4.7.4.2 Has been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past 3 years.

4.7.4.3 Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

Any of the above conditions will not necessarily result in denial of Short-list selection, but will be considered in determining Bidder responsiveness. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions. For the avoidance of doubt, Attachments 4.7.4A and 4.7.4B shall be separately completed and executed by Bidder and all subconsultants, subcontractors, and any other person or entity identified as a member of Bidder’s organization.

5.0 EVALUATION PROCESS FOR STATEMENTS OF QUALIFICATIONS

VTrans intends to review the SOQ(s) for responsiveness to the requirements of this RFQ and to evaluate all responsive SOQ(s) according to the criteria and weightings set forth in this section and developed by the TEC.

Bidder’s SOQ will be evaluated and scored by the TEC based upon the evaluation criteria established in this RFQ. Bidder’s SOQ must meet all requirements established by this RFQ.

At its sole discretion, VTrans may hold interviews, ask written questions of the Bidders, seek written clarifications, conduct discussions on the SOQ, and solicit an updated SOQ during the evaluation and Short-listing process.

VTrans, at its sole discretion, shall have the right to seek clarifications from any Bidder to fully understand information contained in the SOQ and to help evaluate and rank the Bidders.

5.1 Evaluation of Statements of Qualifications

VTrans will conduct a responsiveness review of each SOQ to determine whether a SOQ complies with the requirements of the RFQ.

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Within ten (10) working days of the date of submittal of SOQs, the Point of Contact will issue a “Notice of SOQ Responsiveness” to all Bidders that submitted SOQs. The Notice shall state, as applicable, that:

- as of the date of the Notice, the SOQ is responsive; or
- as of the date of Notice the SOQ is non-responsive with a list of SOQ curable SOQ defects that must be cured within five (5) working days; or
- as of the date of the Notice the SOQ contains non-curable SOQ Defects and is rejected as non-responsive.

The SOQ shall be considered finally submitted upon completion of the responsiveness evaluation.

SOQs considered responsive pursuant to this Section may still be rejected as nonresponsive at a later date if the Bidder fail to satisfy such additional responsiveness requirements as are specified elsewhere in this RFQ. The Agency’s determination of responsiveness in no way relieves the Bidder from meeting all requirements under this RFQ.

5.1.1.1 Non-curable Technical SOQ Defects. The Agency will reject a SOQ as non-responsive if any one of the following occurs:

- The SOQ is not properly delivered.
- The Agency has substantial evidence of collusion by the Bidders.
- The Bidder adds any provision reserving the right to accept or reject execution of the Contract.
- The Bidder fails to cure the SOQ responsiveness requirements.

5.1.1.2 Curable Statement of Qualifications Defects. Bidders must cure, to the satisfaction of the Agency, all Curable SOQ Defects identified in each Notice of Technical Proposal Responsiveness within five (5) working days of the date of receipt of each Notice. Failure to cure all such Curable SOQ Defects will result in determination of a non-responsive SOQ.

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5.1.2 Statement of Qualifications Evaluation Factors - The SOQ will be evaluated based upon the factors provided in the table below. The subfactor descriptions below are intended to be informational, and all information required under the identified Sections will be evaluated.

<u>Section</u>	<u>Rating Weight</u>
Bidder’s Team Structure and Key Personnel	30 Points
Experience of Bidder’s Team	30 Points
Quality Program	15 Points
Project Understanding, Approach and Controls	20 Points
<u>Project Safety</u>	<u>5 Points</u>
Maximum Score	100 Points

5.1.2.2 Each evaluation criterion has been assigned maximum number of points that demonstrates its relative importance. The total score to each Bidder will be (a) the sum of the scores that each Evaluation Team member assigns to that Bidder; (b) divided by the number of Evaluation Team members, rounded to the nearest one hundredth of a point.

6.0 RIGHTS AND OBLIGATIONS OF VTRANS

6.1 Reservation of Rights

In connection with this procurement, VTrans reserves to itself all rights (which rights shall be exercisable by VTrans in its sole discretion) available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

6.1.1 The right to cancel, withdraw, postpone or extend this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by VTrans of a Design-Builder contract, without incurring any obligations or liabilities.

6.1.2 The right to issue a new RFQ.

6.1.3 The right to reject any and all submittals, responses and proposals received at any time.

6.1.4 The right to modify all dates set or projected in this RFQ.

6.1.5 The right to terminate evaluations of responses received at any time.

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- 6.1.6** The right to suspend and terminate the procurement process for the Project, at any time.
- 6.1.7** The right to revise and modify, at any time prior to the SOQ submittal date, factors it will consider in evaluating responses to this RFQ and to otherwise revise its evaluation methodology.
- 6.1.8** The right to waive or permit corrections to data submitted with any response to this RFQ.
- 6.1.9** The right to issue changes to this RFQ, including but not limited to modifications of evaluation criteria or methodology and weighting of evaluation criteria.
- 6.1.10** The right to permit or reject submittal of addenda and supplements to data previously provided with any response to this RFQ.
- 6.1.11** The right to hold meetings and conduct discussions and correspondence with one or more of the Bidders responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.
- 6.1.12** The right to seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to the RFQ, including the right to seek clarifications from Bidders.
- 6.1.13** The right to permit Bidders to add or delete firms and/or key personnel.
- 6.1.14** The right to add or delete Bidder responsibilities from the information contained in this RFQ or the subsequent RFP.
- 6.1.15** The right to appoint and change appointees of any evaluation committee.
- 6.1.16** The right to use assistance of outside technical and legal experts and consultants in the evaluation process.
- 6.1.17** The right to waive deficiencies, informalities and irregularities in an SOQ, accept and review a non-conforming SOQ or seek clarifications or supplements to an SOQ.
- 6.1.18** The right to disqualify any Bidder that changes its submittal without VTrans approval.
- 6.1.19** The right to change the method of award between the advertisement of the RFQ and the advertisement of the RFP.
- 6.1.20** The right to respond to all, some, or none of the inquiries, questions and/or requests for clarification received relative to the RFQ.

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6.1.21 The right to use all or part of an unsuccessful Short-listed Bidder’s proposal that accepts a Proposal Payment.

7.0 PROTESTS

7.1 General

This Section sets forth the exclusive protest remedies available with respect to the RFQ and the procurement process. Each Bidder, by submitting its Statement of Qualifications, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies, and agrees that the decision on any protest, as provided herein, shall be final and conclusive. These provisions are included in the RFQ expressly in consideration of such waiver and agreement by the Bidders.

7.2 Written Protests Only

All protests must be in writing and must be submitted to VTrans Point of Contact.

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 the RFQ or the procurement process shall be filed only after the Bidder has informally discussed the nature and basis of the protest with the VTrans Point of Contact in an effort to remove the grounds for protest.

The Agency may, in its sole discretion, discuss the protest with the Bidder and/or accept written submissions before issuing a decision. No formal hearing will be held to address the protest.

7.3 Distribution of Protest

VTrans may distribute copies of the protest to the other Bidders.

7.4 Protest Contents

At a minimum, all protests must include the following:

- The name, telephone number, and address of the Bidder.
- The specific legal and/or factual errors that the Bidder alleges were made by the Agency in determining that the Bidder was unsuccessful.
- The specific relief sought.
- A request to submit additional written evidence and arguments, (if desired); and
- A designation of counsel or any other party that will be representing the parties in the protest (if any).

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The Agency has the sole discretion to decide whether to postpone the Procurement Process as a result of the filing of a protest by a Bidder.

7.5 Protest Regarding RFQ

Protests regarding the RFQ or the procurement process shall be filed not later than ten (10) working days after the Protestor knows or should have known of the facts giving rise to the protest, but in no event later than the Statement of Qualifications Due Date, unless the Bidder did not know and should not have known of the facts giving rise to the protest prior to the Statement of Qualifications Due Date.

The failure of a Bidder to file a protest to the RFQ within the applicable period shall constitute an unconditional waiver of the right to protest the terms of the RFQ and shall preclude consideration of that ground in any protest of qualification of a Bidder unless such ground was not and could not have been known to the Bidder in time to protest prior to the final date for such protests.

7.6 Protest Prior to Shortlist

When a protest or any subsequent appeal has been filed within the stated timeline, prior to shortlisting of Design-Builder Teams, the Agency will decide wait to post the Shortlist until after the resolution of the protest or appeal unless otherwise provided for by law.

7.7 Protest Regarding Shortlist

Protests must be filed no later than five (5) working days following the issuance of the Short-list.

Failure to file a protest within the applicable period shall constitute an unconditional waiver of the right to file a protest.

7.8 Determination of Protest

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except for by the Secretary of Transportation or his/her designee at his/her sole discretion, who may decide to permit a hearing or argument if he/she determines that such a hearing or argument is necessary for the protection of the public interest. The Secretary of Transportation or his/her designee shall issue a written decision regarding the protest within ten (10) working days after VTrans receives the detailed statement of protest.

If the Secretary of Transportation or his/her designee concludes that the Bidder submitting the protest has established a basis for protest, the Secretary of Transportation or his/her designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without

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limitation, withdrawing or revising the decisions, delay of the RFQ or RFP, issuing a new RFQ or RFP or taking other appropriate actions.

A decision made by the Secretary of Transportation or his/her designee shall be final.

8.0 MISCELLANEOUS

8.1 Obligation to Keep Team Intact

The team proposed by the Bidder, including but not limited to the lead contractor, the lead designer, key personnel, and other individuals identified pursuant to Section 4.2 and Section 4.4, shall remain intact throughout the procurement process and for the duration of the Design-Build Contract. In the event that changes to Key Personnel are necessary they shall be subject to review and approval by VTrans.

Unauthorized changes to the Bidder's Team at any time during the procurement process may result in elimination of the Bidder from further consideration. Unauthorized changes to the Design-Builder's Team once under contract will be addressed in the RFP.

8.2 Civil Rights and Labor Compliance

8.2.1 The bidder shall comply with the applicable provisions of Title IV of the Civil Rights Act of 1964 as amended, and Executive Order 11246 as amended by Executive Order 11375. The bidder shall also comply with the rules, regulations and relevant orders of the Secretary of Labor, Nondiscrimination regulation 49 CFR Part 21 through Appendix C. Accordingly, all subcontracts shall include reference to the above.

8.2.2 DBE Obligation: The State and its bidder(s) agree to ensure that DBEs as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. The State and its bidders shall not discriminate on the basis of race, color, sex, national origin, physical disability or veteran status in the award and performance of USDOT assisted contracts.

8.2.3 U.S. Department of Labor Davis-Bacon wage rates are applicable to construction work performed under this contract. The Davis-Bacon wage rates can be found on the VTrans Labor Compliance website at the following link:
<http://www.aot.state.vt.us/CivilRights/Labor.htm><http://www.aot.state.vt.us/CivilRights/Labor.htm>

8.2.4 The Design-Builder will be required to participate in the VTrans On-The-Job Training (OJT) Program. Specific requirements will be defined during the RFP Phase.

8.3 Conflict of Interest

8.3.1 Each Bidder shall require its proposed team members to identify potential conflicts of interest or a real or perceived competitive advantage relative to this procurement. Prior

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or existing contractual obligations between a company and a federal or state agency relative to the Project or VTrans’ Design-Builder program may present a conflict of interest or a competitive advantage. If at any time during the selection process a potential conflict of interest or competitive advantage is identified, the Bidder shall submit pertinent information in writing via email to the Point of Contact as soon as conflict is identified.

8.3.2 VTrans, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated, shall not be allowed to participate as a Design-Builder team member for the Project. Failure to abide by VTrans’ determination in this matter may result in a SOQ being declared non-responsive.

8.3.3 Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and may include, but are not limited to the following situations:

8.3.3.1 An organization or individual hired by VTrans to provide assistance in development of Project procurement documents.

8.3.3.2 An organization or individual with a present or former contract with VTrans to prepare planning, environmental, engineering, or technical work product for the Project, and has a potential competitive advantage because such work product is not available to all potential Bidders in a timely manner prior to the procurement process.

8.3.4 VTrans reserves the right, in its sole discretion, to make determinations relative to potential conflicts of interest on a project specific basis.

8.3.5 As per VTrans General Terms and Conditions:

<https://vtrans.vermont.gov/sites/aot/files/contractadmin/documents/General%20Terms%20and%20Conditons-%20Contracts%20for%20Services-SIGNED.pdf>

Organizational conflict of interest (“OCOI”) means that because of other activities or relationships with other persons or entities, a contractor *as a business entity*:

1. Is unable or potentially unable to render impartial assistance or advice to VTrans;
2. Is or may be impaired in its objectivity in performing the contract work (Example: A firm has a contract to inspect work by firms that are its business affiliates); or
3. Has an unfair competitive advantage. (Example: a firm participates in systems engineering and technical direction; preparing specifications or work statements; participates in development and design work; or gains access to the information of other companies in performing advisory and assistance services for the government drafting a scope of work for a project, then bids on the project itself.)

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8.3.6 VTrans may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Vermont law, the Bidder will be given the opportunity to waive this protection from disclosure. If Bidder elects not to disclose, Bidder may be determined to have a conflict of interest or competitive advantage.

8.4 Vermont License/Registration

Persons practicing professional engineering services in the State of Vermont must possess a proper registration in accordance with 26 V.S.A. Chapter 20. CURRENT VERMONT REGISTRATION NUMBER(S) AND EXPIRATION DATE(S) FOR THE INDIVIDUAL(S) who would perform the specified engineering services required MUST BE INCLUDED ON THE KEY PERSONNEL RESUME FORMS.

Any Bidder who does **NOT** have applicable Vermont registration(s) **MUST** demonstrate the ability to be licensed, **MUST** acknowledge non-compliance with this requirement, and **MUST** confirm in writing that, if selected for the project, will expedite acquisition of Vermont registration(s). The letter of acknowledgement **MUST BE INCLUDED AS PART OF THIS SOQ SUBMITTAL AND BE ATTACHED TO THE KEY PERSONNEL RESUME FORMS.**

8.5 Vermont Access to Public Records Act

8.5.1 All SOQ submitted to VTrans become the property of VTrans and are subject to the disclosure requirements of the Vermont Access to Public Records Act (1 V.S.A. § 315 - 320) (“Act”). Bidders are advised to familiarize themselves with the Act and to take appropriate action to minimize the risk that documents identified as confidential will not be inadvertently subject to disclosure under the Freedom of Information Act (FOIA). In no event shall the State, the Chief Engineer, or VTrans be liable to a Bidder for the disclosure of all or a portion of a SOQ submitted pursuant to this request.

8.5.2 If a Bidder has concerns about information which it desires to make available to VTrans but which it believes constitutes a trade secret, proprietary information, or other confidential information exempted from disclosure, such responding Bidder should specifically and conspicuously designate that information as such in its SOQ and state in writing why protection of that information is needed. The Bidder should make a written request to the VTrans POC. The written request shall:

8.5.2.1 Invoke such exemption upon the submission of the materials for which protection is sought.

8.5.2.2 Identify the specific data or other materials for which the protection is sought.

8.5.2.3 State the reasons why the protection is necessary.

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8.5.3 Blanket designations that do not identify the specific information shall not be acceptable and may be cause for VTrans to treat the entire SOQ as public information. Nothing contained in this provision shall modify or amend requirements and obligations imposed on VTrans by applicable law, and the applicable law(s) shall control in the event of a conflict between the procedures described above and any applicable law(s).

8.5.4 In the event VTrans receives a request for public disclosure of all or any portion of a SOQ identified as confidential, VTrans will attempt to notify the Bidder of the request, providing an opportunity for such Bidder to assert, in writing, claimed exemptions. VTrans will come to its own determination whether or not the requested materials are exempt from disclosure. In the event VTrans elects to disclose the requested materials, it will provide the Bidder advance notice of its intent to disclose.

Because of the confidential nature of the evaluation and negotiation process associated with this Project, and to preserve the propriety of each Bidder’s SOQ, it is VTrans’ intention, subject to applicable law, not to consider a request for disclosure until after VTrans’ awards a contract for the project.

9.0 ATTACHMENTS

The following attachments are specifically made a part of, and incorporated by reference into, this RFQ:

- ATTACHMENT 4.2 -- KEY PERSONNEL RESUME FORM
- ATTACHMENT 4.3A -- CONTRACTOR WORK HISTORY FORM
- ATTACHMENT 4.3B -- DESIGNER WORK HISTORY FORM
- ATTACHMENT 4.7.4A -- CERTIFICATION REGARDING DEBARMENT –
PRIMARY COVERED TRANSACTIONS
- ATTACHMENT 4.7.4B -- CERTIFICATION REGARDING DEBARMENT –
LOWER TIERED COVERED TRANSACTIONS
- ATTACHMENT 4.4 -- SAMPLE DESIGN-BUILDER PROJECT
ORGANIZATIONAL CHART

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ATTACHMENT NO. 4.2 - KEY PERSONNEL RESUME FORM

Brief Resume of key persons, specialists, and individual Design-Builder team members anticipated for this project. (List at least three (3), but no more than six (6) relevant projects for which individual has performed a similar function, maximum 2 pages per Resume .)
Name & Title:
Project Assignment:
Name of Firm with which associated:
Years experience: With this Firm ____ Years With Other Firms ____ Years
Education: Educational Institution/Degree(s)/Year/Specialization:
Active Registration/Professional Licensure: (Must include Year First Registered/Discipline/VT Registration #/Expiration Date)
Experience/ Relevant Projects: (Note whether experience is with current firm or with another firm. Note your specific responsibilities and authorities, not those of the firm. Note dates and contact information for client/owner who can verify your role and performance):

ATTACHMENT NO. 4.3A - CONTRACTOR WORK HISTORY FORM

Work by Lead Contractor which best illustrates current qualifications relevant to this Project. LYNDON IM 091-3(53)							
a. Project Name & Location	b. Client/ Owner/ Project Manager who can verify Firm's responsibilities. Include addresses, current phone numbers, and email addresses.	c. Narrative Describing Nature of Firm's Work	d. Contract Completion Date (Original)	e. Contract Completion Date (Actual or Estimated)	f. Estimated Value (in Thousands)		
					Original Contract Value	Final or Estimated Contract Value	Dollar Value of Work for Which Firm Was/Is Responsible
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							

ATTACHMENT NO. 4.3B - DESIGNER WORK HISTORY FORM

Work by Lead Designer which best illustrates current qualifications relevant to this Project. LYNDON IM 091-3(53)							
a. Project Name & Location	b. Client/ Owner/ Project Manager who can verify Firm's responsibilities. Include addresses, current phone numbers, and email addresses.	c. Narrative Describing Nature of Firm's Responsibilities	d. Contract Completion Date (Original)	e. Contract Completion Date (Actual or Estimated)	f. Estimated Value (in Thousands)		
					Original Contract Value	Final or Estimated Contract Value	Dollar Value of Work for Which Firm Was/Is Responsible
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							

**ATTACHMENT NO. 4.7.4A – CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS**

Project No.: LYNDON IM 091-3(53)

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the Bidder for contracts to be let by the Vermont Agency of Transportation.

Signature

Date

Title

Name of Firm

**ATTACHMENT NO. 4.7.4B – CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS**

Project No.: LYNDON IM 091-3(53)

- 1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the Bidder for contracts to be let by the Vermont Agency of Transportation.

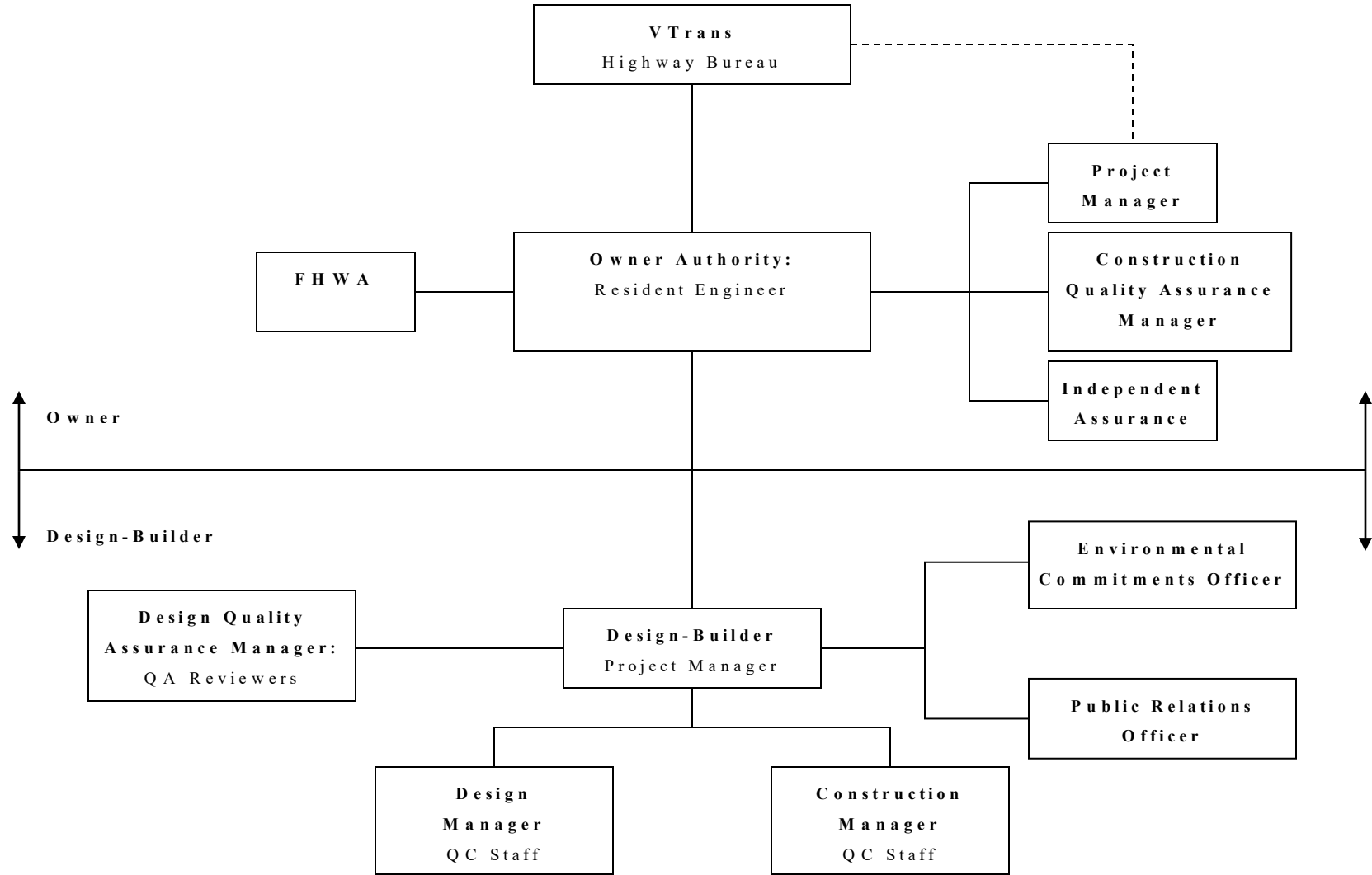
Signature

Date

Title

Name of Firm

ATTACHMENT NO. 4.4 - SAMPLE DESIGN-BUILDER PROJECT ORGANIZATIONAL CHART



Note: This Organizational Chart represents a sample concept of reporting and communication lines, and is not intended to be mandated for this project. It is anticipated that the successful Design-Builder Team will provide a QC/QA organizational structure and plan that will meet or exceed this sample concept.