

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

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 [The name of the Design-Builder will be inserted here.] _____, 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.004932 and Federal Aid Project No. H004932.

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 (Future I-49) LA 318 Interchange 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 \$_____. **[The Lump Sum Contract Price will be inserted here]**_____. 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 _____ **[The final acceptance date will be inserted here.]** (within _____ **[The number of calendar days will be inserted here.]** 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.

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.

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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)

Witness

By: _____

Witness

(Date)

**LOUISIANA DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT**

Witness

By: _____
SECRETARY

Witness

(Date)

Approved By: _____

(Date)

STATE OF LOUISIANA

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

ST. MARY PARISH

**STATE PROJECT NO. H.004932
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**REQUEST FOR PROPOSALS
CONTRACT DOCUMENTS**

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



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1.0 INTRODUCTION

This Part 1 – Design-Build (DB) Agreement, Appendix A - Project Scope, to the Contract provides a summary description of the physical components of the US 90 (Future I-49) LA 318 Interchange 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 items.

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 318, and associated frontage roads in St. Mary Parish. The Project consists of the reconstruction of the mainline of US 90 (Future I-49), reconstruction of LA 318, and providing a frontage road system. The Project includes a new grade separated interchange at the existing LA 318 intersection. The Project limits along US 90 extend approximately 6,000 feet northwest to approximately 3,000 feet southeast of the existing LA 318 intersection. The length of reconstruction of LA 318 is approximately 2,000 feet southwest and approximately 2,700 feet northeast of US 90.

2.2 PROJECT-WIDE REQUIREMENTS

The Project includes the following:

- A) Reconstruction of a portion of US 90 in St. Mary Parish, with a four-lane controlled access facility that meets Interstate standards (F-3 roadway classification);
- B) Reconstruction and widening of LA 318 to a two-way, two-lane roadway with median and shoulders (RC-3 roadway classification);
- C) A system of frontage roads (RC-2 roadway classification) that provides connectivity to highways, ramps, businesses, and residences within the Project limits;

- D) Minimal lowering of the existing Level of Service on all existing roadways in the Project vicinity during the Project duration;
- E) Project and public safety, including emergency operations;
- F) Relief and improvements for localized drainage issues;
- G) Consideration of 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; and
- H) Acquisition of all necessary Right-of-Way (ROW), as determined by final design.

3.0 PROPOSED IMPROVEMENTS

The proposed improvements included in the Project 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 order to reconstruct the four-lane facility with shoulders and acceleration lanes. The construction shall include rumble strips for both the inside and outside shoulders and an underdrain system. The northerly terminus shall begin approximately 3,000 feet northwest of the LA 318 intersection with full width reconstruction (four 12-foot lanes and shoulders). The reconstruction shall extend to a southerly terminus approximately 3,000 feet southeast of the LA 318 intersection. (See Part 4 - Request for Proposals Plans and Part 5 - Engineering Data, Final Environmental Assessment Figure 2-17.) The existing median cross over located at Gibby Road shall be removed;
- 2) South Side US 90 Frontage Road - Construction of a new two-lane two-way frontage road with shoulders on the south side of the US 90 mainline. This frontage road will be aligned to provide 500 feet of control of access along LA 318 from the exit/entrance ramps with US 90 and the south side frontage road. Roadways no longer utilized shall be removed. (See Part 5 - Engineering Data, Final Environmental Assessment Figure 2-17.);
- 3) North Side Frontage Road - Construction of a new two-lane two-way frontage road with shoulders on the north side of the US 90 mainline. This frontage road will be aligned to provide 500 feet of control of access along LA 318 from the exit ramp with US 90 and the north side frontage road. The new alignment of the north side frontage road will be located north of the residential area that fronts the existing frontage road in the northwest quadrant of the US 90/LA 318 intersection. The north side frontage road extends to connect to the existing frontage road approximately 6,000 feet northwest of the existing LA 318 intersection. Roadways no longer utilized shall be removed (see Part 5 - Engineering Data, Final Environmental Assessment Figure 2-17) and shall:

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- a) Provide access to the West St. Mary Civic Center; and
- b) Provide connectivity to Gibby Road and to the proposed local access road;
- 4) Proposed Local Access Road – Conversion of the existing northwest frontage road from LA 318 to Gibby Road to a local access road by constructing a cul-de-sac at the intersection of the existing frontage road and LA 318 and an intersection with the north side frontage road at Gibby Road. The cul-de-sac terminates access to LA 318 from the proposed local access road;
- 5) Westbound US 90 Entrance Ramp at LA 318 - Construction of a new single-lane westbound US 90 entrance ramp with shoulders at LA 318. The proposed loop ramp shall be located in the northeast quadrant of the US 90/LA 318 interchange that provides the appropriate turning movements based on traffic capacity needs (*see* Part 5 - Engineering Data, Traffic Data);
- 6) Westbound US 90 Exit Ramp – Construction of a new single-lane exit ramp aligned with the US 90 westbound entrance ramp located in the northeast quadrant of the US 90/LA 318 interchange that provides the appropriate turning movements based on traffic capacity needs (*see* Part 5 - Engineering Data, Traffic Data);
- 7) Eastbound US 90 Exit Ramp at LA 318 - Construction of a new single-lane eastbound exit ramp with shoulders from the US 90 mainline to LA 318 that provides the appropriate turning movements based on traffic capacity needs (*see* Part 5 - Engineering Data, Traffic Data);
- 8) Eastbound US 90 Entrance Ramp at LA 318 - Construction of a new single-lane eastbound entrance ramp with shoulders to the US 90 mainline from LA 318 that provides the appropriate turning movements based on traffic capacity needs (*see* Part 5 - Engineering Data, Traffic Data);
- 9) LA 318 – Reconstruction of LA 318 with a 12-foot lane and shoulder in each direction separated by an 18-foot median. The reconstruction shall include 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). Left turn bays and dedicated right turn lanes shall be provided at each intersection along LA 318; and
- 10) Pavement Structures - All new pavements structures shall be new full depth pavement section (in accordance with Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Pavement Structure Performance Specification);

B) Structures

- 1) US 90 at LA 318 - Construction of a new US 90 overpass structure(s) providing four-lanes and shoulders at LA 318. Pile bents are not allowed. (*See Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Structures Performance Specification and Part 4 - RFP Plans.*); and
- 2) LA 318 to US 90 Westbound Entrance Ramp – Construction of a new structure for a one-lane ramp with shoulders. (*See Part 3 - Design Requirements and Performance Specifications, Appendix A - Performance Specifications, Structures Performance Specification and Part 4 - RFP Plans.*);

C) Roadway Geometry

- 1) US 90 Mainline - Reconstruction of the existing US 90 to four-lanes with shoulders and auxiliary lanes (*see Part 4 – RFP Plans*);
- 2) LA 318 – Reconstruction of the existing LA 318 to a two-lane highway with shoulders and an 18-foot median (*see Part 4 – RFP Plans*); and
- 3) US 90 Frontage Roads – Construction of two-lane two-way frontage roads with shoulders (*see Part 4 – RFP Plans*);

D) Signalization

Removal of the existing US 90/LA 318 intersection signalization; and

E) Permanent Signage

All signing as required by the Manual on Uniform Traffic Control Devices (MUTCD).

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) Design and construction management;
- B) Coordination with Project Stakeholders and other contractors adjacent to the Work;
- C) Design Quality Control (QC) and design review (*see Contract Documents, Part 2 – DB Sections 100s, DB Section 111*);
- D) Construction QC (*see Contract Documents, Part 2 – DB Sections 100s, DB Section 112*);

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- E) Quality Assurance and Quality Acceptance;
- F) Environmental mitigation and compliance monitoring (*see* Contract Documents, Part 3 – Design Requirements and Performance Specifications, Appendix A – Performance Specifications, Environmental Performance Specification);
- G) Any additional environmental investigations and monitoring associated with or resulting from the Design-Builder’s actions;
- H) 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);
- I) Project safety and security;
- J) Any necessary Preliminary Engineering (such as surveys and geotechnical investigations) not provided by the LA DOTD;
- K) Any necessary harmful and hazardous materials remediation (design and construction);
- L) Drainage and erosion control;
- M) Installation of signalization, signage, guardrail, and pavement markings;
- N) Demolition and construction waste disposal and handling;
- O) Required clearances, licenses, construction easements, and permits for the Design- Builder’s Work, Work sites, and storage areas on-site or off-site;
- P) Any necessary ancillary Work, such as, access roads, driveways, temporary fencing, relocation of drainage, Work sites, and temporary Work;
- Q) Location, acquisition, permits, and transportation for Material;
- R) All survey work necessary to produce final plans;
- S) 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;
- T) Site clearance;

- U) 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
- V) 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 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 environmental documents or 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 RIGHT-OF-WAY ACQUISITION

The Design-Builder shall provide 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 – Performance Specifications, ROW 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 C.F.R. § 710.313 ("Design-Build Projects").

In the event of any conflict between the provisions of this Section 6.1; 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:

- A) This Section 6.1;
- 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).