STATE OF LOUISIANA

US 90 (FUTURE I-49)
LA 318 INTERCHANGE
DESIGN-BUILD PROJECT

ST. MARY PARISH

STATE PROJECT NO. H.004932
FEDERAL AID PROJECT NO. H004932

DRAFT REQUEST FOR PROPOSALS

OCTOBER 21, 2014

INSTRUCTIONS TO PROPOSERS

DRAFT

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

TABLE OF CONTENTS

1.0 INTRODUCTION 1

1.1 PROJECT GOALS 1
1.2 THE PROPOSAL 2
1.2.1 Documents in the Request for Proposals 2
1.2.2 Executive Summary 2
1.2.3 Technical Proposal 2
1.2.4 Lump Sum Price Proposal 3
1.2.5 Inclusion in Contract 3
1.2.6 Required Forms 3
1.2.7 Language in Proposal 3
1.2.8 Property of the Louisiana Department of Transportation and Development 3
1.2.9 Errors 3
1.3 ABBREVIATIONS 3
1.4 DEFINITIONS 4
1.5 IMPROPER CONDUCT 6
1.5.1 Prohibited Activities 6
1.5.2 Non-Collusion Form 6
1.6 LANGUAGE REQUIREMENTS 7
1.7 PROPOSAL SCHEDULE 7
1.7.1 Anticipated Schedule 7
1.7.2 Proposal Due Date 8
1.8 INSURANCE 8
1.9 CHANGES TO THE PROPOSER'S ORGANIZATION 8
1.10 INELIGIBLE FIRMS 9
1.11 PROJECT SCOPE AND BUDGET 10
1.12 DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS 10
1.13 ENVIRONMENTAL STATUS AND MITIGATIONS 10

2.0 PROCUREMENT PROCESS 11

2.1 METHOD OF PROCUREMENT 11
2.2 RECEIPT OF THE REQUEST FOR PROPOSALS AND OTHER INFORMATION 11
2.2.1 Louisiana Department of Transportation and Development Designated Point of Contact 11
2.2.2 Rules of Contact 11
2.3 ADDENDA AND RESPONSES TO QUESTIONS 13
2.3.1 Addenda 13
2.3.2 Correspondence and Information 13
2.3.3 Responses to Questions 13
2.3.4 Date for Issuance of Final Addendum and Responses to Questions 13
2.4 COMPLIANT PROPOSAL 13
2.5 NON-PUBLIC PROCESS 14
2.6 PROPOSAL STIPEND 15
2.7 SUBMISSION OF PROPOSALS 16

DRAFT

2.7.1 Submission of a Proposal 16
2.7.2 Modifications to a Proposal 16
2.7.3 Withdrawal of a Proposal 17
2.7.4 Public Opening of Lump Sum Price Proposals 17
2.7.5 Late Proposals 17
2.8 EXAMINATION OF THE REQUEST FOR PROPOSALS AND WORK SITE 17

3.0 PROPOSAL REQUIREMENTS 17

3.1 LICENSING REQUIREMENTS 17
3.2 CURRENCY 17
3.3 PROPOSAL BOND 18
3.3.1 Requirements 18
3.3.2 Return of Proposal Bond 18
3.3.3 Surety Requirements 18
3.3.4 Rights Reserved 18
3.4 SIGNATURES REQUIRED 18
3.5 NUMBERS OF DOCUMENTS 19
3.5.1 Proposal Bond 19
3.5.2 Technical Proposal 19
3.5.3 Lump Sum Price Proposal 19
3.5.4 Cost of Preparing Proposal 19
3.5.5 Obligation to Award 19

4.0 PRE-PROPOSAL MEETINGS and submittals 19

4.1 JOINT INFORMATIONAL MEETINGS 19
4.2 ONE-ON-ONE MEETINGS 20
4.3 ALTERNATIVE TECHNICAL CONCEPT SUBMITTALS 20
4.3.1 Alternative Technical Concepts 20
4.3.2 Pre-Proposal Submission of Alternative Technical Concepts 21
4.3.3 Louisiana Department of Transportation and Development Review of Pre-Proposal Submission of Alternative Technical Concepts 22
4.3.4 Incorporation of Alternative Technical Concepts in the Contract Documents 23
4.3.5 Confidentiality 23

5.0 CONTRACT AWARD AND EXECUTION 23

5.1 CONTRACT AWARD 23
5.2 EXECUTION OF CONTRACT 24

6.0 PROPOSAL EVALUATIONS 24

6.1 EVALUATION FACTORS AND CRITERIA 26
6.1.1 Proposal Responsiveness 26
6.1.2 Pass/Fail Evaluation Factors 26
6.1.2.1 Legal Pass/Fail Evaluation Factor 27
6.1.2.2 Financial Pass/Fail Evaluation Factor 27

DRAFT

6.1.3 Technical Evaluation Factors and Subfactors and Their Relative Importance 27
6.1.3.1 Technical Solutions Technical Evaluation Factor 28
6.1.3.2 Key Personnel and Experience Technical Evaluation Factor 28
6.1.3.3 Management Approach Technical Evaluation Factor....28
6.1.4 Lump Sum Price Proposal 29
6.2 EVALUATION GUIDELINES....30
6.2.1 Technical Solutions, Key Personnel and Experience, and Management Approach Technical Evaluation Subfactors....30
6.2.2 Rating/Scoring Conversion Table....30
6.3 CLARIFICATIONS....31
6.4 ADDENDUM AFTER PROPOSAL SUBMISSION....31
6.5 ORAL PRESENTATIONS....31
6.5.1 General....31
6.5.2 Ground Rules 32
6.5.3 Order of Presentations....32
6.6 SELECTION DETERMINATION....32
6.7 CONFIRMATION OF TECHNICAL SCORE 33

7.0 PROTESTS 33

7.1 WRITTEN PROTESTS ONLY 34
7.2 PROTEST CONTENTS 34
7.3 PROTEST DECISION....34

8.0 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S RIGHTS AND DISCLAIMERS 35
8.1 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S RIGHTS 35
8.2 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S DISCLAIMER 36

APPENDICES

APPENDIX A TECHNICAL PROPOSAL INSTRUCTIONS

APPENDIX B LUMP SUM PRICE PROPOSAL INSTRUCTIONS

APPENDIX C PROPOSAL FORMS

DRAFT

1.0 INTRODUCTION

This Request for Proposals (RFP) is issued by the Louisiana Department of Transportation and Development (LA DOTD) to seek competitive Proposals for the US 90 (Future I-49) LA 318 Interchange Design-Build (DB) Project (Project). Proposals will only be considered from those Proposers that have been notified of their inclusion on the Short-List.

In the preparation of the Proposals, Proposers should address and/or consider the Project goals identified in Instructions to Proposers (ITP) Section 1.1.

See also Contract Documents, Part 1 – DB Agreement, Appendix A - Project Scope.

1.1 PROJECT GOALS

The Louisiana Department of Transportation and Development's goals for the Project are as follows:

A) A Project within or under budget;

B) A four-lane I-49 Corridor up-graded to interstate standards;

C) A functional interchange at LA 318 and functional frontage road system;

D) Contract execution no later than June 15, 2015;

E) Maintenance of traffic during hurricane season and sugar cane harvest season;

F) Maintenance of traffic on LA 318 during construction to provide unobstructed access to the sugar mill and to port facilities;

G) A high-quality facility that is safe, durable, and maintainable;

H) A Project with no claims;

I) A Project that is responsive to Stakeholders, including but not limited to, the community, utilities, LA DOTD, and Federal Highway Administration (FHWA);

J) A Project that includes innovative means and methods of construction while remaining within the corridor established by the National Environmental Policy Act (NEPA) document that has community support; and

K) Improved connectivity and system linkage for industrial and commodities transport to the sugar mill and port-related industries.

DRAFT

1.2 THE PROPOSAL

1.2.1 Documents in the Request for Proposals

The documents issued as part of this Request for Proposals consist of the following:

A) Instructions to Proposers;

B) Additional documents issued by Addenda to this Request for Proposals;

C) Contract Documents Parts 1 through 6, inclusive of the following parts:

1) Part 1 – Design-Build Agreement;

2) Part 2 – Design-Build Sections 100s;

3) Part 3 – Design Requirements and Performance Specifications;

4) Part 4 – Request for Proposals Plans;

5) Part 5 – Engineering Data; and

6) Part 6 – Design-Builder's Proposal; and

D) Reference Documents.

The components of the RFP are intended to be complementary and to describe and provide for a fair and competitive procurement process. Prior to execution of the Contract, the components of the RFP complement one another in the descending order of precedence stated above. After execution of the Contract, the order of precedence is governed by Contract Documents, Part 2 – DB Sections 100s, DB Section 102-1.

1.2.2 Executive Summary

An Executive Summary, not to exceed two pages, highlighting the positive elements of the Proposer's Technical Proposal must be included with the Technical Proposal. The Executive Summary must not include or allude to any information regarding schedule or price, but should emphasize the benefits to the LA DOTD contained in the Technical Proposal. The Executive Summary will not be considered confidential and, as such, should not contain any confidential proprietary or trade secret information. After the public opening of the Lump Sum Price Proposals, the Executive Summary of any or all Proposers may be made public, at the sole discretion of the LA DOTD.

1.2.3 Technical Proposal

The Technical Proposal must be submitted as specified in Appendix A to this ITP, which is entitled "Technical Proposal Instructions."

DRAFT

1.2.4 Lump Sum Price Proposal

The Lump Sum Price Proposal must be submitted as specified in Appendix B – Lump Sum Price Proposal Instructions to this ITP.

1.2.5 Inclusion in Contract

The Technical Proposal and the Lump Sum Price Proposal submitted by the successful Proposer will be included with and bound into the Contract as Part 6 – Design-Builder's Proposal at execution.

1.2.6 Required Forms

Failure to provide all the information and all completed forms (*see* Appendix C – Proposal Forms to this ITP) in the format specified in Appendix A – Technical Proposal Instructions and Appendix B – Lump Sum Price Proposal Instructions of this ITP may result in the LA DOTD's rejection of the Proposal or giving it a lower rating. All blank spaces in the Proposal forms must be filled in as noted and no change will be made in the phraseology of the RFP or in the items mentioned therein. **Any alterations, additions (other than expanding forms in order to properly include all required information), or deletions made to the format of the forms contained in Appendix C – Proposal Forms may render a Proposal non-responsive.**

1.2.7 Language in Proposal

The verbiage used in each Proposal will be interpreted and evaluated based on the level of commitment provided by the Proposer. Tentative commitments will be given no consideration. For example, phrases such as "we may" or "we are considering" will be given no consideration in the evaluation process since they do not indicate a firm commitment.

1.2.8 Property of the Louisiana Department of Transportation and Development

All documents submitted by the Proposer in response to this RFP will become the property of the LA DOTD, except for any documents that have been properly identified as containing confidential proprietary or trade secret information in accordance with Section 2.5. Documents will not be returned to the Proposer.

1.2.9 Errors

If any mistake, error, or ambiguity is identified by the Proposer at any time during the Proposal process in any of the documents supplied by the LA DOTD, the Proposer shall notify the LA DOTD of the alleged mistake, error, or ambiguity and the recommended correction in writing in accordance with Section 2.2. Failure to do so will be deemed a waiver of any claim for additional compensation associated therewith.

1.3 ABBREVIATIONS

ATC	Alternative Technical Concept
CFR	Code of Federal Regulations

DRAFT

DB	Design-Build
DBE	Disadvantaged Business Enterprise
FHWA	Federal Highway Administration
ITP	Instructions to Proposers
JV	Joint Venture
LA DOTD	Louisiana Department of Transportation and Development
LLC	Limited Liability Company
RFP	Request for Proposals
RFQ	Request for Qualifications
SOQ	Statement of Qualifications
UPS	United Parcel Service
US	United States
USPS	United States Postal Service

1.4 DEFINITIONS

"Addenda/Addendum" means supplemental additions, deletions, and modifications to the provisions of the RFP after the release date of the RFP.

"Advertisement" means the public announcement in the form of the Notice of Intent inviting qualified Proposers to obtain a Request for Qualifications (RFQ) and submit a Statement of Qualifications (SOQ). The Advertisement included a brief description of the Work proposed to be the subject of the procurement with an announcement of where the RFQ was to be obtained, the terms and conditions under which SOQs were received, and such other matters as the LA DOTD deemed advisable to include therein. The Advertisement for this Project was published on July 7, 2014.

"Affiliate" means any of the following:

A) A Person which directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:

1) The Proposer; or

2) Any other Principal Participant.

B) An Affiliate may also be any Person for which ten percent 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 of the Proposer 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.

DRAFT

"Clarifications" means a written exchange of information initiated by LA DOTD that takes place between a Proposer and the LA DOTD after the receipt of all Proposals during the evaluation process. The purpose of Clarifications is to address ambiguities, omissions, errors or mistakes, and clerical revisions in Proposals.

"Designer" means a Principal Participant, Specialty Subcontractor, or in-house designer that leads the team furnishing or performing the design of the Project.

"Instructions to Proposers" means those documents included in the RFP containing directions for the preparation and submittal of information by the Proposers in response to the RFP.

"Louisiana Department of Transportation and Development" means the LA DOTD or its representatives.

"Person" means any individual, firm, corporation, company, Limited Liability Company (LLC), Joint Venture (JV), or partnership.

"Price Reasonableness" means a price, in its nature and amount, which does not exceed that which would be incurred by a prudent person in the conduct of competitive business. What is reasonable depends upon a variety of considerations and circumstances, including the following:

A) Whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the Proposer's business or the Contract performance;

B) Generally accepted sound business practices and federal and state laws and regulations;

C) The Proposer's responsibilities to the LA DOTD, other customers, the owners of the business, its employees, and the public at large;

D) Any significant deviations from the Proposer's established practices;

E) Comparisons of price information to the engineer's estimate and to the LA DOTD's historic costs for similar Work; and

F) Comparisons of price information submitted by other Proposers.

"Principal Participant" means any of the following entities:

A) The Proposer;

B) If the Proposer is a JV, partnership, or LLC any joint venturer, partner, or member of the Proposer; and/or

C) All Persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Proposer.

"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.

DRAFT

"Proposal" means the offer (in response to the RFP) of the Proposer for the Work, when executed and submitted in the prescribed format and on the prescribed forms and including any Clarifications.

"Proposer" means an entity submitting a Proposal for the Project in response to this RFP. For purposes of the Contract Documents, the Design-Builder means a Proposer.

"Request for Proposals" means the document identifying the Project and its Work to be performed and Materials to be furnished in response to which a Proposal may be submitted by a Proposer. The RFP includes the ITP, Contract Documents, and Reference Documents. The RFP is issued only to Proposers that are on the Short-List.

"Request for Qualifications" means the LA DOTD's RFQ issued on August 19, 2014, as amended.

"Specialty Subcontractor" means those consultants or subcontractors identified by the Proposer to perform Work critical to the success of the Project, such as the Designer or any subcontractors for bridges, structures, pavement, or other specialty Work.

"Stakeholder" means any party that has a vested interest in the Project or authority to approve or control specific aspects of the Project or elements that will impact the outcome of the Project. This includes, but is not limited to, the LA DOTD, FHWA, local city and parish governments, permitting agencies, and utility companies and the associated staff members of these entities.

"Statement of Qualifications" means the submission made by a Proposer in response to the RFQ, including all Clarifications thereto submitted in response to requests by the LA DOTD.

"Weakness" means a flaw in the Proposal that is determined by the LA DOTD to increase the risk of unsuccessful Contract performance. A significant Weakness in the Proposal is a flaw that is determined by the LA DOTD to appreciably increase the risk of unsuccessful Contract performance.

For definitions of other initially capitalized terms, *see* Contract Documents, Part 2 – DB Sections 100s, DB Section 101-3.

1.5 IMPROPER CONDUCT

1.5.1 Prohibited Activities

If the Proposer, or Person(s) representing the Proposer, offers or gives any advantage, gratuity, bonus, discount, bribe, or loan of any sort to the LA DOTD, including its agents or Person(s) representing the LA DOTD at any time during this procurement process, the LA DOTD will immediately disqualify the Proposer, the Proposer shall forfeit its Proposal Bond, the Proposer shall not be entitled to any payment, and the LA DOTD may sue the Proposer for damages.

1.5.2 Non-Collusion Form

The Proposer shall provide the Non-Collusion Form (Appendix C – Proposal Forms to this ITP). *See also* Appendix A – Technical Proposal Instructions to this ITP.

DRAFT

1.6 LANGUAGE REQUIREMENTS

All correspondence regarding the RFP, Proposal, Alternative Technical Concepts (ATC), and the Contract must be in the English language. If any original documents required for the Proposal are in any other language, the Proposer shall provide an English translation, which will take precedence in the event of conflict with the original language.

1.7 PROPOSAL SCHEDULE

1.7.1 Anticipated Schedule

The following schedule is anticipated. The Louisiana Department of Transportation and Development reserves the right to alter these dates.

Schedule Event	**Date**
Final date for receipt of Proposer comments on the Draft RFP	November 18, 2014 12:00 p.m. (Central)
Issue date of the Final RFP	January 7, 2015
Date for one-on-one meetings regarding ATCs and other technical issues, if held (*see* Section 4.2)	January 27 through 29, 2015
Final date for receipt of Proposer ATCs	February 10, 2015 12:00 p.m. (Central)
Issue date for responses to Proposer ATCs	February 24, 2015
Final date for receipt of Proposer questions	March 10, 2015 12:00 p.m. (Central)
Issue date for final Addendum and/or answers to Proposer questions	March 17, 2015
Proposal due date	March 24, 2015 12:00 p.m. (Central)
Public Opening of Lump Sum Price Proposals	April 24, 2015
Award	May 18, 2015
Contract executed and Notice to Proceed	June 15, 2015

DRAFT

1.7.2 Proposal Due Date

The completed Proposal shall be delivered to the LA DOTD's designated point of contact at the address specified below, no later than 12:00 p.m. (Central Time), on the Proposal due date specified in Section 1.7.1:

Louisiana Department of Transportation and Development
Attention: Timothy Nickel, P.E.
Project Manager

Courier	Mail
Executive Counsel's Office	P.O. Box 94245
Room 303-B	Baton Rouge, LA
1201 Capitol Access Road	70802-9245.
Baton Rouge, LA 70802-4438	

1.8 INSURANCE

Refer to Contract Documents, Part 2 – DB Sections 100s, DB Section 107-2.2 for insurance requirements. Insurance certificates must be submitted with the Contract that has been signed by the Proposer, as a condition to execution by the LA DOTD.

1.9 CHANGES TO THE PROPOSER'S ORGANIZATION

It is a requirement of the LA DOTD that the Proposer's organization, including, Principal Participants, Specialty Subcontractors, and key management personnel, identified in the SOQ remain intact for the duration of the procurement process including the subsequent Contract. A Proposer may propose substitutions for participants after the SOQ submittal. However, such changes will require written approval by the LA DOTD, which approval may be granted or withheld in the LA DOTD's sole discretion. Requests for changes must be made in writing no later than 30 working days prior to the due date for submittal of the Proposals. Requests for changes in any of the Principal Participants, the Designer, a subcontractor responsible for performing more than 15% of the design, a subcontractor responsible for performing more than 20% of the construction, or Specialty Subcontractors will be particularly scrutinized. A rejection of the requested change by the LA DOTD, or the failure of the Proposer to request LA DOTD approval of the change, may result in the disqualification of the Proposer.

If a request is made to add to the organization, other than the addition of subcontractors, the Proposer shall submit with its request that information specified for a Principal Participant or Designer in the RFQ, including legal and financial data as well as the information for quality evaluation. If a Principal Participant or Designer is being deleted, the Proposer shall submit such information as may be required by the LA DOTD to demonstrate that the changed team meets the RFQ criteria. The LA DOTD specifically reserves the right to accept or reject the requested change. A rejection of the requested change by the LA DOTD, or the failure of the Proposer to request LA DOTD approval of the change, may result in the disqualification of the Proposer.

If the Proposer wishes to change any of the Key Personnel presented by the Proposer in its SOQ, the Proposer must submit a request to change its organization in writing not later than 30 working days prior to the Proposal due date identified in Section 1.7.1. If a request is made to

DRAFT

change any Key Personnel, the Proposer shall submit with its request that information specified for that Key Personnel in the RFQ, including a resume. The LA DOTD specifically reserves the right to accept or reject the requested change. A rejection of the requested change by the LA DOTD, or the failure of the Proposer to request LA DOTD approval of the change, may result in the disqualification of the Proposer.

The Proposer's submission of a Proposal in response to this RFP is an acknowledgment and certification that the Proposer is committed to assigning the resources identified in its SOQ and Proposal, including Key Personnel and other staff identified by name, equipment, Material, supplies, and facilities to this Project if the Proposer is awarded the Contract, to the extent that assigning these resources remains within the control of the Proposer and its Principal Participants.

1.10 INELIGIBLE FIRMS

The Proposers' attention is directed to 23 Code of Federal Regulations (CFR) Part 636 Subpart A and in particular to Subsection 636.116, regarding organizational conflicts of interest. A potential organizational conflict of interest may occur where consultants and/or their subcontractors that assisted the LA DOTD in the preparation of the RFQ or this RFP, including Nossaman LLP, URS Corporation, APS Design and Testing LLC, and TBE Group, Inc. (d/b/a Cardno TBE) will not be allowed to participate as a Proposer or a member of a Proposer in response to that RFQ/RFP. However, the LA DOTD may determine that there is not an organizational conflict of interest for a consultant or subcontractor under the following circumstances:

A) Where the role of the consultant or subcontractor was limited to provision of preliminary design, reports, or similar "low level" documents that will be incorporated into the RFP and did not include assistance in the development of the ITP or evaluation criteria at either the RFQ or RFP phase; or

B) Where all documents and reports that were delivered to LA DOTD by the consultant or subcontractor are made available to all the Proposers through the RFQ or the RFP.

The Proposer shall include a full disclosure of all potential organizational conflicts of interest in its Proposal. The successful Proposer and its Principal Participants must disclose all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest. The successful Proposer and its Principal Participants must state how their interests, or those of their chief executives, directors, key personnel, or any proposed subcontractor may result, or could be viewed as, an organizational conflict of interest.

In addition, any firm that is rendered ineligible due to any state or federal action is ineligible to participate with any Proposer. A Proposer must not submit a Proposal, nor will a Proposal be considered, if the Proposer or any Principal Participant or Designer is on the LA DOTD's list of Disqualified Contractors or Consultants or is debarred by the LA DOTD, any other agency of the State of Louisiana, or the federal government on the date of submission of the Proposal, opening of the Lump Sum Price Proposal, or award. If a Subcontractor identified in a Proposer's Proposal is placed on the LA DOTD's list of Disqualified Contractors or Consultants or is debarred by the LA DOTD, any other agency of the State of Louisiana, or the federal

DRAFT

government on the date of the submission of the Proposal, opening of the Lump Sum Price Proposal, or award, the LA DOTD specifically reserves the right to require the affected Proposer to replace the disqualified or debarred Subcontractor prior to that Proposer's Proposal being considered or eligible for award under this procurement.

1.11 PROJECT SCOPE AND BUDGET

Proposers shall refer to Contract Documents, Part 1 – DB Agreement, Appendix A – Project Scope for a description of the Project's scope.

The LA DOTD anticipates that the Contract for this Project will not exceed a range of $55 million to $65 million. Submission of a Lump Sum Price Proposal that is outside the identified range would not be cause for a finding of non-responsiveness.

1.12 DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

The LA DOTD has determined that Disadvantaged Business Enterprise (DBE) requirements apply to design and construction of the Project, and has adopted a DBE Program to provide DBEs opportunities to participate in the business activities of the LA DOTD as service providers, vendors, contractors, subcontractors, advisors, and consultants. The LA DOTD has adopted the definition of DBEs set forth in 49 CFR 26.5. The Proposer's DBE compliance obligations are governed by all applicable federal DBE regulations, including 49 CFR Part 26, as well as applicable requirements set forth in the Contract Documents and the LA DOTD's DBE Program document.

The LA DOTD's DBE requirements applicable to the Contract are set forth in Contract Documents, Part 2 - DB Sections 100s, DB Section 114-2 and Appendix 114A, and LA DOTD's DBE Program adopted pursuant to 49 CFR Part 26. The DBE participation goal for the Project is 5% for the Work performed under the Contract. As set forth in Section A2.2(H) of Appendix A – Technical Proposal Instructions, each Proposer shall submit a certification concerning DBE requirements (Form DBEC, *see* Appendix C – Proposal Forms to this ITP) with its Proposal. Failure to provide the required DBE certification will be considered a breach of the Proposal requirements and will render a Proposal non-responsive.

The selected Proposer shall provide DBE commitments in the form required by the LA DOTD as DBE subcontractors are identified, in accordance with Part 2 - DB Sections 100s, DB Section 114-2 and Appendix 114A, and the LA DOTD's DBE Program.

1.13 ENVIRONMENTAL STATUS AND MITIGATIONS

This RFP is being issued concurrently with the LA DOTD's acquisition of all environmental permits that may determine particular items within the final scope of services as well as many Project requirements. Any Work described herein is subject to adjustment due to any determinations as a result of the final environmental permits.

A Finding of No Significant Impact for Project was issued in October 2013.

DRAFT

2.0 PROCUREMENT PROCESS

2.1 METHOD OF PROCUREMENT

The Contract will be procured through a single Contract per Louisiana Revised Statutes 48:250.2 and 48:250.3. The intent of the LA DOTD is to award the Contract to the qualified Proposer with the lowest adjusted score, as per Louisiana Revised Statutes Section 48:250.3(H)(2).

This procurement process has included the following two steps:

A) Request for Qualifications and Statement of Qualifications (determination of the Short-List); and

B) Request for Proposals and Proposals (selection of the Design-Builder from Proposers on Short-List that submit Proposals).

The Design-Builder will be selected based on both Pass/Fail Evaluation Factors and Technical Evaluation Factors that, when combined with price and time, result in the lowest adjusted score.

2.2 RECEIPT OF THE REQUEST FOR PROPOSALS AND OTHER INFORMATION

The RFP and other information may be obtained by Proposers that have been notified of their inclusion on the Short-List by the LA DOTD.

2.2.1 Louisiana Department of Transportation and Development Designated Point of Contact

The LA DOTD's designated point of contact for this Project is the LA DOTD's Project Manager, Timothy Nickel, P.E.

The LA DOTD will only consider questions regarding the RFP if submitted in writing by a Proposer on the Short-List. All such requests must be submitted in the Microsoft Word format shown on Form Q (*see* Appendix C – Proposal Forms to this ITP) to the LA DOTD's designated point of contact for this Project at DBI-49South@la.gov.

All questions must be received by the LA DOTD at the Electronic-mail (E-mail) address specified in this Section 2.2.1 no later than the date specified in Section 1.7.1. Only written requests to the above addressee will be considered. No requests for additional information or clarification to any other LA DOTD office, consultant, or employee will be considered. All responses will be in writing and will be delivered without attribution to all Proposers.

In general, the LA DOTD will not consider any correspondence delivered in any other way except as specified above, except the LA DOTD may convene informational and/or one-on-one meetings with Proposers, as it deems necessary.

2.2.2 Rules of Contact

The rules are designed to promote a fair, unbiased, legally defensible procurement process. The LA DOTD is the single source of information regarding the Contract procurement. The

DRAFT

following rules of contact will apply during Contract procurement for the Project, and commenced on the date of the Advertisement. Contact includes face-to-face, telephone, facsimile, E-mail, or formal written communications. Any contact determined to be improper, at the sole discretion of the LA DOTD, may result in disqualification:

A) A Proposer or any of its team members must not communicate with another Proposer or its team members with regard to the Project, this RFP or either Proposer's Proposal, except that subcontractors that are shared between two or more Proposers may communicate with their respective Proposer team members so long as those Proposers establish a protocol to ensure that the subcontractor will not act as a conduit of information between Proposers. Contact among Proposer organizations is allowed during LA DOTD sponsored informational meetings;

B) The Proposers shall correspond with the LA DOTD regarding this RFP only through the LA DOTD's and Proposer's designated representatives;

C) The Proposers shall not contact any LA DOTD employees, including, department heads; members of the evaluation teams, DB Qualifications Evaluation Committee, or Proposal Review Committee; and any official who will participate in the decision to award the Contract regarding the Project except through the process identified above. Contact between Proposer organizations and LA DOTD employees is allowed during LA DOTD sponsored informational meetings and one-on-one meetings;

D) Any communications determined to be improper, at the sole discretion of the LA DOTD, may result in disqualification, at the sole discretion of the LA DOTD;

E) Any official information regarding the Project will be disseminated from the LA DOTD's designated point of contact identified in Section 2.2.1 on LA DOTD letterhead. Any official correspondence will be in writing and signed by the LA DOTD's designated point of contact;

F) The LA DOTD will not be responsible for any verbal exchange or any other information or exchange that occurs outside the official process specified herein; and

G) With the exception of staff of affected utilities, adjacent property owners, the Port of West St. Mary, and St. Mary Sugar Cooperative, the Proposers shall not contact Stakeholder staff regarding the Project. Contact between Proposers and Stakeholders is allowed during LA DOTD sponsored informational or one-on-one meetings, upon a Proposer's request.

Contact between Proposers and utility staff, adjacent property owners, the Port of West St. Mary, and St. Mary Sugar Cooperative is the responsibility of the Proposer. The LA DOTD does not warrant any information received during contact between Proposers and utilities, adjacent property owners, the Port of West St. Mary, or the St. Mary Sugar Cooperative. The LA DOTD will not

DRAFT

facilitate contact between Proposers and utilities, adjacent property owners, the Port of West St. Mary, and the St. Mary Sugar Cooperative.

2.3 ADDENDA AND RESPONSES TO QUESTIONS

2.3.1 Addenda

The LA DOTD reserves the right to issue Addenda at any time during the period of the procurement. The LA DOTD is responsible for providing Addenda only to the Proposers on the Short-List. Persons or firms that obtain the RFP from sources other than the LA DOTD bear the sole responsibility for obtaining any Addenda issued by the LA DOTD for the Project.

2.3.2 Correspondence and Information

The Proposer shall note that no correspondence or information from the LA DOTD or anyone representing the LA DOTD regarding the RFP or the Proposal process in general will have any effect unless it is in compliance with Section 2.2.2.

2.3.3 Responses to Questions

Each Proposer is responsible for reviewing the RFP prior to the dates specified for submission of questions in Section 1.7.1 and for requesting interpretation of any discrepancy, deficiency, ambiguity, error, or omission contained therein, or of any provision that the Proposer otherwise fails to understand. Any such question must be submitted in accordance with Section 2.2.1. The LA DOTD will provide written responses to questions received from Proposers as specified in Section 2.2.1. Summaries of the questions and responses will be sent to all Proposers without attribution. The responses will not be considered part of the Contract but may be relevant in interpreting the Contract.

2.3.4 Date for Issuance of Final Addendum and Responses to Questions

The LA DOTD does not anticipate issuing any Addenda and/or responses to questions later than the date specified in Section 1.7.1.

2.4 COMPLIANT PROPOSAL

The Proposer shall submit a Proposal, consisting of a Technical Proposal as well as a Lump Sum Price Proposal, which provides all the information required by the ITP. The Proposer's Proposal may be rejected if the Proposal, or any portion thereof, does not fully comply with the instructions and rules contained in the ITP, including the appendices.

Each Proposal, consisting of a Technical Proposal as well as a Lump Sum Price Proposal, must be submitted in the official format which is specified by the LA DOTD. The Proposer shall sign each copy of the Proposal submitted to the LA DOTD.

Proposals may be considered non-responsive and may be rejected for any of the following reasons:

A) If the Proposal is submitted in a format other than that furnished or specified by the LADOTD; if it is not properly signed; if the Form of Proposal (*see* Appendix

DRAFT

C – Proposal Forms to this ITP) is altered except as contemplated herein; if any form included in Appendix C – Proposal Forms is altered to either add, delete, or change the form in any way (other than expanding forms in order to properly include all required information); or if any part of the required format is deleted from the Proposal package;

B) If the Proposal or any portion thereof is illegible or contains any omission, erasures, alterations, or items not called for in the RFP or contains unauthorized additions, conditional Proposals, or alternate Proposals not approved through the formal ATC process, or other irregularities of any kind, and if the LA DOTD determines that such irregularities make the Proposal incomplete, indefinite, or ambiguous as to its meaning;

C) If the Proposer adds any provisions reserving the right to accept or reject an award or to enter into a Contract following award;

D) If the Proposer attempts to limit or modify the required form of any required surety bond, if the Proposal Bond (*see* Appendix C – Proposal Forms to this ITP) is not provided, and/or if requested information deemed material by the LA DOTD is not provided; and

E) If for any other reason the LA DOTD determines the Proposal to be non-responsive.

2.5 NON-PUBLIC PROCESS

The LA DOTD will maintain a process to ensure confidentiality for the duration of this procurement. In accordance with Louisiana Revised Statutes Section 48:255.1, the LA DOTD may require each Proposer to furnish sufficient information that will indicate the financial and other capacities of the Proposer to perform the proposed Work. This information will be subject to audit and must be submitted by the Proposer in a format clearly marked "confidential," and the information contained therein will be treated as confidential and will be exempted from the provisions of Louisiana Revised Statutes Sections 44:1 through 37.

Further, if the Proposer submits information in its Proposal that it wishes to protect from disclosure, the Proposer must do the following:

A) Clearly mark all proprietary or trade secret information as such in its Proposal at the time the Proposal is submitted and include a cover sheet stating "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION" and identifying each section and page which has been so marked;

B) Include a statement with its Proposal justifying the Proposer's determination that certain records are proprietary or trade secret information for each record so defined;

C) Submit one copy of the Proposal that has all the proprietary or trade secret information deleted from the Proposal and label such copy of the Proposal "Public

DRAFT

Copy" or certify in its cover letter that the Proposal contains no proprietary or trade secret information; and

D) Upon notice from the LA DOTD that a request for release of information has been received, the Proposer shall immediately defend any action seeking release of the records it believes to be proprietary or trade secret information and indemnify, defend, and hold harmless the LA DOTD and the State of Louisiana and its agents and employees from any judgments awarded against the LA DOTD and its agents and employees in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the LA DOTD's cancellation or termination of this procurement or award and subsequent execution of a Contract. In submitting a Proposal, the Proposer agrees that this indemnification and duty to defend survives as long as the confidential business information is in possession of the State.

Proposers and the LA DOTD agree that any records pertaining to this procurement will remain confidential until Contract execution, unless such records are proprietary or trade secret information. Should the LA DOTD receive a request for the release of information not already protected prior to Contract execution, the Proposer, whose information is requested, will defend and hold harmless the LA DOTD as set forth in Section 2.5(D).

2.6 PROPOSAL STIPEND

By submitting a Proposal in response to the RFP, the Proposer acknowledges that the LA DOTD reserves the right to use any ideas, representations, or information contained in the Proposal in connection with any Contract awarded for the Project or in connection with a subsequent procurement.

The stipend amount is $100,000.00 and shall be paid to each fully responsive Proposer (as determined for both the Technical and Lump Sum Price Proposal) not chosen as the successful Proposer. In order to receive a stipend, the unsuccessful Proposer must receive a rating of pass on all Pass/Fail Evaluation Factors and an overall technical rating of "acceptable-" (acceptable minus) or higher for all Technical Evaluation Subfactors.

In the event that the procurement is cancelled prior to the Proposal due date, Proposers will be provided the opportunity, at their option, of attending an interview and delivering to the LA DOTD the work product of their Proposal preparations to date. There is no specific format required for such work product. Those Proposers that choose to attend the interview and deliver their work product may be paid a portion of the stipend amount, at the LA DOTD's discretion, for the work product. No portion of the stipend amount will be paid in the event a Proposer chooses not to attend the interview or chooses not to deliver its work product.

DRAFT

2.7 SUBMISSION OF PROPOSALS

2.7.1 Submission of a Proposal

The Proposal must be submitted in accordance with this Instructions to Proposers and the following requirements:

A) The Technical Proposal must be accordingly distinguished in a sealed container(s) clearly marked as "Technical Proposal – US 90 (Future I-49) LA 318 Interchange DB Project." (*See* Appendix A – Technical Proposal Instructions.) The Lump Sum Price Proposals must be accordingly distinguished in a single sealed container and clearly marked as "Lump Sum Price Proposal - US 90 (Future I-49) LA 318 Interchange DB Project." The Proposal, consisting of the Technical Proposal and Lump Sum Price Proposal, must be delivered to the designated point of contact at the address identified in Section 1.7.2;

B) The State Project Number H.004932 and the fact that this is a Proposal for the US 90 (Future I-49) LA 318 Interchange DB Project must be clearly shown on the cover of the containers. The name and address of the Proposer must be clearly marked on the outside of the containers;

C) When sent by United States Postal Service (USPS) or private carrier [i.e., FedEx, DHL, or United Parcel Service (UPS)], the sealed containers must be sent in accordance with this ITP to the LA DOTD at the address of and in care of the designated point of contact, and must be received by such designated point of contact no later than the time specified in Section 1.7.2. In the alternative, a Proposal may be hand-delivered by the Proposer prior to the specified time on the Proposal due date to the designated point of contact identified in Section 1.7.2; and

D) Where certified copies are required, the Proposer shall stamp the document or cover with the words "Certified True Copy" and have the stamp oversigned by the Proposer's designated point of contact.

2.7.2 Modifications to a Proposal

A Proposer may modify its Proposal in writing prior to the time and to the designated point of contact specified in Section 1.7.2 of the ITP on the Proposal due date identified in Section 1.7.1. The modification must conform in all respects to the requirements for submission of a Proposal. Modifications must be clearly delineated as such on the face of the document to prevent confusion with the original Proposal and must specifically state that the modification supersedes the previous Proposal and all previous modifications, if any. If multiple modifications are submitted, they must be sequentially numbered so the LA DOTD can accurately identify the final Proposal. The modification must contain complete Proposal sections, complete pages, or complete forms as described in Appendix A – Technical Proposal Instructions and Appendix B – Lump Sum Price Proposal Instructions of this ITP. Line item changes will not be accepted. Telegraphic, facsimile, or other electronically transmitted modifications will not be considered by the LA DOTD as modifications.

DRAFT

2.7.3 Withdrawal of a Proposal

A Proposer may withdraw its Proposal, consisting of a Technical Proposal as well as a Lump Sum Price Proposal, only by a written and signed request that is received by the LA DOTD prior to the Proposal due date identified in Section 1.7.1 and prior to the time and to the designated point of contact specified in Section 1.7.2. If a Proposer withdraws any portion of its Proposal, consisting of a Technical Proposal as well as a Lump Sum Price Proposal, then it will be deemed to have withdrawn its Proposal in its entirety.

Following withdrawal of its Proposal, the Proposer may submit a new Proposal, provided that it is received prior to the time designated in Section 1.7.2 on the Proposal due date identified in Section 1.7.1 and submitted in accordance with the requirements of this ITP. The Proposer agrees that its Proposal will remain valid for 180 calendar days following the Proposal due date identified in Section 1.7.1. In the event a Proposer withdraws all or any part of its Proposal within 180 calendar days following the Proposal due date identified in Section 1.7.1 without written consent of the LA DOTD, the Proposer shall forfeit its Proposal Bond.

2.7.4 Public Opening of Lump Sum Price Proposals

There will be a public opening of the Lump Sum Price Proposals, at which time the adjusted score for the Lump Sum Price Proposal will be calculated.

2.7.5 Late Proposals

The Louisiana Department of Transportation and Development will not consider any late Proposals.

2.8 EXAMINATION OF THE REQUEST FOR PROPOSALS AND WORK SITE

The Proposer shall carefully examine the site of the proposed work, including material pits and haul roads, and the complete RFP, including Reference Documents, before submitting a Proposal.

The submission of a Proposal will be considered prima facie evidence that the Proposer has made such examination and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the Contract. The Proposer must so certify on the Form of Proposal (*see* Appendix C – Proposal Forms) in order for the Proposal to be valid.

3.0 PROPOSAL REQUIREMENTS

3.1 LICENSING REQUIREMENTS

Proposers shall be licensed as required by applicable federal and state laws, rules, and regulations including, but not limited to, Louisiana Revised Statutes Section 48:250.3(B). Evidence of proper licensing shall be required to be provided prior to award of the Contract to the apparently successful Proposer.

3.2 CURRENCY

The Lump Sum Price Proposal must be priced in United States (US) dollars currency only.

DRAFT

3.3 PROPOSAL BOND

3.3.1 Requirements

A Proposal Bond (*see* Appendix C – Proposal Forms) must accompany the Lump Sum Price Proposal that is submitted for the Project.

3.3.2 Return of Proposal Bond

Proposal Bonds will not be returned to the unsuccessful Proposers. All Proposal Bonds will be destroyed after Contract execution.

3.3.3 Surety Requirements

Any Proposal Bond provided in accordance with this Section 3.3 must be issued by a surety that is qualified in accordance with Louisiana Revised Statutes 48:255(D).

3.3.4 Rights Reserved

Each Proposer understands and agrees, by submitting its Proposal, that the LA DOTD reserves the right to reject any and all Proposals, or part of any Proposal, and that the Proposal may not be withdrawn for a period of 180 calendar days subsequent to the Proposal due date identified in Section 1.7.1 without written consent of the LA DOTD.

Each Proposer further understands and agrees that if it should withdraw any part or all of its Proposal within 180 calendar days after the Proposal due date identified in Section 1.7.1 without the consent of the LA DOTD; should refuse or be unable to enter into the Contract; should refuse or be unable to furnish adequate and acceptable performance and payment bonds; should refuse or be unable to furnish adequate and acceptable insurance, as provided herein; or should refuse or be unable to furnish the information requested in this RFP, it must forfeit its Proposal Bond.

The Proposer understands that any material alteration of documents specified in this Section 3.3 or any of the material contained on the Proposal Bond (*see* Appendix C – Proposal Forms), other than that requested, will render the Proposal non-responsive and non-compliant.

3.4 SIGNATURES REQUIRED

The Form of Proposal (*see* Appendix C- Proposal Forms) and the Lump Sum Price Proposal Cover Sheet (Form PP, Appendix C – Proposal Forms to this ITP) must be signed by all parties or Person(s) constituting the Proposer (i.e., by authorized representatives of all JV or LLC members or general partners, if the Proposer is a JV, LLC, or partnership, if that JV, LLC, or partnership has been specifically created for the purposes of proposing on this Project). If any signatures are provided pursuant to a power of attorney, the original or a certified copy of the power of attorney must be provided, together with evidence of authorization.

DRAFT

3.5 NUMBERS OF DOCUMENTS

3.5.1 Proposal Bond

One original of the Proposal Bond (*see* Appendix C – Proposal Forms) must be provided, with three certified copies.

3.5.2 Technical Proposal

One original and ten certified copies, and one electronic copy, of the Technical Proposal (*see* Appendix A – Technical Proposal Instructions) must be provided.

3.5.3 Lump Sum Price Proposal

One original and three certified hard copies, and one electronic copy, of the Lump Sum Price Proposal (*see* Appendix B – Lump Sum Price Proposal Instructions) must be provided.

3.5.4 Cost of Preparing Proposal

The cost of preparing the Proposal and any costs incurred at any time before or during the Proposal process, including costs incurred for any informational or one-on-one meetings or oral presentations, must be borne by the Proposer.

3.5.5 Obligation to Award

The LA DOTD is under no obligation to award the Contract to the Proposer submitting the lowest adjusted score Proposal, to award to the apparent successful Proposer, or to award the Contract at all.

4.0 PRE-PROPOSAL MEETINGS AND SUBMITTALS

The LA DOTD reserves the right to hold either joint informational meetings or individual one-on-one meetings with all Proposers at any time prior to the Proposal due date identified in Section 1.7.1.

4.1 JOINT INFORMATIONAL MEETINGS

Although the LA DOTD does not anticipate any joint informational meetings during this procurement, the LA DOTD may hold joint informational meetings with all Proposers at any time prior to the Proposal due date identified in Section 1.7.1. If the LA DOTD determines that a joint informational meeting is in the best interest of this procurement, an invitation to the joint informational meeting will be sent to each Proposer on the Short-List identifying the specifics of the time, date, and location; attendees; anticipated agenda; and whether or not attendance at the joint informational meeting is mandatory.

Questions asked by any Proposer at any joint informational meeting where any response is expected will be recorded and the question and response will be provided in writing to all Proposers without attribution.

DRAFT

4.2 ONE-ON-ONE MEETINGS

The LA DOTD may hold one-on-one meetings with individual Proposers at any time prior to the Proposal due date specified in Section 1.7.1. If one-on-one meetings are offered to one or more Proposers on the Short-List, they will be offered to all Proposers on the Short-List.

If the LA DOTD determines that one-on-one meetings are in the best interest of this procurement, an invitation to a one-on-one meeting will be sent to each Proposer on the Short-List identifying the specifics of the time, date, and location; attendees; and whether or not attendance at the one-on-one meetings is mandatory.

Any information and documents necessary for the preparation of Proposals that are disclosed by the LA DOTD during the course of a one-on-one meeting will be made available to all Proposers as soon as practicable, provided that the LA DOTD will not disclose such information if doing so would reveal a Proposer's confidential business strategy. All Proposers and the LA DOTD agree that any other communications exchanged during the course of a one-on-one meeting will remain confidential until Contract execution, unless records are exchanged that are proprietary or trade secret information. Should the LA DOTD receive a request for the release of information, not already protected, prior to Contract execution, the Proposer whose information is requested will defend and hold harmless the LA DOTD as set forth in Section 2.5(D).

4.3 ALTERNATIVE TECHNICAL CONCEPT SUBMITTALS

4.3.1 Alternative Technical Concepts

Sections 4.3.1 through 4.3.5 set forth a process for pre-Proposal review of ATCs conflicting with the requirements for design and construction of the Project, or otherwise requiring a modification of the Contract Documents. This process is intended to allow Proposers to incorporate innovation and creativity into the Proposals, in turn allowing the LA DOTD to consider Proposer ATCs in making the selection decision, to avoid delays and potential conflicts in the design associated with deferring of reviews of ATCs to the post-award period, and, ultimately, to obtain the best value for the public.

Alternative Technical Concepts eligible for consideration hereunder are limited to those deviations from the requirements of the RFP that result in performance and quality of the end product that is equal to or better than the performance and quality of the end product absent the deviation, as determined by the LA DOTD in its sole discretion. A concept is not eligible for consideration as an ATC if, in the LA DOTD's sole judgment, it is premised upon or would require any of the following:

A) A reduction in Project scope, performance, or reliability;

B) The addition of a separate project to the Contract (such as expansion of the scope of the Project to include additional roadways);

C) An increase in the amount of time required for final acceptance of the Project; or

D) Further environmental evaluation of the Project.

DRAFT

Any ATC that has been pre-approved may be included in the Proposal, subject to the conditions set forth herein.

If a Proposer is unsure whether a concept is consistent with the requirements of the RFP or if that concept would be considered an ATC by the LA DOTD, the LA DOTD recommends that Proposer submit such concept for review as an ATC.

4.3.2 Pre-Proposal Submission of Alternative Technical Concepts

A Proposer may submit ATCs for review to the LA DOTD at the address specified in Section 1.7.2, until the applicable last date and time for submittal of ATCs identified in Section 1.7.1. All ATCs shall be submitted in writing, with a cover sheet identifying the Proposer and stating "US 90 (Future I-49) LA 318 Interchange DB Project - Confidential ATCs." The Proposer shall clearly identify the submittal as a request for review of an ATC under this ITP. If the Proposer does not clearly designate its submittal as an ATC, the submission will not be treated as an ATC by the LA DOTD. Alternative Technical Concept submittals must include five copies of a narrative description of the ATC and technical information, including drawings, as described below.

Pre-Proposal Alternative Technical Concept submissions must include the following:

A) A sequential ATC number identifying the Proposer and the ATC number (multi-part or multi-option ATCs must be submitted as separate individual ATCs with unique sequential numbers);

B) A description and conceptual drawings of the configuration of the ATC or other appropriate descriptive information, if appropriate;

C) The locations where, and an explanation of how, the ATC will be used on the Project;

D) Any changes in roadway requirements, including traffic maintenance, associated with the ATC;

E) Any changes in the anticipated life of the item(s) comprising the Alternative Technical Concept;

F) Any reduction in the time period necessary to design and construct the Project resulting from implementing the ATC, including, as appropriate, a description of method and commitments;

G) References to requirements of the RFP which are inconsistent with the proposed ATC, an explanation of the nature of the deviations from said requirements, and a request for approval of such deviations;

H) The analysis justifying use of the ATC and why the deviation, if any, from the requirements of the RFP should be allowed;

I) A preliminary analysis and quantitative discussion of potential impacts on vehicular traffic (both during and after construction), environmental permitting, community

DRAFT

impact, safety, and life-cycle Project and infrastructure costs, including impacts on the cost of repair, maintenance, and operation;

J) A description of other projects where the ATC has been used, the degree of success or failure of such usage and names and contact information including telephone numbers and E-mail addresses for project owner representatives that can confirm such statements;

K) A description of added risks to the LA DOTD or third parties associated with implementing the ATC;

L) An estimate of any additional LA DOTD, Design-Builder, and third-party costs associated with implementation of the ATC;

M) An estimate of the adjustment to the Lump Sum Price Proposal should the ATC be approved and implemented; and

N) An analysis of how the ATC is equal or better in quality and performance than the requirements of the Contract Documents.

The Proposer shall not make any public announcement or disclosure to third parties concerning any ATC until after pre-approval (including conditional pre-approval) has been obtained. Following pre-approval (including conditional pre-approval), if a Proposer wishes to make any such announcement or disclosure, it must first notify the LA DOTD in writing of its intent to take such action, including details as to date and participants, and obtain the LA DOTD's prior written consent, in its sole discretion, to do so.

If the LA DOTD determines, based on a proposed ATC or otherwise, that the RFP contains an error, ambiguity, or mistake, the LA DOTD reserves the right to modify the RFP to correct the error, ambiguity, or mistake, regardless of any impact on a proposed ATC.

4.3.3 Louisiana Department of Transportation and Development Review of Pre-Proposal Submission of Alternative Technical Concepts

The LA DOTD may request additional information regarding proposed ATCs at any time and will, in each case, return responses to each Proposer regarding its ATC on or before the applicable last date set forth in Section 1.7.1, provided that the LA DOTD has received all required and requested information regarding such ATC.

The LA DOTD will make a preliminary determination on whether to approve an ATC for submission. However, the Proposer will be responsible for ensuring that the final submittal complies with the requirements of the RFP. After submission of final ATCs, the LA DOTD will make a final determination on whether to approve; conditionally approve, provided certain conditions are met; or reject an ATC.

Approval of an ATC will constitute a change in the specific requirements of the Contract Documents associated with the approved ATC for that specific Proposer. Each Proposer, by submittal of its Proposal, acknowledges that the opportunity to submit ATCs was offered to all

DRAFT

Proposers, and waives any right to object to the LA DOTD's determinations regarding acceptability of ATCs.

The LA DOTD's rejection of a pre-Proposal submission of an ATC will not entitle any Proposer to an extension of the Proposal due date or the date that the ATCs are due; provided, however, that the foregoing does not limit the LA DOTD's absolute and sole right to modify the Proposal due date or any other date in connection with this procurement.

The LA DOTD anticipates that its comments provided to a Proposer will be sufficient to enable that Proposer to make any necessary changes to its ATCs. However, if a Proposer wishes additional explanation regarding necessary changes, the Proposer may provide a written request for additional explanation under Section 2.2.1.

4.3.4 Incorporation of Alternative Technical Concepts in the Contract Documents

Following award of the Contract, the ATCs that were pre-approved by the LA DOTD and incorporated in the Proposal by the successful Proposer will be included in the Contract Documents. If the LA DOTD responded to any ATC by stating that it would be acceptable if certain conditions were met, those conditions will become part of the Contract Documents. Notwithstanding anything to the contrary herein, if the Design-Builder does not comply with one or more LA DOTD conditions of pre-approval for an ATC or the Design-Builder fails to obtain a required third party approval for an ATC, the Design-Builder will be required to comply with the original requirements of the RFP without additional cost or extension of time as set forth in the Contract.

4.3.5 Confidentiality

The ATCs and all communications regarding ATCs submitted by the Proposer and all subsequent communications regarding that ATC will be considered confidential in accordance with Section 2.5.

5.0 CONTRACT AWARD AND EXECUTION

5.1 CONTRACT AWARD

Unless all Proposals are rejected or this procurement is cancelled, after evaluation of the Pass/Fail Evaluation Factors and Technical Evaluation Factors, the LA DOTD will open Lump Sum Price Proposal and calculate the lowest adjusted score. The Secretary will solely make the selection of the Proposer with the lowest adjusted score.

Within 15 working days after the LA DOTD notifies the selected Proposer that the LA DOTD will award the Contract to the Proposer, the selected Proposer shall deliver to the LA DOTD, along with the appropriate number executed originals of the DB Agreement, one original and three certified copies of the following:

A) Required payment and performance bonds;

B) Insurance certificates; and

C) Evidence that the Design-Builder (including its Principal Participants, if relevant), Designer, and any subcontractors performing design and/or construction work are properly licensed, if not previously provided.

Failure to comply with the above may result in cancellation of the notice of award and forfeiture of the Proposal Bond.

The Contract with the selected Proposer will not be effective until both the Design-Builder and the LA DOTD have signed it.

Refer to Contract Documents Part 1 – Design-Build Agreement for a sample of the DB Agreement that the selected Proposer will be required to sign. The selected Proposer shall not make any additions to, deletions from, or changes in the required DB Agreement.

At the time of the return of the executed Contract, the successful Proposer shall furnish a payment bond and a performance bond. The surety and form of the bonds must be acceptable to the LA DOTD, and may be rejected by the LA DOTD in its sole discretion.

5.2 EXECUTION OF CONTRACT

The successful Proposer will be required to execute four originals of the Contract and to comply in all respects with the statutory provisions relating to the Contract within 15 working days of the date of the delivery of the Contract Documents by the LA DOTD. In case of failure or refusal on the part of the successful Proposer to deliver the duly executed Contract to the LA DOTD within the 15 working day period herein mentioned, the amount of the Proposal Bond may be forfeited and paid to the LA DOTD.

The selected Proposer shall, with its executed Contract, provide the LA DOTD the Proposer's Federal Internal Revenue Service Employer Identification Number, or, if the Proposer is an individual with no employer identification number, the Proposer's Social Security Number.

If the Contract is not executed by the LA DOTD within 20 working days following receipt from the successful Proposer of the signed Contract and all appropriate and satisfactory documents identified in Section 5.1(A) through (C), the Proposer shall have the right to withdraw the Proposal without penalty.

If the LA DOTD and the successful Proposer fail to execute the Contract within the time periods identified above, award of the Contract may be made to the apparent "next" successful Proposer, or the work may be re-advertised and completed under a different contract or otherwise, as the LA DOTD may decide.

The Contract will not be effective until it has been fully executed by all of the parties thereto.

6.0 PROPOSAL EVALUATIONS

The Proposals must be submitted in two separate parts as per the ITP, the written Technical Proposal and the Lump Sum Price Proposal. Other than the Executive Summary and any announcements made at the Lump Sum Price Proposal public opening, the information contained in the Proposal will not be disclosed to the public or any Proposer until after Contract execution.

DRAFT

The written Technical Proposal will be evaluated by the Proposal Review Committee on the Pass/Fail Evaluation Factors and Technical Evaluation Subfactors identified in the ITP. The Proposal Review Committee consists of the following members, or their designees:

A) Timothy Nickel, Project Manager and Chair;

B) Paul Fossier, Bridge Design Administrator;

C) Bill Oliver, District 03 District Engineer Administrator;

D) David Smith, Assistant Road Design Administrator; and

E) Mike Vosburg, Chief Engineer, Construction Division.

If any member of the Proposal Review Committee listed in Section 6.0(A) through (E) needs to be replaced due to an unforeseeable circumstance, Proposers will be notified as expeditiously as possible.

Each Proposal Review Committee member will be required to review each Technical Proposal in its entirety. After such review is completed, the LA DOTD reserves the right to schedule Proposer Oral Presentations in accordance with Section 6.5. Subsequent to the Proposer Oral Presentations, if held, the Proposal Review Committee will meet to discuss each Proposer's Technical Proposal and Oral Presentation.

After the meeting of the Proposal Review Committee, each Proposal Review Committee member will determine the pass/fail status of each Pass/Fail Evaluation Factor. Each Proposal Review Committee member will then determine the technical rating and assign a technical score for each Technical Evaluation Subfactor.

After each Proposal Review Committee member assigns a technical score for each Technical Evaluation Subfactor, the Chair of the Proposal Review Committee will conduct a mathematical calculation, taking into account each member's Technical Evaluation Subfactor technical score and weighting to arrive at the technical score for each Proposer's Technical Evaluation Factors for each member of the Proposal Review Committee.

Upon determination of the technical score for each Proposer's Technical Evaluation Factor for each member of the Proposal Review Committee, the Chair of the Proposal Review Committee will then conduct a mathematical calculation, taking into account each Proposer's Technical Evaluation Factor technical score and weighting for each member of the Proposal Review Committee, to arrive at the member's Technical Proposal Technical Score for each Proposer. The Proposal Review Committee members' Technical Proposal Technical Scores for each Proposer will be averaged to determine that Proposer's Final Technical Proposal Technical Score.

The Lump Sum Price Proposals will be subject to a public opening, at which adjusted scores will be determined. The adjusted scores will be determined by the following formula:

Adjusted Score = [(Lump Sum Price Proposal) + (Time Value)] ÷ Final Technical Proposal Technical Score.

DRAFT

The following applies for purposes of the above formula:

A) Lump Sum Price Proposal = the Total Proposed Lump Sum Contract Price on Form SP of the Proposal;

B) Time Value = $10,000.00 x (the number of days from Notice to Proceed to final acceptance on Form SP of the Proposal); and

C) Final Technical Proposal Technical Score = the average of the Technical Proposal Technical Scores assigned by each member of the Proposal Review Committee, in accordance with this Section 6.0.

The LA DOTD reserves the right to award a Contract, to reject any or all Proposals, or to advertise for new Proposals, if in the judgment of the LA DOTD the best interests of the public will be promoted thereby.

Proposers are encouraged to keep in mind and address the Project goals identified in Section 1.1 in their Proposals.

6.1 EVALUATION FACTORS AND CRITERIA

Legal and Financial evaluation factors and elements will be evaluated on a pass/fail basis.

Management Approach, Key Personnel and Experience, and Technical Solutions subfactors and elements will be rated on a qualitative basis by each member of the Proposal Review Committee prior to conversion to a score in accordance with Table 6-2, "Rating/Scoring Conversion Table."

A Proposal must receive a pass on all Pass/Fail Evaluation Factors listed in Section 6.1.2 for the Proposal to be further evaluated and rated based on the Technical Evaluation Factors identified in Section 6.1.3.

6.1.1 Proposal Responsiveness

An initial responsiveness review of the Proposal will be performed prior to any evaluation in order to determine that all information requested in this RFP is provided and in the format specified in Appendix A – Technical Proposal Instructions. In addition, a responsiveness review of the Lump Sum Price Proposals will be performed after opening of the Lump Sum Price Proposals (*see* Section 6.1.4).

6.1.2 Pass/Fail Evaluation Factors

Each Proposal must achieve a rating of pass on any Pass/Fail Evaluation Factor listed in Sections 6.1.2.1 through 6.1.2.2 to receive further consideration. Failure to achieve a pass rating on any Pass/Fail Evaluation Factor after any Clarifications, if utilized, (*see* Section 6.2.3) will result in the Proposal being declared non-responsive and the Proposer being disqualified.

DRAFT

6.1.2.1 Legal Pass/Fail Evaluation Factor

The Legal Pass/Fail Evaluation Factor includes the following elements:

A) A properly executed Form of Proposal, (Appendix C – Proposal Forms of this ITP);

B) Evidence of a license to practice engineering and surveying within the State of Louisiana, or a commitment to obtain the appropriate license prior to Contract award, for any member of the Proposer team performing design or surveying;

C) For any member of the Proposer team performing construction work, evidence of that license to perform such work within the State of Louisiana or a commitment to obtain the license prior to Contract award;

D) Completion and submittal of specified forms and documents;

E) A disclosure regarding any potential organizational conflicts of interest, as further explained at Section 1.10; and

F) Compliance with Instructions to Proposers legal requirements.

The specific information to be submitted is identified in Appendix A – Technical Proposal Instructions, Section A2.2 to this ITP.

6.1.2.2 Financial Pass/Fail Evaluation Factor

Financial evidence must show updated evidence or reaffirmation of the Proposer's continuing capability to secure performance and payment bonds covering the specific terms of the Contract. (*See* Section A3.2 of Appendix A – Technical Proposal Instructions to this ITP and Contract Documents, Part 2 – DB Sections 100s, DB Section 103-2 and Appendix 103A - Payment, Performance, and Retainage Bonds Form.)

6.1.3 Technical Evaluation Factors and Subfactors and Their Relative Importance

The following are the technical evaluation factors:

A) Technical Solutions Technical Evaluation Factor;

B) Key Personnel and Experience Technical Evaluation Factor; and

C) Management Approach Technical Evaluation Factor.

The Technical Solutions Technical Evaluation Factor is assigned a weight of 50%. The Key Personnel and Experience Technical Evaluation Factor is assigned a weight of 25%. The Management Approach Technical Evaluation Factor is assigned a weight of 25%.

DRAFT

6.1.3.1 Technical Solutions Technical Evaluation Factor

The Technical Solutions Technical Evaluation Factor is made up of the following subfactors:

A) Maintenance of Traffic Evaluation Subfactor;

B) Roadway Geometry and Drainage Evaluation Subfactor;

C) Structures Evaluation Subfactor; and

D) Geotechnical Evaluation Subfactor.

The subfactor listed in Section 6.1.3.1 (A) is assigned a weight of 30%. The subfactors listed in Sections 6.1.3.1 (B) and (C) are each assigned a weight of 25%. The subfactor listed in Section 6.1.3.1 (D) is assigned a weight of 20%.

Specific information to be submitted is identified in Section A4.0 of Appendix A – Technical Proposal Instructions to this ITP.

6.1.3.2 Key Personnel and Experience Technical Evaluation Factor

The Key Personnel and Experience Technical Evaluation Factor will include information on key personnel and resumes.

The Proposer should note that the Design-Builder's Project Manager must not be identified to fulfill multiple Key Personnel roles. Similarly, Key Personnel that are members of the Proposer's quality organization must not fulfill multiple roles (for example, the same person cannot be assigned as the Quality Manager and the Construction Quality Control Manager).

Specific information to be submitted is identified in Section A5.0 of Appendix A – Technical Proposal Instructions to this ITP.

6.1.3.3 Management Approach Technical Evaluation Factor

The Management Approach Technical Evaluation Factor consists of the following subfactors:

A) Right-of-Way Acquisition Plan Subfactor;

B) Design-Builder's Quality Plan Subfactor;

C) Utility Coordination Plan Subfactor; and

D) Design-Builder's Conflict Resolution Plan Subfactor.

The subfactor listed in Section 6.1.3.3 (A) is assigned a weight of 40%. The subfactor listed in Section 6.1.3.3 (B) is assigned a weight of 30%. The subfactors listed in Sections 6.1.3.3 (C) and (D) are each assigned a weight of 15%.

Specific information to be submitted is identified in Section A6.0 of Appendix A – Technical Proposal Instructions to this ITP.

DRAFT

6.1.4 Lump Sum Price Proposal

The Proposer shall submit a Lump Sum Price Proposal, which must include a proposed Lump Sum Contract Price and proposed days, for all services in fulfillment of the requirements and within the constraints of this RFP. The Lump Sum Price Proposal must be submitted in accordance with Appendix B – Lump Sum Price Proposal Instructions to this ITP. The total proposed Lump Sum Contract Price shown in the Lump Sum Price Proposal of the successful Proposer will be the Lump Sum Contract Price if the Contract is awarded.

Specific information to be submitted is identified in Appendix B – Lump Sum Price Proposal Instructions to this ITP. The following elements will be considered in the Lump Sum Price Proposal evaluations:

A) Proposed Lump Sum Contract Price;

B) Consistency of the Proposal Periodic Payment Schedule with the Proposed Baseline Progress Schedule; and

C) Price Reasonableness (*see* Form SP, Appendix C to this Instructions to Proposers).

Each Lump Sum Price Proposal must specify the sum for which the work will be performed according to the RFP and the proposed days in which the work will be performed. The lowest adjusted score will be determined by the LA DOTD by evaluating both Pass/Fail Evaluation Factors and Technical Evaluation Factors and combining the final total technical score with the proposed Lump Sum Contract Price and proposed days using the formula identified in *Section 6.0*.

The price must be indicated in words. For example, "$1,234,567.89" indicated in words is "one million two hundred thirty-four thousand five hundred sixty-seven dollars and eighty-nine cents."

The Proposer's proposed Lump Sum Contract Price must not include any fraction of a cent.

Any Proposal may be deemed nonresponsive which in any manner fails to conform to the conditions of the RFP.

The LA DOTD may determine that the Lump Sum Price Proposal is non-responsive if the LA DOTD determines, in its sole discretion, that any of the following are applicable:

1) The Lump Sum Price Proposal does not provide all information in conformance with and in the format prescribed by the ITP;

2) The Lump Sum Price Proposal contains a Proposal Periodic Payment Schedule that is significantly inconsistent with the Proposed Baseline Progress Schedule; and/or

3) The Lump Sum Price Proposal contains unreasonable prices on Form SP (*see* Appendix C – Proposal Forms to this ITP).

DRAFT

6.2 EVALUATION GUIDELINES

6.2.1 Technical Solutions, Key Personnel and Experience, and Management Approach Technical Evaluation Subfactors

The Technical Evaluation Subfactors identified in Sections 6.1.3.1 through 6.1.3.3, and elements thereof, will be evaluated in accordance with the guidelines provided in this Section 6.2.1 by each member of the Proposal Review Committee.

The Technical Evaluation Subfactors and elements thereof will be rated by each member of the Proposal Review Committee using a qualitative/descriptive (adjectival) method. The following qualitative/descriptive ratings will be used in the rating of each Technical Evaluation Subfactor and element thereof. Each Technical Evaluation Subfactor rating will then be converted into a technical score for each Proposal Review Committee member for each Technical Evaluation Subfactor.

EXCEPTIONAL ~ The Proposer has demonstrated an approach that is considered to significantly exceed stated criteria in a way that is beneficial to the LA DOTD. This rating indicates a consistently outstanding level of quality with very little or no risk that this Proposer would fail to meet the requirements of the solicitation. There are essentially no Weaknesses.

GOOD ~ The Proposer has demonstrated an approach that is considered to exceed stated criteria. This rating indicates a generally better than acceptable quality with little risk that this Proposer would fail to meet the requirements of the solicitation. Weaknesses, if any, are very minor.

ACCEPTABLE ~ The Proposer has demonstrated an approach that is considered to meet the stated criteria. This rating indicates an acceptable level of quality. The Technical Evaluation Subfactor demonstrates a reasonable probability of success. Weaknesses are minor and can be readily corrected.

UNACCEPTABLE ~ The Proposer has demonstrated an approach that indicates significant Weaknesses and/or unacceptable quality. The Technical Evaluation Subfactor fails to meet the stated criteria and/or lacks essential information and is conflicting and/or unproductive. There is no reasonable likelihood of success; Weaknesses are so major and/or extensive that a major revision to the Technical Evaluation Subfactor would be necessary.

In assigning ratings the LA DOTD may assign “+” or “-” (such as, “exceptional -,” “good +,” and “acceptable +”) to the ratings to better differentiate within a rating in order to more clearly differentiate between the Proposers.

6.2.2 Rating/Scoring Conversion Table

After each member of the Proposal Review Committee assigns a rating for each Technical Evaluation Subfactor, a technical score will be determined for each member's Technical Evaluation Subfactor using Table 6-2, Rating/Scoring Conversion Table.

DRAFT

Table 6-2 Rating/Scoring Conversion Table

Technical Evaluation Subfactor Rating	Technical Evaluation Subfactor Technical Score
Exceptional +	1,020
Exceptional	1,015
Exceptional -	1,010
Good +	1,005
Good	1,000
Good -	995
Acceptable +	990
Acceptable	985
Acceptable -	980
Unacceptable	0

6.3 CLARIFICATIONS

The Proposer shall provide accurate and complete information to the LA DOTD. If information is not complete, the LA DOTD will either declare the Proposal non-responsive or notify the Proposer that it will not be allowed to participate further in the procurement of this Project until all information requested is provided. Insufficient or omitted information may be brought to the attention of the Proposer by the LA DOTD, in its sole discretion, through a request for Clarifications, including submittal of corrected, additional, or missing documents. If a response is not provided prior to the deadline for submission of the response, the Proposal may be declared non-responsive.

All requests for Clarifications and responses must be in writing by E-mail and be limited to answering the specific information requested by the LA DOTD.

6.4 ADDENDUM AFTER PROPOSAL SUBMISSION

In the event a material error is discovered in the RFP during the Proposal evaluation process, the LA DOTD will issue an Addendum to all Proposers that have submitted Proposals requesting revised Proposals based upon the corrected RFP.

6.5 ORAL PRESENTATIONS

6.5.1 General

The LA DOTD may, in its sole discretion, require Proposers to make formal oral presentations with regard to their Technical Proposals. The purpose of oral presentations is to afford each Proposer the following opportunities:

A) Highlight the most significant aspects of its Technical Proposal;

DRAFT

B) Communicate its understanding of the ITP requirements and other documents included in the RFP; and

C) Respond to LA DOTD questions.

The LA DOTD will use the information gained from the oral presentation to assist in its evaluation of the Technical Evaluation Subfactors.

6.5.2 Ground Rules

If oral presentations are used, no more than four speakers may participate in the oral presentation, but other representatives of a Proposer's team may attend. Oral presentations will be limited to one hour in length. The LA DOTD will terminate briefings promptly at the end of the hour. Presenters may use visual aids to state or illustrate key points and supporting information. One complete copy of the complete presentation (including all visual aids) used in the oral presentation must be left with the LA DOTD at the conclusion of the presentation.

Proposers shall not include or make reference to any price or schedule information in the oral presentations. Oral presentations must not be used to fill in missing or incomplete information that is required in the written Proposals. Topics or issues not addressed in the written Proposal must not be discussed during the oral presentations.

Upon conclusion of the presentation, the presenters will be asked to recess outside the room while the LA DOTD develops clarification questions. After the recess, the presenters will return to answer the questions. This question-and-answer session will be limited to one hour in length.

The LA DOTD may tape record, videotape, and/or transcribe all or any part of the oral presentations.

6.5.3 Order of Presentations

If oral presentations are scheduled, the LA DOTD will establish the order of the oral presentations on a random basis. Once formally established, the oral presentation date and time is not negotiable. The LA DOTD will notify each Proposer by letter of the date, time, and place of the oral presentation. Failure to appear within the specified block of time will result in a Proposer's forfeiture of the opportunity to make an oral presentation. If the Proposer arrives late within the specified block of time, the Proposer will be allowed to make a presentation, but the block of time will not be extended.

6.6 SELECTION DETERMINATION

The Secretary will award the Contract based on the lowest adjusted score. The importance of quality in the completed Project requires that the maximum possible flexibility be afforded the Design-Builder to plan, design, construct, and control the Project. The LA DOTD's procedures for the evaluation and selection of Proposals are structured to provide a comprehensive evaluation of quality that when combined with price and days will result in the selection of the appropriate Design-Builder.

DRAFT

The Proposal Review Committee will rate the Proposals for pass/fail and technical capability. In determining the successful Proposer, each Proposal Review Committee member will evaluate each Technical Evaluation Subfactor and assign a Technical Evaluation Subfactor rating and score for each Proposer using the guidelines in Sections 6.2.1 and 6.2.2. The Chair of the Proposal Review Committee will subsequently conduct mathematical calculations, taking into account each Technical Evaluation Subfactor score and weight, to determine each Proposal Review Committee member's Technical Evaluation Factor scores for each Proposer. The Chair of the Proposal Review Committee will then conduct mathematical calculations, taking into account each Technical Evaluation Factor score and weight, to determine each Proposal Review Committee member's Technical Proposal Technical Score for each Proposer. The average of these Technical Proposal Technical Scores will result in the Final Total Technical Score for each Proposer.

The LA DOTD will also determine whether the Lump Sum Price Proposals are responsive.

The LA DOTD will not Award the Contract to any Proposer that receives a fail rating on any Pass/Fail Evaluation Factor (Section 6.1.2) or receives a Technical Evaluation Subfactor Technical Score of less than 980 (i.e., an "unacceptable" rating) for any Technical Evaluation Subfactor (Sections 6.1.3.1 through 6.1.3.3). The LA DOTD will not award the Contract to any Proposer that the LA DOTD determines has submitted a non-responsive Proposal (Lump Sum Price Proposal or Technical Proposal).

Unless all Proposals are rejected or this procurement is cancelled, the Contract will be awarded to the responsive Proposer offering a fully compliant Proposal that, after evaluation of the Pass/Fail Evaluation Factors and Technical Evaluation Subfactors, results in the lowest adjusted score.

6.7 CONFIRMATION OF TECHNICAL SCORE

Within two Calendar Days after notification by the LA DOTD of all Technical Proposal Technical Scores, a Proposer may request a meeting with the LA DOTD to confirm its Final Total Technical Score, including review of the final rating and scoring of each member of the Proposal Review Committee of the Pass/Fail Evaluation Factors and Technical Evaluation Subfactor ratings for each Technical Proposal. If a technical score confirmation meeting is timely requested, the LA DOTD will notify the Proposer of the time, place, and date for the meeting. No detailed information concerning information contained in another Proposer's Proposal will be discussed or provided to the requesting Proposer at the meeting. All technical score confirmation meetings will be held prior to the opening of Lump Sum Price Proposals.

7.0 PROTESTS

This Section 7.0 sets forth the exclusive protest remedies available with respect to the selection determination of the successful Proposer. Each Proposer, by submitting its Proposal, 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, will be final and conclusive. These provisions are included in this RFP 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 RFP, it shall indemnify, defend, and hold the LA DOTD and its directors, officers, officials, employees, agents, representatives, and consultants

DRAFT

harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of such Proposer's actions. The submission of a Proposal by a Proposer will be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

7.1 WRITTEN PROTESTS ONLY

All protests must be in writing. Protests must be delivered to Dr. Eric Kalivoda (Protest Official) at the following address:

Louisiana Department of Transportation and Development
Attention: Dr. Eric Kalivoda, Protest Official

By Courier:
1201 Capitol Access Road
Baton Rouge, LA 70802-4438

By Mail:
P.O. Box 94245
Baton Rouge, LA 70804-9245.

All protests must be submitted within five calendar days from the public opening of Lump Sum Price Proposals. Any protest not set forth in writing within the time limits specified in these procedures is null and void and will not be considered.

7.2 PROTEST CONTENTS

All Protests must include the following information:

A) The name and address of the Proposer;

B) The State Project number;

C) A detailed statement of the nature of the protest and the grounds on which the protest is made; and

D) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury.

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 will be decided on the basis of the written submissions by the Protest Official or his designee.

7.3 PROTEST DECISION

The Protest Official or his designee will issue a written decision regarding any protest within seven calendar days, at which time the LA DOTD will not proceed with the procurement until after the written decision is issued. The decision issued in writing by the Protest Official or his designee is the final decision of LA DOTD. No further right of appeal is granted herein.

DRAFT

8.0 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S RIGHTS AND DISCLAIMERS

8.1 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S RIGHTS

The LA DOTD 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 RFP. The LA DOTD reserves the right, in its sole and absolute discretion, to do any of the following:

A) Reject any or all Proposals;

B) Issue a new Request for Proposals;

C) Cancel, modify, or withdraw the entire Request for Proposals;

D) Issue Addenda, supplements, and modifications to this Request for Proposals;

E) Modify the Request for Proposals process (with appropriate notice to Proposers);

F) Appoint a Proposal Review Committee and, if necessary, evaluation teams and/or subcommittees to review Proposals and seek the assistance of outside technical experts in Proposal evaluation;

G) Approve or disapprove the use of subcontractors and/or substitutions and/or changes of Proposer team members or Key Personnel from the SOQs;

H) Revise and modify, at any time before the Proposal due date identified in Section 1.7.1, the factors it will consider in evaluating Proposals and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the LA DOTD will circulate an Addendum to all Proposers on the Short-List setting forth the changes to the evaluation factors or methodology. The LA DOTD may extend the Proposal due date identified in Section 1.7.1 if such changes are deemed by the LA DOTD, in its sole discretion, to be material and substantive;

I) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the Proposals;

J) Disqualify any Proposer that changes its organization (as represented in its SOQ) without LA DOTD written approval;

K) Hold the Proposals under consideration for a maximum of 180 calendar days after the Proposal due date specified in Section 1.7.1; and/or

DRAFT

L) Refuse to issue an RFP to a prospective Proposer and to refuse to consider a Proposal, once submitted, or reject a Proposal if such refusal or rejection is based upon, but not limited to, the following:

1) Failure on the part of a Principal Participant 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;

2) Default on the part of a Principal Participant or Designer under previous contracts;

3) Unsatisfactory performance of previous work by the Proposer, a Principal Participant, and/or a Designer;

4) Issuance of a notice of debarment, suspension, or disqualification under LA DOTD or federal policies or regulations to the Proposer, a Principal Participant, and/or a Designer;

5) Submittal by the Proposer of more than one Proposal for the same work under the Proposer's own name or under a different name;

6) Evidence of collusion between a prospective Proposer (or any Principal Participant or Designer) and other Proposer(s) (or Principal Participants or Designers) in the preparation of an SOQ, proposal, or bid for any LA DOTD project; and/or

7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant is responsible, which in the judgment of the LA DOTD might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

This RFP does not commit the LA DOTD to enter into a Contract, nor does it obligate the LA DOTD to pay for any costs incurred in preparation and submission of Proposals or in anticipation of a Contract. By submitting a Proposal, a Proposer disclaims any right to be paid for such costs.

8.2 THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S DISCLAIMER

In issuing this RFP and undertaking the procurement process contemplated herein, the LA DOTD specifically disclaims the following:

A) Any liability or commitment to provide sales tax or other revenues to assist in carrying out any and all phases of the Project; and

B) Any obligation to reimburse a Proposer for any costs it incurs under this procurement.

In submitting a Proposal in response to this RFP, the Proposer is specifically acknowledging these disclaimers.

DRAFT

STATE OF LOUISIANA

US 90 (FUTURE I-49)
LA 318 INTERCHANGE
DESIGN-BUILD PROJECT

ST. MARY PARISH

STATE PROJECT NO. H.004932
FEDERAL AID PROJECT NO. H004932

DRAFT REQUEST FOR PROPOSALS

OCTOBER 21, 2014

INSTRUCTIONS TO PROPOSERS

APPENDIX A

TECHNICAL PROPOSAL

INSTRUCTIONS

DRAFT

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

TABLE OF CONTENTS

A1.0 GENERAL INSTRUCTIONS 1
A2.0 LEGAL PASS/FAIL EVALUATION FACTOR 2
A2.1 OBJECTIVES 2
A2.2 LEGAL INFORMATION FOR SECTION 1 OF THE TECHNICAL PROPOSAL 2
A3.0 FINANCIAL PASS/FAIL EVALUATION FACTOR 4
A3.1 OBJECTIVES 4
A3.2 FINANCIAL INFORMATION FOR SECTION 2 OF THE TECHNICAL PROPOSAL 4
A4.0 TECHNICAL SOLUTIONS TECHNICAL EVALUATION FACTOR 4
A4.1 OBJECTIVES 4
A4.2 TECHNICAL SOLUTIONS INFORMATION FOR SECTION 3 OF THE TECHNICAL PROPOSAL 5
A4.2.1 Maintenance of Traffic Subfactor 5
A4.2.2 Roadway Geometry and Drainage Subfactor 5
A4.2.3 Structures Subfactor 5
A4.2.4 Geotechnical Subfactor 6
A5.0 KEY PERSONNEL AND EXPERIENCE TECHNICAL EVALUATION FACTOR 6
A5.1 OBJECTIVES 6
A5.2 KEY PERSONNEL AND EXPERIENCE INFORMATION FOR SECTION 4 OF THE TECHNICAL PROPOSAL 7
A6.0 MANAGEMENT APPROACH TECHNICAL EVALUATION FACTOR 7
A6.1 OBJECTIVES 7
A6.2 MANAGEMENT APPROACH INFORMATION FOR SECTION 5 OF THE TECHNICAL PROPOSAL 7
A6.2.1 Right-of-Way Acquisition Plan Subfactor 7
A6.2.2 Design-Builder's Quality Plan Subfactor 8
A6.2.3 Utility Coordination Plan Subfactor 8
A6.2.4 Design-Builder's Conflict Resolution Plan Subfactor 8
A7.0 FORMAT AND ORGANIZATION OF THE TECHNICAL PROPOSAL 9

DRAFT

A1.0 GENERAL INSTRUCTIONS

This Appendix A – Technical Proposal Instructions to the Instructions to Proposers (ITP) describes the specific instructions for preparing the Technical Proposals.

The Proposer shall submit the information required by this Appendix A – Technical Proposal Instructions in the organization and format, and using the forms, specified herein. Failure to provide the requested information on the forms and in the format specified may result in the Louisiana Department of Transportation and Development (LA DOTD) declaring the Technical Proposal non-responsive. Failure to provide all the information requested in this Appendix A – Technical Proposal Instructions may result in the LA DOTD declaring the Technical Proposal non-responsive.

Upon Award, the Technical Proposal of the selected Proposer will be incorporated into the Contract in Contract Documents Part 6 – Design-Builder's Proposal.

Technical Proposals must be submitted in one volume, tabbed appropriately (*see* Table A – Outline for Submission of the Technical Proposal) containing the following information:

A) Legal;

B) Financial;

C) Technical Solutions;

D) Key Personnel and Experience; and

E) Management Approach.

All Proposal information submitted in the Technical Proposal will be used for evaluating the Proposals.

All forms named herein are found in Appendix C – Proposal Forms unless otherwise noted.

Text must be in English in a standard font, a minimum of 12 points in height, single-spaced. Pages must be 8½ inch by 11 inch white paper, with simple lettered/numbered dividers for each section/subsection. Single-sided pages must be used except for pre-printed information, such as corporate brochures.

Drawings or sketches must be submitted on 11 inch by 17 inch and/or 8 ½ inch by 11 inch white paper.

The Proposer shall number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2). The Proposer shall include page numbers centered at the bottom of each page.

The Proposer shall present information clearly and concisely. Documentation that is illegible may be rejected and may lead to disqualification.

DRAFT

The information must be easily reproducible by normal black and white photocopying machines. Color photographs, renderings, and brochures must be adequately bound and suitably protected for handling and circulation during review.

The Technical Proposal is limited to a total of 100 pages , exclusive of tabs and divider pages, cover letters, the Executive Summary, calculations, specifications, drawings or sketches, required forms (found in Appendix C – Proposal Forms), organization charts, and resumes.

The Proposer should be aware that, in accordance with Louisiana Revised Statutes Section 48:250.3(H)(1)(a)(i), the schedule and price must not be made known to the Proposal Review Committee. **As such, any reference to schedule or price in the Technical Proposal, whether a direct reference or an inference may render the Proposal non-responsive and preclude the Proposer from selection.**

A2.0 LEGAL PASS/FAIL EVALUATION FACTOR

A2.1 OBJECTIVES

The objective of the Legal Pass/Fail Evaluation Factor is to identify legally constituted Proposers able to submit Proposals, enter into the Contract, and complete the Work and that have obtained all required licenses or committed to do so prior to award of the Contract.

A2.2 LEGAL INFORMATION FOR SECTION 1 OF THE TECHNICAL PROPOSAL

The Proposer shall submit the following legal information:

A) The Form of Proposal that constitutes a firm offer to the LA DOTD valid for 180 calendar days after the Proposal due date. The Form of Proposal must be executed by the Proposer or by its legally authorized representative, and by each Joint Venture (JV) or Limited Liability Company (LLC) member or general partner (as applicable) by their respective legally authorized representatives, if that JV, LLC, or partnership has been specifically created for the purposes of proposing on this Project;

B) Form NS, Named Subcontractors and Suppliers, including the percentage of the proposed Lump Sum Contract Price that represents anticipated Subcontractor and Supplier participation (not specific dollar value of participation). The Proposer shall show all Major Subcontractors (Subcontractors performing ten percent or more of the value of the Work), Major Suppliers (Suppliers providing products and Material valued in excess of ten percent of the value of the Work), and the Designer and known Architectural/Engineering (A/E) subconsultants on Form NS;

C) Evidence in the form of a Certificate of Authority issued by the Louisiana Secretary of State certifying that the Proposer is qualified and authorized to do business in the State of Louisiana, or a commitment to become registered prior to award of the Contract, regardless of whether such information was submitted with the Proposer's Statement of Qualifications (SOQ);

DRAFT

D) Evidence that one or more Principal Participants of the Proposer, or the Proposer itself, holds the appropriate licenses from the Louisiana Professional Engineering and Land Surveying Board and the State Licensing Board for Contractors or a commitment signed by authorized representatives of the Proposer and its Principal Participants, if relevant, to become licensed prior to award of the Contract. Not only must the Designer firm itself be appropriately licensed, but so must be any designers of record employed by the Designer firm for this Project;

E) A notarized Power of Attorney naming the individual who signed the Proposal on the Proposer's behalf as its attorney-in-fact, with authority to execute and deliver the Proposal, any Clarifications, and the Design-Build (DB) Agreement on the Proposer's behalf and to act for and bind the Proposer in all matters relating to the Proposal. If the individual who signed the Proposal on the Proposer's behalf is an officer of the Proposer, a Power of Attorney is not required.

If the Proposer is a JV, LLC, or partnership that has been specifically created for the purposes of proposing on this Project, it shall also submit the following:

1) Evidence that each member of the JV, LLC, or partnership will be jointly and severally liable for any and all of the duties and obligations, including performance, of the Proposer assumed under the Proposal and under any Contract arising therefrom, should its Proposal be accepted by the LA DOTD; and

2) A notarized Power of Attorney(s) executed by each JV member, LLC member, or general partner, naming the individual who signed the Proposal and joint and several liability document on its behalf as its attorney-in-fact, with authority to execute the Proposal, joint and several liability document, and Contract, as appropriate, on its behalf and to act for and bind it in all matters relating to the Proposal;

F) The Non-Collusion Form certifying that the Proposal is not the result of, and has not been influenced by, collusion;

G) Designation of the Proposer's single point of contact and provision of the information requested on Form C, Single Point of Contact (*see* Appendix C – Proposal Forms). The single point of contact must be the Proposer's designated Project Manager. It is the preference of the LA DOTD that the Proposer grant the single point of contact, at a minimum, a limited Power of Attorney granting the single point of contact the authority to communicate with the LA DOTD during the procurement process and to make commitments on behalf of the Proposer during the procurement process. If such Power of Attorney is granted by the Proposer to its single point of contact, the Power of Attorney must be included in the Proposer's Technical Proposal;

H) Form DBEC, Disadvantaged Business Enterprise Certification (*see* Appendix C – Proposal Forms to this ITP) concerning Disadvantaged Business Enterprise (DBE) requirements;

DRAFT

I) Form CRCF (*see* Appendix C – Proposal Forms to this ITP), certifying that no federal appropriated funds have been or will be paid for lobbying activities and no other funds have been paid or will be paid to influence governmental decisions regarding the Project; and;

J) A disclosure of any potential organizational conflicts of interest, as further explained at Section 1.10 of the ITP, including disclosure of all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest. The disclosure must state how the Proposer's interests, or those of its chief executives, directors, Key Personnel, or any proposed Subcontractors may result in, or could be viewed as, an organizational conflict of interest. If the LA DOTD determines that an actual or potential conflict of interest exists that cannot be avoided, neutralized, or mitigated, that Proposer will not be eligible for award of the Contract.

A3.0 FINANCIAL PASS/FAIL EVALUATION FACTOR

A3.1 OBJECTIVES

To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, specifically bonding.

A3.2 FINANCIAL INFORMATION FOR SECTION 2 OF THE TECHNICAL PROPOSAL

The Proposer shall submit letter(s) of commitment to provide performance and payment bonds as per Part 2 – DB Sections 100s, DB Section 103-2 and Appendix 103A - Payment, Performance, and Retainage Bond Form from surety(ies) meeting the requirements of qualification for a surety as provided by Louisiana Revised Statutes 48:255(D).

A4.0 TECHNICAL SOLUTIONS TECHNICAL EVALUATION FACTOR

A4.1 OBJECTIVES

The following are the objectives for the Technical Solutions technical evaluation factor:

A) To identify Proposers with a demonstrated understanding of the overall Project requirements through the applicable design concepts presented;

B) To allow traffic to be safely maintained during construction phases while minimizing delays and inconvenience to the motoring public;

C) To provide efficient and innovative design and/or construction solutions; and

D) To identify the best overall proposed solution for the Project, including the following elements:

1) Maintenance of Traffic;

2) Roadway Geometry and Drainage;

DRAFT

3) Structures; and

4) Geotechnical.

A4.2 TECHNICAL SOLUTIONS INFORMATION FOR SECTION 3 OF THE TECHNICAL PROPOSAL

A4.2.1 Maintenance of Traffic Subfactor

The Proposer shall submit a summary of the proposed Maintenance of Traffic Plan as specified in Contract Documents Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, including special emphasis on the following topics:

A) Construction sequencing, including the use of detours and temporary traffic configurations along existing frontage roads and LA 318;

B) Traffic business impacts, including lane restrictions and night work; and

C) Emergency vehicle access and response.

A4.2.2 Roadway Geometry and Drainage Subfactor

The Proposer shall prepare and submit summary information for roadway geometry and drainage that demonstrates how proposed design and construction will meet or exceed the requirements provided in the Roadway Geometry and Drainage Performance Specification (*see* Appendix A – Performance Specifications to Contract Documents, Part 3 – Design Requirements and Performance Specifications). Key elements that must be discussed include the following:

A) A description and geometric details of the horizontal layout of the overall facility, including, details of ramp movements, frontage roads, and connectivity between US 90 and LA 318;

B) A description and detailed geometric layout of the proposed facilities which best accommodate anticipated traffic;

C) Details of the construction, design, and materials proposed to be used, upon analysis of localized drainage deficiencies;

D) A description of the computer software and methodology proposed for the roadway analysis and design; and

E) A description of any potential deviations from American Association of State Highway and Transportation Officials (AASHTO) design criteria and LA DOTD Design Guidelines that may require a design exception.

A4.2.3 Structures Subfactor

The Proposer shall prepare and submit summary information for structures that demonstrates how proposed design and construction will meet or exceed the requirements provided in the Structures Performance Specification (*see* Appendix A – Performance Specifications to Contract

DRAFT

Documents, Part 3 – Design Requirements and Performance Specifications). Key elements that must be discussed include the following:

A) Type, size, and location details for all bridge structures and a wall location drawing (as applicable);

B) The system-wide design approach that will assure efficiency and aesthetic consistency for all structures;

C) Detailed information for specific structural components, including but not limited to, bearings and expansion joints;

D) Design methodology of the superstructure, substructure, walls (as applicable), and foundation systems, including computer software proposed for the Project; and

E) Construction sequencing and methodology for all structures. Specifically, installation details and equipment required for constructing the structures must be defined and explained. This must include details for installing the foundations, constructing the substructures, and erecting the superstructures for the structures.

A4.2.4 Geotechnical Subfactor

The Proposer shall prepare and submit summary geotechnical information that demonstrates how proposed design and construction will meet or exceed the requirements provided in the Geotechnical Performance Specification (*see* Appendix A – Performance Specifications to Contract Documents, Part 3 – Design Requirements and Performance Specifications). Key elements that must be discussed include the following:

A) Preliminary foundation design, describing the foundations elements to be used;

B) Installation methods;

C) Monitoring methods in ensure capacity and overall quality; and

D) Embankment design, including global local stability and settlement monitoring.

A5.0 KEY PERSONNEL AND EXPERIENCE TECHNICAL EVALUATION FACTOR

A5.1 OBJECTIVES

The following are the objectives for the Key Personnel and Experience Technical Evaluation Factor:

A) To identify Proposers that will effectively manage all aspects of the Contract in a quality, timely, and effective manner;

B) To identify the best personnel for key positions with demonstrated experience and expertise in and record of producing quality work on projects of a similar nature to this Project. The Key Personnel positions for the purposes of this Request for

DRAFT

Proposals (RFP) are identified in Contract Documents, Part 2 –DB Sections 100s, DB Section 108, Appendix 108C; and

C) To avoid contracting with personnel with a history of legal and financial problems on other projects that could adversely impact this Project generally.

A5.2 KEY PERSONNEL AND EXPERIENCE INFORMATION FOR SECTION 4 OF THE TECHNICAL PROPOSAL

The Proposer shall submit Form KP, Key Personnel Information (see Appendix C – Proposal Forms) and resumes of each of the identified Key Personnel. The Proposer should note that the Design-Builder's Project Manager (PM) must not be identified to fulfill multiple Key Personnel roles. Similarly, Key Personnel that are members of the Proposer's quality organization must not fulfill multiple roles (for example, the same person cannot be assigned as the Quality Manager and the Construction Quality Control Manager). Identifying the person who is currently named at the Design-Builder's PM in additional Key Personnel roles and/or quality organization Key Personnel in additional Key Personnel roles may result in a rating of "unacceptable" for this Key Personnel and Experience Technical Evaluation Factor. In addition, the Proposer shall submit Form CR, Commitment to Assign Identified Resources to Project, committing that the Key Personnel resources shown in the Proposer's Proposal will be available to the extent within this Proposer's control.

A6.0 MANAGEMENT APPROACH TECHNICAL EVALUATION FACTOR

A6.1 OBJECTIVES

The following are the objectives for the Management Approach Technical Evaluation Factor:

A) To identify Proposers that demonstrate a clear understanding of the Project through their proposed Project approach, including, but not limited to, quality, utility coordination, and Right-of-Way (ROW) acquisition; and

B) To identify Proposers that demonstrate sound, proven Project management techniques for conflict resolution on DB projects.

A6.2 MANAGEMENT APPROACH INFORMATION FOR SECTION 5 OF THE TECHNICAL PROPOSAL

A6.2.1 Right-of-Way Acquisition Plan Subfactor

The Proposer shall submit a brief narrative description of Proposer's proposed ROW acquisition plan, including the following components:

A) Identification of the parcels anticipated to be acquired; and

B) A description of how the acquisition of any parcels identified will be incorporated into the overall Project schedule.

DRAFT

A6.2.2 Design-Builder's Quality Plan Subfactor

The Proposer shall submit the following information pertaining to the Quality Plan:

A) An indication of the name(s), location(s), and qualifications of independent testing laboratory(ies);

B) A summary of the Proposer's proposed design and construction Quality Plans as per Contract Documents, Part 2 – DB Sections 100s, DB Sections 111, 112, and 113. The Proposer shall provide a design and construction Quality Plan that addresses all components described therein and in the order and format specified, including both design and construction Quality Control (QC) programs;

C) A narrative describing the following:

1) The roles, responsibilities, and authorities of QC personnel (design) and Quality Control and Quality Acceptance personnel (construction) over design and construction activities to ensure final product quality;

2) Assurance of how the independence of Quality Control and Acceptance activities from production staff influence will be accomplished;

3) The relationship and relative authority within the Proposer's (Design- Builder's) organization of Quality Control and Acceptance staff and design and construction production staff; and

4) How the Design-Builder's Quality Control and Acceptance Plan will be applied for construction subcontractors; and

D) A description of how design and construction activities performed by different firms will be coordinated to ensure consistency and quality.

A6.2.3 Utility Coordination Plan Subfactor

The Proposer shall submit a brief narrative description of Proposer's proposed utility coordination plan, including a description of the proposed plan to identify and avoid potential utility conflicts and proposed coordination and documentation with utility companies if relocation is unavoidable.

A6.2.4 Design-Builder's Conflict Resolution Plan Subfactor

The Proposer shall submit a detailed discussion of how it will collaboratively manage the Project, including integration of the Designer(s) into the management of the Project, interaction with the LA DOTD and any appropriate Stakeholders, and resolution of the disputes that arise on the Project, either informal or formal. The Proposer shall use specific examples from past projects similar in size, nature, and project delivery method to this Project (i.e., non-traditional, collaborative, integrated project delivery).

DRAFT

A7.0 FORMAT AND ORGANIZATION OF THE TECHNICAL PROPOSAL

The Technical Proposal must be submitted in the following format and on the forms contained in Appendix C – Proposal Forms:

TABLE A
OUTLINE FOR SUBMISSION OF THE TECHNICAL PROPOSAL

Section/Subsection Numbering	Section title and Required Information	Reference
SECTION 1	**LEGAL PASS/FAIL EVALUATION FACTOR INFORMATION**	A2.2
	• Form of Proposal;	A2.2(A)
	• Form NS, Named Subcontractors and Suppliers;	A2.2(B)
	• Secretary of State Certificate of Authority;	A2.2(C)
	• Licensing information;	A2.2(D)
	• Power(s) of Attorney;	A2.2(E)
	• Evidence of joint and several liability (for JVs, LLCs, or partnerships)	A2.2(E)(1)
	• Non-Collusion Form;	A2.2(F)
	• Form C, Single Point of Contact;	A2.2(G)
	• Form DBEC, DBE Certification (if a federal-aid project);	A2.2(H)
	• Form CRCF, Certification Regarding Use of Contract Funds for Lobbying (if a federal aid project); and	A2.2(I)
	• Organizational conflict of interest disclosure (if required).	A2.2(J)
SECTION 2	**FINANCIAL PASS/FAIL EVALUATION FACTOR INFORMATION**	A3.2
	• Surety letter of commitment.	A3.2
SECTION 3	**TECHNICAL SOLUTIONS TECHNICAL EVALUATION FACTOR INFORMATION**	A4.2
Subsection 3.1	• Maintenance of Traffic Subfactor;	A4.2.1
Subsection 3.2	• Roadway Geometry and Drainage Subfactor;	A4.2.2
Subsection 3.3	• Structures Subfactor; and	A4.2.3
Subsection 3.4	• Geotechnical Subfactor.	A4.2.4

DRAFT

Section/Subsection Numbering	Section title and Required Information	Reference
SECTION 4	**KEY PERSONNEL AND EXPERIENCE TECHNICAL EVALUATION FACTOR INFORMATION**	A.5.2
Section 4.1	• Form KP, Key Personnel Information, and resumes; and	A5.2
Section 4.2	• Form CR, Commitment to Assign Identified Resources to Project.	A5.2
SECTION 5	**MANAGEMENT APPROACH TECHNICAL EVALUATION FACTOR INFORMATION**	A6.2
Subsection 5.1	• Right-of-Way Acquisition Plan Subfactor;	A6.2.1
Subsection 5.2	• Design-Builder's Quality Plan Subfactor;	A6.2.2
Subsection 5.3	• Utility Coordination Plan Subfactor; and	A6.2.3
Subsection 5.4	• Design-Builder's Conflict Resolution Plan Subfactor.	A6.2.4

DRAFT

STATE OF LOUISIANA

US 90 (FUTURE I-49)
LA 318 INTERCHANGE
DESIGN-BUILD PROJECT

ST. MARY PARISH

STATE PROJECT NO. H.004932
FEDERAL AID PROJECT NO. H004932

DRAFT REQUEST FOR PROPOSALS

OCTOBER 21, 2014

INSTRUCTIONS TO PROPOSERS

APPENDIX B

LUMP SUM PRICE PROPOSAL INSTRUCTIONS

DRAFT

TABLE OF CONTENTS

B1.0 INTRODUCTION 1
B2.0 LUMP SUM PRICE PROPOSAL 1
B2.1 LUMP SUM PRICE PROPOSAL SUBMITTAL 2
B2.1.1 Form PP 2
B2.1.2 Schedule of Prices (Form SP) 2
B2.1.3 Preliminaries and General Requirements (Form PC1) 3
B2.1.4 Project-Wide Engineering and Design Activities (Form PC2) 3
B2.1.5 Project-Wide Maintenance of Traffic (Form PC3) 3
B2.1.6 Project-Wide Environmental Mitigation and Compliance (Form PC4) 4
B2.1.7 Project-Wide Hazardous and Contaminated Substances Remediation Activities (Form PC5) 4
B2.1.8 Form PCD 4
B2.1.9 Total Proposed Lump Sum Contract Price 4
B2.1.10 Form PPS-P 4
B2.1.11 Form PCP 5
B2.1.12 Proposed Baseline Progress Schedule 5
B2.1.13 Letter of Subcontractor Intent 5
B2.2 PROPOSAL BOND 6
B3.0 FORMAT FOR SUBMISSION OF THE LUMP SUM PRICE PROPOSAL 6

DRAFT

B1.0 INTRODUCTION

This Appendix B – Lump Sum Price Proposal Instructions to the Instructions to Proposers (ITP) specifies the lump sum pricing information to be submitted by all Proposers.

All forms named herein are found in Appendix C – Proposal Forms to the Instructions to Proposers unless otherwise noted.

The Proposer shall submit all information as specified herein using the forms and formats specified. Alterations to the forms will only be permitted where specifically allowed and/or to allow for expansion of spaces for responses in order to accommodate inclusion of the information requested.

B2.0 LUMP SUM PRICE PROPOSAL

The Proposer shall provide a Lump Sum Price Proposal using the forms listed herein and provided in Appendix C – Proposal Forms to this ITP. Failure to provide the requested information on the forms and in the format specified may result in the Louisiana Department of Transportation and Development (LA DOTD) declaring the Lump Sum Price Proposal non-responsive. Any alterations, additions, or deletions to the forms identified in Appendix C – Proposal Forms, other than to appropriately complete the forms, may render a Lump Sum Price Proposal non-responsive and ineligible for Award.

Upon Award, the appropriate Lump Sum Price Proposal of the selected Proposer will be incorporated into the Contract in Contract Documents Part 6 – Design-Builder's Proposal.

The Proposer shall submit the Lump Sum Price Proposal under separate cover, clearly marked as required in ITP, Section 2.7.1(A) by the Proposal due date to the addressee and address specified in ITP, Section 1.7.2.

The Lump Sum Price Proposal must consist of the following items:

A) The Proposal Bond;

B) Form PP, Lump Sum Price Proposal cover sheet;

C) Form SP , Schedule of Prices;

D) Form PC1, Preliminaries and General Requirements;

E) Form PC2, Project-Wide Engineering and Design Activities;

F) Form PC3, Project-Wide Maintenance of Traffic;

G) Form PC4, Project-Wide Environmental Mitigation and Compliance;

H) Form PC5, Project-Wide Hazardous and Contaminated Substances Remediation Activities;

DRAFT

I) Form PPS-P, Proposal Periodic Payment Schedule;

J) Form PCP, Schedule of Progress Checkpoints;

K) Form PCD, Price Center Descriptions;

L) Proposed Baseline Progress Schedule; and

M) Form LSI, Letter of Subcontract Intent.

B2.1 LUMP SUM PRICE PROPOSAL SUBMITTAL

The Proposer shall submit the forms identified in Section B2.0 in a separate, sealed envelope.

B2.1.1 Form PP

The Proposer shall secure Form PP to the outside of the envelope containing the forms listed in Section B2.0. The signature requirements for Form PP are the same as the signature requirements for the Form of Proposal. (*See* Appendix A – Technical Proposal Instructions, Section A2.2(A).)

B2.1.2 Schedule of Prices (Form SP)

The Proposer shall complete and submit Form SP (*see* Appendix C – Proposal Forms) in compliance with the following instructions:

A) The Proposer shall provide a proposed lump sum price [the Price Center Value (PCV)] for each Price Center on Form SP. If the Proposer shows any components for a Price Center, such as Material, the Proposer shall show a lump sum price for such components on Form SP;

B) If the Proposer plans to request payment for any Material upon delivery to the Site, the Proposer shall identify the specific type of Material and the price assigned to the Material on Form SP as a component of the appropriate Price Center;

C) The PCV must be the total price to complete all Work in that Price Center, including such planning, management, overhead, use of tools and equipment, and other Work as required to complete such Work and such costs necessary to integrate the Work with the Work in other Price Centers, except those costs included in other Price Centers;

D) The PCV for Price Center 1 must be a value between 10% and 20% of the proposed Lump Sum Contract Price. The price of the mobilization activity within Price Center 1 must not exceed six percent of the proposed Lump Sum Contract Price;

E) For Price Center 2, the Proposer shall provide a lump sum price for each of the components listed on Form PC2;

DRAFT

F) The Price Center titles, contents, and limits on Form SP must match those shown on Form PCD;

G) The sum of all PCVs must equal the proposed Lump Sum Contract Price for the Project;

H) The proposed Lump Sum Contract Price must be indicated both numerically and in words; and

I) The Proposer shall submit on Form SP the number of calendar days from Notice to Proceed (NTP) to Final Acceptance. In no event will the number of calendar days to Final Acceptance for the Project exceed 1,100 calendar days. The Proposer may propose less than the number of days cited above.

B2.1.3 Preliminaries and General Requirements (Form PC1)

The contents of Price Center 1, Preliminaries and General Requirements, are shown on Form PC1 (*see* Appendix C – Proposal Forms). The Proposer may add activities to (but not delete activities from) Form PC1 as appropriate to reflect its plan to carry out the Work. The Proposer shall provide a price for each activity on Form PC1.

The PCV of Price Center 1 (which includes the price for mobilization) must not be less than ten percent nor more than 20% of the proposed Lump Sum Contract Price.

B2.1.4 Project-Wide Engineering and Design Activities (Form PC2)

The Proposer shall show design activities and components on Form PC2 (*see* Appendix C – Proposal Forms).

The components of Price Center 2, Project-Wide Engineering and Design Activities, are shown on Form PC2. The Proposer may add and/or revise engineering and/or design activities to describe the components of Price Center 2. The Proposer shall ensure Form PC2 is consistent with the major Design Units designated on Form DU, Design Unit Descriptions. The Proposer shall provide a lump sum price for each activity shown on Form PC2. The sum of the lump sum prices of the activities will be the PCV for Price Center 2.

B2.1.5 Project-Wide Maintenance of Traffic (Form PC3)

For Price Center 3, Project-Wide Maintenance of Traffic, the Proposer shall provide lump sum prices for the activities shown on Form PC3 (*see* Appendix C – Proposal Forms). The Proposer may add activities as appropriate to reflect its plan to carry out the Work. The sum of all lump sum prices of the activities will be the PCV for Price Center 3.

DRAFT

B2.1.6 Project-Wide Environmental Mitigation and Compliance (Form PC4)

For Price Center 4, Project-Wide Environmental Mitigation and Compliance, the Proposer shall provide lump sum prices for the activities shown on Form PC4 (*see* Appendix C – Proposal Forms). The Proposer may add activities as appropriate to reflect its plan to carry out the Work. The sum of all prices of the activities will be the PCV for Price Center 4.

B2.1.7 Project-Wide Hazardous and Contaminated Substances Remediation Activities (Form PC5)

For Price Center 5, Project-Wide Hazardous and Contaminated Substances Remediation Activities, the Proposer shall provide a lump sum price for the activities shown on Form PC5 (*see* Appendix C – Proposal Forms). The sum of the prices of the activities will be the PCV for Price Center 5.

B2.1.8 Form PCD

The Proposer shall complete and submit Form PCD, Price Center Descriptions, describing the Price Centers, especially including all the Price Centers not previously described on a Form PC1 through PC5. The Proposer shall adequately describe the physical features and activities included in the Price Center and include all Work included in the Price Center Value of each Price Center as reflected on Form SP (*see* Appendix C – Proposal Forms).

See Contract Documents, Part 2 – DB Sections 100s, DB Section 109-1.1, regarding instructions for describing Price Centers.

B2.1.9 Total Proposed Lump Sum Contract Price

The total proposed Lump Sum Contract Price must be provided for the Project on Form SP, along with the proposed calendar days from NTP to Final Acceptance. The total proposed Lump Sum Contract Price must equal the sum of the PCVs as shown on Form PCD.

B2.1.10 Form PPS-P

The Proposer shall submit a Proposal Periodic Payment Schedule (PPS-P) on Form PPS-P.

The PPS-P must cover the entire period of the Contract specified in monthly increments through Final Acceptance.

The cumulative periodic payment percentages in the PPS-P must be reasonably compatible with the progress of Work indicated in the Proposed Baseline Progress Schedule. “Reasonably compatible” means that the cumulative percentage shown at the quarter points (25%, 50%, and 75%) on the PPS-P must be within ten percent of the cumulative percentages shown on the Proposed Baseline Progress Schedule for each Price Center.

The Proposer shall distribute the proposed Lump Sum Contract Price over the period of the Contract within the limitations described in this Section B2.1.10 to indicate the Proposer’s desired payment schedule. The resulting curve will be the PPS-P.

DRAFT

In developing the PPS-P, the Proposer shall note the requirements for the Contract Periodic Payment Schedule (Form PPS-C) in Part 2 – DB Sections 100s, DB Section 109-1.3.

B2.1.11 Form PCP

The Proposer shall submit Form PCP (*see* Appendix C – Proposal Forms and Contract Documents, Part 2 – DB Sections 100s, DB Section 109-1.4).

B2.1.12 Proposed Baseline Progress Schedule

The term "Proposed Baseline Progress Schedule" as used herein means the time-scaled, critical path network depicting Project Sections, Price Centers and subordinate activities and their respective durations, and sequences and inter-relationships that represent the Proposer's Work plan for designing, constructing, and completing the Project.

The Proposer shall submit a Proposed Baseline Progress Schedule for the Project meeting the following requirements:

A) The Proposed Baseline Progress Schedule must be in color hardcopy format and Primavera P3 or P6 format on CD-ROM;

B) The Proposed Baseline Progress Schedule must be consistent with the LA DOTD's Project Sections and preferred Price Centers listed on Form PCD for Price Centers 1 through 5 (*see* Appendix C – Proposal Forms), as well as the Design-Builder's identified Price Centers (i.e., all Price Centers above PC5). Except where a Price Center is shown as a mandatory Price Center, the Proposer may adjust this list to more accurately reflect planned sequences and methods, however, the level of detail shall be similar to that reflected in the list of preferred Price Centers. Mobilization must not be shown as a Price Center. Mobilization must be shown as an activity under Price Center 1;

C) All Price Centers must be assigned to the Project as described in Part 2 – DB Sections 100s, DB Sections 109-1 and 109-2 and shown on Form PCD;

D) The Proposed Baseline Progress Schedule must reflect all Work included in the proposed Lump Sum Contract Price; and

E) The Proposed Baseline Progress Schedule shall show Final Acceptance no later than 1,100 calendar days from Notice to Proceed.

B2.1.13 Letter of Subcontractor Intent

The Proposer shall include Form LSI, Letter of Subcontractor Intent, (*see* Appendix C - Proposal Forms) for each Subcontractor identified on Form NS, Named Subcontractors, including Disadvantaged Business Enterprises (DBE).

DRAFT

B2.2 PROPOSAL BOND

The Proposer shall submit the Proposal Bond with the Lump Sum Price Proposal.

See also Instructions to Proposers Section 3.3.

B3.0 FORMAT FOR SUBMISSION OF THE LUMP SUM PRICE PROPOSAL

The Proposer shall organize and submit the Lump Sum Price Proposal in the format shown in Table B-1, Lump Sum Price Proposal, by the Proposal due date.

TABLE B-1
Lump Sum Price Proposal

Section	Description	Appendix Reference
Section 1 (affixed to outside of sealed envelope)	Form PP Lump Sum Price Proposal Cover Sheet	B2.1.1
Section 2	• Form SP Schedule of Prices;	B2.1.2
	• Form PC1 Preliminaries and General Requirements;	B2.1.3
	• Form PC2 Project-Wide Engineering and Design Activities;	B2.1.4
	• Form DU Design Unit Descriptions;	B2.1.4
	• Form PC3 Project-Wide Maintenance of Traffic;	B2.1.5
	• Form PC4 Project-Wide Environmental Mitigation and Compliance;	B2.1.6
	• Form PC5 Project-Wide Hazardous and Contaminated Substances Remediation Activities;	B2.1.7
	• Form PCD Price Center Descriptions;	B2.1.8
	• Form PPS-P Proposal Periodic Payment Schedule;	B2.1.10
	• Form PCP Schedule of Progress Checkpoints;	B2.1.11
	• Proposed Baseline Progress Schedule; and	B2.1.12
	• Form LSI Letter of Subcontractor Intent.	B2.1.13
Section 3	• Proposal Bond.	B2.2

DRAFT