

**STATE OF LOUISIANA**

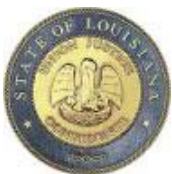
**US 90 (I-49 SOUTH)  
ALBERTSON'S PARKWAY TO  
AMBASSADOR CAFFERY  
DESIGN-BUILD PROJECT**

**LAFAYETTE PARISH**

**STATE PROJECT NO. H.010620  
FEDERAL AID PROJECT NO. H010620**

**REQUEST FOR PROPOSALS  
CONTRACT DOCUMENTS**

**PART 1 – DESIGN-BUILD AGREEMENT**



## DESIGN-BUILD AGREEMENT

This Design-Build (DB) Agreement is made and executed in five originals between the Louisiana Department of Transportation and Development acting through its Secretary, hereafter designated as the "LA DOTD," and \_\_\_\_\_ **[Insert the name of the Design-Builder]** \_\_\_\_\_, hereafter designated as the "Design-Builder."

The LA DOTD did advertise for, receive, and accept a Proposal from the Design-Builder for work on an LA DOTD DB project identified as State Project No. H.010620 and Federal Aid Project No. H010620.

The Design-Builder's submission is evidenced by a copy of the Proposal incorporated herein as part of the Contract Documents defined hereafter.

In consideration of the agreements herein contained, to be performed by the parties hereto and of the payments hereafter agreed to be made, it is mutually agreed by both parties that:

### 1.0 CONTRACT DOCUMENTS

The Contract consists of the "Contract Documents" including, but not limited to, the following:

- A) Part 1 – Design-Build Agreement (this instrument);
- B) Appendix A – Project Scope, to this Design-Build Agreement;
- C) Payment, Performance, and Retainage Bond Form and/or Retainage Agreement;
- D) Part 2 - Design-Build Sections 100s, including appendices;
- E) Part 3 – Design Requirements and Performance Specifications, including appendices;
- F) Part 4 – Request for Proposals Plans, including appendices;
- G) Part 5 – Engineering Data, including all documents listed as included in the Engineering Data; and
- H) Part 6 – Design-Builder's Proposal.

For these purposes, all of the provisions contained in the listed Contract Documents are attached and incorporated herein by reference with the same force and effect as though said Contract Documents were herein set out in full.

### 2.0 INTENT OF CONTRACT

The Design-Builder agrees to the terms and requirements for the intent of the Contract to provide all Materials, Equipment, and labor and perform the Work required, as broadly described in Appendix A – Project Scope to this DB Agreement and as specifically defined in Parts 2 through 6 of the Contract Documents, to complete the US 90 (I-49 South) DB Project (Project) in a thorough and workmanlike manner to the satisfaction of the appropriate officials of the LA DOTD.

### 3.0 LUMP SUM CONTRACT PRICE

The total Lump Sum Contract Price for this Project is \$\_\_\_\_\_ **[Insert the total contract amount]**\_\_\_\_\_. The Design-Builder agrees to accept and the LA DOTD agrees to pay for the Work in lawful money of the United States (US) in a timely manner as set forth in the Contract.

### 4.0 CONTRACT TIME

The entire Contract must be completed in all details and ready for final acceptance by \_\_\_\_\_ **[Insert the final acceptance date]**\_\_\_\_\_ (within 1186 calendar days).

Performance of Work on this Contract must begin on the date stipulated in the Notice to Proceed (NTP) and must be completed within the time specified in the Contract Documents, subject to such extensions as may be authorized.

### 5.0 ALTERATION OF CONTRACT

The Design-Builder agrees to the terms and requirements for alteration of the Contract, as such are contained in Part 2 – DB Sections 100s.

### 6.0 STIPULATED DAMAGES

The Design-Builder agrees to the assessment of stipulated damages as provided in the Contract Documents at Part 2 – DB Sections 100s, DB Section 108-8.

The LA DOTD agrees to the assessment of stipulated damages as provided in the Contract Documents at Part 2 – DB Sections 100s, DB Section 108-8.

### 7.0 DAMAGE CLAIMS

The Design-Builder acknowledges that it has reviewed and understands the Contract and specifically agrees to be bound by the terms and conditions thereof.

### 8.0 JOINT EFFORT

This Contract will be deemed for all purposes prepared by the joint efforts of the parties hereto and will not be construed against one party or the other as a result of the preparation, drafting, submittal, or other event of negotiation, drafting, or execution of the DB Agreement. This Article 8.0 specifically excludes Part 6 – Design-Builder's Proposal and any additional plans, specifications, means, methods, or other documentation prepared by the Design-Builder pursuant to this Contract.

### 9.0 ASSIGNMENT

This Contract may not be assigned by the Design-Builder, or its rights, title, or interest therein assigned, transferred, conveyed, sublet, or disposed of without the previous consent, in writing, of the LA DOTD. Any attempts to assign the Contract without the LA DOTD's written consent are null and void.

**10.0 SUCCESSORS AND ASSIGNS**

This Contract will bind the successors, assigns, and representatives of the parties hereto.

This Contract will become effective on the date all parties hereto have signed the same.

**11.0 GOVERNING LAW**

This Contract will be governed by the laws of the State of Louisiana, except where the federal supremacy clause requires otherwise.

**In witness whereof**, the Secretary has hereunto subscribed her name, and the same has been approved by the appropriate officials of the LA DOTD and the Design-Builder has also hereunto subscribed its name.

**DESIGN-BUILDER**

\_\_\_\_\_  
(Federal Identification Number)

By: \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Date)

**LOUISIANA DEPARTMENT OF  
TRANSPORTATION AND  
DEVELOPMENT**

By: \_\_\_\_\_

**SECRETARY**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Date)

Approved By: \_\_\_\_\_

\_\_\_\_\_  
(Date)

**STATE OF LOUISIANA**

**US 90 (I-49 SOUTH)**  
**ALBERTSON'S PARKWAY TO**  
**AMBASSADOR CAFFERY**  
**DESIGN-BUILD PROJECT**

**LAFAYETTE PARISH**

**STATE PROJECT NO. H.010620**  
**FEDERAL AID PROJECT NO. H010620**

**REQUEST FOR PROPOSALS**  
**CONTRACT DOCUMENTS**

**PART 1 – DESIGN-BUILD AGREEMENT**  
**APPENDIX A - PROJECT SCOPE**



**TABLE OF CONTENTS**

**1.0 INTRODUCTION ..... 1**

**2.0 PROJECT CONFIGURATION ..... 1**

    2.1 Project Limits ..... 1

    2.2 Project-Wide Requirements ..... 1

**3.0 PROPOSED IMPROVEMENTS ..... 2**

**4.0 ASSOCIATED WORK ..... 5**

**5.0 BASIC PROJECT CONFIGURATION ..... 6**

    5.1 Standard for Determining Materiality of Change in Basic Project Configuration ..... 7

**6.0 PROJECT SPECIAL PROVISIONS ..... 7**

    6.1 Environmental Mitigation and National Environmental Policy Act Re-Evaluation ..... 7

    6.2 Right-of-Way Acquisition ..... 7

## 1.0 INTRODUCTION

This Part 1 – Design-Build (DB) Agreement, Appendix A - Project Scope, to the DB Contract provides a summary description of the physical components of the US 90 (I-49 South) DB Project (Project) that the Design-Builder shall design, construct, and/or install and the associated management, control, monitoring, compliance, and professional services and other elements of the Work.

The Design-Builder shall not rely solely on the description contained in this Appendix A - Project Scope to identify all Project components to be designed, constructed, and/or installed. The Design-Builder shall determine the full scope of the Project through thorough examination of the Contract Documents, the Project Site, and as may be reasonably inferred from such examination.

The Design-Builder shall design, furnish, construct, repair, and/or install all components of the Project meeting the requirements of the Contract Documents, except where the Louisiana Department of Transportation and Development (LA DOTD) will furnish and/or install the items as listed in Section 6.0.

## 2.0 PROJECT CONFIGURATION

The Project includes the major components listed in this Appendix A – Project Scope.

### 2.1 PROJECT LIMITS

This Project is a corridor improvement to US 90, LA 182, and associated frontage roads in Lafayette Parish. The southerly construction Project limit (as measured along US 90) is approximately 2,300 feet north of the US 90/Ambassador Caffery intersection. The northern construction Project limit shall extend beyond the proposed grade separated structure at Albertson’s Parkway for a distance as required by the American Association of State Highway and Transportation Officials (AASHTO) to tie into the existing six-lane facility in terms of both vertical and horizontal geometry (*see* Part 4 - Request for Proposals Plans and Part 5 - Engineering Data, Final Environmental Impact Statement (FEIS) Plate 5-2). This terminus is in the vicinity of the existing US 90/Celebrity Drive intersection. The limit for Work on LA 182, as well as the east side frontage road extends from LA 96 through their respective intersections with Albertson’s Parkway (not inclusive of necessary transitions and intersection improvements).

### 2.2 PROJECT-WIDE REQUIREMENTS

The Project includes the following:

- A) Upgrading a portion of US 90 in Lafayette Parish, from an existing four-lane facility to a six-lane controlled access facility that meets Interstate standards (F-2 roadway classification);
- B) Providing a system of frontage roads that provides connectivity to highways, ramps, and businesses within the Project limits;
- C) Minimal lowering of the existing Level of Service on all existing roadways in the Project vicinity during the Project duration;
- D) Providing for Project and public safety, including emergency operations;
- E) Providing relief and improvements for localized drainage issues;

- F) Considering existing (as well as permitted, but not constructed) utilities during design and construction to avoid and/or minimize utility conflicts. The Project also includes utility coordination and relocation, as required;
- G) Acquiring necessary Right-of-Way, as determined by final design; and
- H) Providing systematic signalization for functionality of the intersection of US 90 and the frontage road system, ramps, and Albertson's Parkway at the new US90/Albertson's Parkway interchange.

### 3.0 PROPOSED IMPROVEMENTS

The proposed improvements included in the Project Scope will include, but are not limited to, the following:

#### A) Pavement Construction

- 1) Mainline US 90 Pavement Replacement - Removal and replacement of the existing US 90 mainline pavement structure with a new full-depth pavement section (in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification) in order to construct a new six-lane facility with shoulders and acceleration lanes. The southerly terminus shall begin approximately 2,300 feet north of the Ambassador Caffery intersection with full width widening (six 12-foot lanes and shoulders) utilizing striping to transition from the existing four-lane facility to the proposed six-lane facility. The reconstruction shall extend beyond the proposed grade separated structure at Albertson's Parkway for a distance as required by AASHTO, in terms of vertical and horizontal geometry, to tie into the existing six-lane facility (*see* Part 4 - Request for Proposals Plans and Part 5 - Engineering Data, FEIS Plate 5-2);
- 2) East Side Frontage Road - Construction of a new two-lane one-way frontage road with shoulders (and auxiliary lanes as required) on the east side of the US 90 mainline. This frontage road will be aligned with the through lanes of the entrance ramp at Albertson's Parkway to the north (*see* Section 3.0(A)(3)) and shall:
  - a) Accept the traffic flow from the proposed exit ramp from the westbound US 90 mainline;
  - b) Provide an entrance ramp to the westbound US 90 mainline;
  - c) Provide connectivity to Old Farm Road and a portion of the existing frontage road; and
  - d) Provide the appropriate turning movements at the intersection with Albertson's Parkway based on traffic capacity needs (*see* Part 5 - Engineering Data – Traffic Data). At a minimum, the movements shall provide a dedicated "U-turn," a dedicated left, a shared through and left, and a shared through and right turn movements;

If the existing easterly frontage road is utilized as a component of the proposed East Side Frontage Road then it shall be reconstructed in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification. Furthermore if the existing frontage road is used for temporary traffic control and/or detours, then the construction sequencing shall be such that this Work will occur after the detour traffic is shifted off this roadway;



- 3) Westbound US 90 Entrance Ramp at Albertson's Parkway - Construction of a new two-lane US 90 entrance ramp with shoulders. The proposed two lanes shall be aligned with the easterly frontage road to provide through movement of the easterly frontage road;
- 4) Existing Easterly Entrance/Exit ramp system - Rehabilitation of the existing pavement structure section and shoulders (in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification) to provide access to the proposed easterly frontage road and any remaining portions of the existing frontage road. Roadways no longer utilized shall be removed;
- 5) West Side Frontage Road - Construction of a new two-lane one-way frontage road with shoulders (and auxiliary lanes as required) on the west side of US 90. The frontage road shall be aligned with the through lanes of the proposed exit ramp to Albertson's Parkway to the north (*see* Section 3.0(A)(6)) and shall provide:
  - a) An entrance ramp to the eastbound US 90 mainline;
  - b) Free flow access to eastbound LA 182;
  - c) Connectivity to St. Etienne Road;
  - d) Connectivity to westbound LA 182; and
  - e) Connectivity to the proposed "U-turn" of the proposed frontage road system;
- 6) Eastbound US 90 Exit Ramp at Albertson's Parkway - Construction of a new exit ramp with shoulders from the US 90 mainline to Albertson's Parkway that provides the appropriate turning movements based on traffic capacity needs (*see* Part 5 - Engineering Data, Traffic Data). At a minimum, the movements shall provide a dedicated left, shared through and left, and a shared through and right turn movement;
- 7) LA 182 (LA 96 to St. Etienne Road) - Removal and replacement of the existing pavement structure with a new full-depth pavement section (in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification) to construct a two-lane one-way facility with shoulders;
- 8) LA 182 (St. Etienne Road to Albertson's Parkway) - Reconstruction of the existing pavement structure and shoulders (in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification) keeping the existing two-lane, two-way traffic patterns in place. If LA 182 is used for temporary traffic control and/or detours, then the construction sequencing shall be such that this Work will occur after the detour traffic is shifted off of LA 182;

**B) Structures**

- 1) US 90 at Albertson's Parkway - Construction of a new US 90 overpass structure(s) providing six-lanes and shoulders at Albertson's Parkway. A minimum 130 foot main span is required. Pile bents are not be allowed. Under-bridge and decorative column lighting is required. The horizontal and vertical clearances of the substructure shall accommodate any turnarounds required on both the north and south sides of Albertson's Parkway. (*See* Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Structures Performance Specification and Part 4 - RFP Plans.); and

- 2) US 90/Burlington Northern Santa Fe Railway Company Overpass - Removal of the existing Burlington Northern Santa Fe Railway Company (BNSF) structures and construction of new US 90 overpass structure(s) providing six-lanes and shoulders over BNSF. The horizontal and vertical clearances of the substructure shall accommodate LA 182 and any turnarounds required on both the north side (and south side –future full build out) of BNSF. *See* Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, BNSF Railroad Coordination Performance Specification and MOU for additional railroad bridge design requirements;

**C) Roadway Geometry**

- 1) US 90 Mainline - Widening of the existing four-lane facility to a six-lane facility with shoulders and auxiliary lanes. Widening to the inside shall require the use of a median barrier;
- 2) LA 182 – Reorganization of existing LA 182 traffic flow to provide the following movements within the stated limits:
  - a) One-Way Traffic Flow: Eastbound towards New Iberia between St. Etienne Road and LA 96; and
  - b) Two-Way Traffic Flow: LA 96 proceeding southeast towards New Iberia and between St. Etienne Road and Albertson’s Parkway.

(*See* Part 4 - RFP Plans.);

- 3) US 90 Frontage Roads - Traffic flow shall provide one-way traffic patterns as stated below:
  - a) West side frontage road: One-way eastbound (southerly); and
  - b) East side frontage road: One-way westbound (northerly);
- 4) Existing Albertson’s Parkway/LA 182 Intersection - Removal of existing signalization and reorganization of the intersection to restrict movements crossing the Albertson’s Parkway centerline. Directional striping and access islands shall be provided. LA 182 to the north of Albertson’s Parkway shall limit turning movements to right-in and right-out movements from/to Albertson’s Parkway.

The Project includes construction of a southerly turnaround (and shall provide for a future northerly turnaround) underneath the proposed Albertson’s Parkway overpass structure(s)). All vertical and horizontal clearances must be maintained (*see* Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Roadway Performance Specification and Structures Performance Specification).

The Project includes removal of the existing eastbound US 90 exit ramp, which loops back to eastbound LA 182 (*see* Part 4 - RFP Plans). The Project also includes removal of the existing eastbound US 90 entrance ramp tie-in connection (*see* Part 4 - RFP Plans). The dead end east side frontage road shall connect with the remaining and newly constructed eastbound US 90 entrance ramp (*see* Part 4 - RFP Plans).

- 5) West Side Frontage Road/St. Etienne Road Intersection – Provide the following movements:
  - a) From Frontage Road onto eastbound LA 182 - free-flow;
  - b) From Frontage Road right onto LA 182;
  - c) From Frontage Road through to St. Etienne Road;

- d) From St. Etienne Road left and right onto LA 182; and
- e) From LA 182 travelling eastbound/southbound - through and right;

**D) Signalization**

- 1) Removal of the existing US 90/Albertson's Parkway intersection signalization;
- 2) Removal of the existing LA 182/Albertson's Parkway intersection signalization; and
- 3) Design and installation of new signalized intersections at Albertson's Parkway and the Frontage Roads (both east and west sides); and

**E) Permanent Signage**

- 1) In addition to all Manual on Uniform Traffic Control Devices-required permanent signage required for this Project, the Project shall include the design and installation of a cantilever overhead sign truss and exit sign at or prior to the crest of the eastbound US 90 overpass at Albertson's Parkway; and
- 2) Design and installation of a cantilever overhead sign truss and exit sign at or prior to the crest of the westbound US 90 railroad overpass at BNSF.

**4.0 ASSOCIATED WORK**

The Design-Builder shall, in association with the design and construction of the physical components of the Project, perform the following elements of Work:

- A) Provide definitive corridor plans depicting the Future Full Build Out of the Project showing how the Project Scope associated with this Contract can be constructed while providing expandability to the construction of the Future Full Build Out. This will be depicted on the Future Full Build Out Definitive with a geometric design basis;
- B) The associated aesthetics of Albertson's Parkway overpass substructure elements;
- C) Design and construction management;
- D) Coordination with Project Stakeholders and other contractors adjacent to the Work;
- E) Design Quality Control (QC) and design review (*see* Contract Documents, Part 2 – DB Sections 100s, DB Section 111);
- F) Construction Quality Control (*see* Contract Documents, Part 2 – DB Sections 100s, DB Section 112);
- G) Quality Assurance and Quality Acceptance;
- H) Environmental mitigation and compliance monitoring (*see* Contract Documents, Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, Environmental Performance Specification);
- I) Any additional environmental investigations and monitoring associated with or resulting from the Design-Builder's actions;
- J) Maintenance of traffic and access to property (both temporary and permanent) (*see* Contract Documents, Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, Maintenance of Traffic Performance Specification);
- K) Project safety and security;

## Louisiana Department of Transportation and Development

---

- L) Any necessary Preliminary Engineering (such as surveys and geotechnical investigations) not provided by the LA DOTD;
- M) Any necessary harmful and hazardous materials remediation (design and construction);
- N) Drainage and erosion control;
- O) Installation of signalization, signage, guardrail, and pavement markings. This Work will include an evaluation of the existing pier protection systems and any improvements necessary to bring the facility to current standards;
- P) Demolition and construction waste disposal and handling;
- Q) Required clearances, licenses, construction easements, and permits for the Design-Builder's Work, Work sites, and storage areas on- or off-site;
- R) Any necessary ancillary Work, such as, access roads, driveways, temporary fencing, relocation of drainage, Work sites, and temporary Work;
- S) Location, acquisition, permits, and transportation for Material;
- T) All survey work necessary to produce final plans;
- U) Coordination of the relocation of any utilities and municipal drainage facilities and the design and relocation of any utilities as designated in the Contract Documents, Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, Utilities Performance Specification;
- V) Site clearance;
- W) Maintenance of the Project during the Contract period (*see* Contract Documents, Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, Maintenance during Construction Performance Specification); and
- X) Any other activities, functions, or elements necessary to the successful completion of the Project.

### 5.0 BASIC PROJECT CONFIGURATION

The Basic Project Configuration shall consist of the following:

- A) The horizontal and vertical alignments;
- B) Number of interchanges;
- C) Number of bridges;
- D) Number of lanes (except for tapers, transitions, and intersections);
- E) The general location of the limits of the Project;
- F) The minimum vertical and horizontal clearances;
- G) The Right-of-Way (ROW) limits; and
- H) Control of Access Limits.

**5.1 STANDARD FOR DETERMINING MATERIALITY OF CHANGE IN BASIC PROJECT CONFIGURATION**

The following are the standards for determining materiality of Basic Project Configuration changes:

- A) Any change to the Project that affects the Project ROW limits or the minimum vertical and/or horizontal clearances;
- B) A change in the termini of the Project (either or both) by more than one hundred feet longitudinally; and/or
- C) Any change in Section 5.1(A) through (B) requiring a change in the permits secured from the United States (US) Army Corps of Engineers (COE).

*See Contract Documents, Part 2 – DB Sections 100s, DB Section 104.*

**6.0 PROJECT SPECIAL PROVISIONS**

**6.1 ENVIRONMENTAL MITIGATION AND NATIONAL ENVIRONMENTAL POLICY ACT RE-EVALUATION**

A Record of Decision (ROD) for Interstate-49 (I-49) from Lafayette Airport to LA 88 was issued in October 2005, which included the current Project. (*See Part 5 - Engineering Data.*) An update to that environmental documentation exclusively for the limits of this Project is required and currently underway.

Federal regulations permit a Contract to be awarded and preliminary design work to be performed before FHWA issues an environmental approval. Nothing contained in this Contract commits the LA DOTD or the Design-Builder to the construction of the Project or any Project alternative unless an environmental approval is obtained (and then only to the extent set forth in the environmental approval). Any Work described herein is subject to adjustment due to any determinations as a result of the final environmental documentation and permits, including adjustment in accordance with Part 2 - DB Sections 100s, DB Section 104-8.4.

This Contract will proceed in accordance with 23 CFR 636.109 and 23 CFR 636.302.

**6.2 RIGHT-OF-WAY ACQUISITION**

The Design-Builder shall provide Right-of-Way (ROW) acquisition services under this Contract for property identified to be necessary for the Project as determined by final design.

The Design-Builder shall conduct ROW acquisition services up to and until expropriation of property, including, but not limited to, those activities identified in Part 3 - Design Requirements and Performance Specifications, Appendix A - Right-of-Way Acquisition Performance Specification. All activities conducted by the Design-Builder under this Contract must be performed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC Chapter 61) and with 23 Code of Federal Regulations Part 710, specifically 23 CFR 710.313 ("Design-Build Projects").

In the event of any conflict between the provisions of this Section 6.2; the provisions of Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, ROW

Acquisition Performance Specification; and Part 2 - DB Sections 100s, DB Section 107-20, the following order of precedence shall occur:

## Louisiana Department of Transportation and Development

---

- A) This Section 6.2;
- B) The ROW Acquisition Performance Specification; and
- C) DB Section 107-20 (including DB Sections 107-20.1, 107-20.2, and 107-20.3).