

STATE OF LOUISIANA

CONSTRUCTION MANAGEMENT

AT RISK

MANUAL

May 2020



**CONSTRUCTION MANAGEMENT AT RISK (CMAR)
MANUAL**

May 2020

APPROVED Date: MAY 15, 2020



Chief Engineer
Louisiana Department of Transportation

APPROVED Date: June 9, 2020



for Division Administrator
Federal Highway Administratio

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION	1
1.1 Authority	1
1.2 Scope of this CMAR Manual.....	1
1.3 Purpose.....	1
1.4 Definitions.....	1
2.0 ROLES AND RESPONSIBILITIES	7
2.1 Introduction.....	7
2.2 Role of the Innovative Procurement Section	7
2.3 Role of the LA DOTD’s Project Manager	8
2.4 Role of the Design Professional.....	8
2.5 Role of the Independent Cost Estimator	9
2.6 Role of the CMAR Contractor	9
2.7 Ineligible Firms.....	10
2.8 Role of the Federal Highway Administration	11
3.0 ISSUING THE REQUEST FOR QUALIFICATIONS	12
3.1 General.....	12
3.2 Selection Review Committee.....	12
3.3 Technical Advisors	13
3.4 Advertisement/Notice of Intent (NOI).....	13
3.5 RFQ Requirements.....	14
3.5.1 Introduction.....	14
3.5.2 Standard RFQ Contents	14
3.5.3 Estimating the Pre-Construction Services Price	15
3.5.4 Evaluation Factors	16
3.5.5 DBE Goals (If Applicable)	17
3.6 RFQ Concurrence and Approvals.....	18
3.7 Issuing the RFQ	18
3.8 Informational Meetings and One-on-One Meetings	18
3.8.1 Informational Meetings.....	18
3.8.2 One-on-One Meetings.....	19
3.9 Proposer Questions and Answers.....	20
3.10 RFQ Addenda	21
4.0 EVALUATING STATEMENTS OF QUALIFICATIONS	22
4.1 Evaluation and Selection Plan	22
4.2 Evaluation Process Overview	22
4.2.1 Evaluation Process Orientation.....	24
4.2.2 Responsiveness Review of the SOQ.....	25
4.2.3 Evaluations.....	25
4.2.4 Requests for Clarifications.....	26
4.2.5 Presentations/Interviews	27

Louisiana Department of Transportation and Development

4.2.6	Selection.....	27
4.3	Protest of CMAR Contractor Selection	27
4.4	Negotiations	28
4.5	Award and Execution of CMAR Contract.....	28
4.6	Debriefing Meetings	29

1.0 INTRODUCTION

1.1 Authority

Pursuant to Louisiana R.S. 38:2225.2.4, the Louisiana Legislature authorizes the Louisiana Department of Transportation and Development (LA DOTD) to use the Construction Management at Risk (CMAR) project delivery method as specified for public works projects.

1.2 Scope of this CMAR Manual

This Construction Management at Risk Manual (the “CMAR Manual”) governs all LA DOTD projects delivered using CMAR.

1.3 Purpose

The purpose of this CMAR Manual is to explain and provide guidance for the following LA DOTD processes, including the following:

- A) Roles and responsibilities within the LA DOTD (Chapter 2.0);
- B) The procurement process for the CMAR Contractor (Chapter 3.0); and
- C) The evaluation of Statements of Qualifications pursuant to the CMAR Contractor procurement (Chapter 4.0).

1.4 Definitions

The following terms and definitions are used throughout this CMAR Manual.

Advertisement: The public announcement in the form of the Notice of Intent (NOI) inviting prospective Proposers to obtain a Request for Qualifications (RFQ) and submit a Letter of Interest (LOI). The Advertisement includes a brief description of the work proposed to be the subject of the procurement with an announcement where the RFQ may be obtained, the terms and conditions under which LOIs will be received, and such other matters as the LA DOTD deems advisable to include therein.

Allowance: A not-to-exceed amount provided for the payment of all services, personnel, labor, materials, and equipment necessary to perform Allowance Work, as identified in the Cost Model, OPCs, and, eventually, GMP Proposal.

Allowance Work: The Work, including all services, personnel, labor, materials, and equipment, required under an Allowance.

Baseline Progress Schedule: The time-scaled, cost-loaded, and resource-loaded critical path network, updated in accordance with the CMAR Contract; the CMAR Contractor’s Work Breakdown Structure (WBS) for constructing and completing the Project; and the Guaranteed Maximum Price (GMP), distributed over the period of the Construction Services Contract.

Change Order: The standard form normally used to describe and detail changes to the CMAR Contract. When approved and fully executed, the document becomes part of the CMAR Contract.

Compliance Programs Director: The LA DOTD’s manager that facilitates access and equal opportunity for Disadvantaged Business Enterprises (DBE) to participate in federal-aid transportation projects and promotes a diverse contracting workforce while fulfilling federal obligations and requirements.

Constructability Review: A process that integrates the CMAR Contractor’s perspective into the Pre-Construction Services Phase. By active involvement, the CMAR Contractor lends its expertise and experience to design development in order to identify potential risks, innovations, and constructability issues.

Construction Documents: The plans, designs, Specifications, and other documents related to the construction of the Project.

Construction Management at Risk (CMAR): A delivery method by which the LA DOTD uses the Design Professional, that is engaged by the LA DOTD, for professional predesign or design services, or both, and the LA DOTD contracts separately with the CMAR Contractor to engage in the Pre-Construction Services Phase. The CMAR Contractor may also provide construction services to build the Project if the CMAR Contractor is awarded the Construction Services Contract.

Construction Management at Risk Contract (CMAR Contract): The Construction Management at Risk Contract (or, “CMAR Contract”) is executed in the following two parts:

- A) The Pre-Construction Services Agreement; and
- B) If a Guaranteed Maximum Price (GMP), Baseline Progress Schedule, and Construction Services Scope of Work are negotiated and agreed to between the LA DOTD and CMAR Contractor, the Construction Services Contract.

Depending on the context, the CMAR Contract could be referring to (1) the Pre-Construction Services Agreement, or (2) the Construction Services Contract, or (3) both, read as a single instrument.

Construction Management at Risk Contractor (CMAR Contractor): The Person, sole proprietorship, partnership, corporation, or other legal entity, properly licensed, bonded, and insured, that does one or both of the following:

- A) Provides construction experience to the LA DOTD and its Design Professional during the Pre-Construction Services Phase regarding the constructability of the project; and
- B) Assumes the risk to construct the project for a GMP without re-procurement, if the GMP, Baseline Progress Schedule, and Construction Services Scope of Work are negotiated and agreed to between the LA DOTD and CMAR Contractor.

Construction Management at Risk Project Team (CMAR Project Team): The Construction Management at Risk Project Team (or, “CMAR Project Team”) consists of the following:

- A) The LA DOTD;
- B) The CMAR Contractor;
- C) The Design Professional; and
- D) The Independent Cost Estimator (ICE).

Construction Services Contract: If successfully negotiated during pre-construction services, the written agreement between the LA DOTD and the CMAR Contractor setting forth the obligations of the parties to construct the project, including the performance of the work, the furnishing of labor and materials, the basis of payment, the GMP, and the Baseline Progress Schedule. The Construction Services Contract, if executed, is one part of the CMAR Contract.

Construction Services Phase: The time period when the CMAR Contractor performs the construction. The time begins after the Construction Services Contract Notice to Proceed (NTP) is issued.

Construction Services Scope of Work: All duties and services to be furnished and provided by the CMAR Contractor as required by the Construction Services Contract, including, the administrative, quality control, quality assurance, procurement, legal, professional, manufacturing, supply, installation, supervision, management, testing, verification, labor, materials, equipment, documentation, and construction activities and all other efforts necessary or appropriate to complete the construction services, if the CMAR Contractor is awarded the Construction Services Contract.

Consultant Contracts Services (CCS): The LA DOTD section responsible for the administrative support to the Innovative Procurement Section and the LA DOTD’s Project Manager (PM) during the procurement process (and ongoing) administration of the Design Professional and the ICE.

Contract Execution: Signing of either the Pre-Construction Services Agreement or the Construction Services Contract by both the LA DOTD and the CMAR Contractor to perform services outlined in the contract.

Cost Model: The electronic cost tabulation for the construction of the project developed by the CMAR Contractor and reviewed and approved by the LA DOTD. The Cost Model is based on the LA DOTD’s list of standard pay items and is used to complete Opinions of Probable Costs (OPC) and the GMP, including a list of pay item numbers, descriptions, quantities, units of measurement, unit prices and extended amounts, and Allowances that make up the GMP (and are included in the Cost Model).

Design-Bid-Build: The low-bid traditional procurement method for constructing transportation system improvements where the LA DOTD (or, a consulting engineer working for the LA DOTD)

designs the project, and then solicits bids and awards a contract to the lowest responsive and responsible bidder.

Design Professional: An engineer, architect, or landscape architect that has secured a professional license from a Louisiana registration board as required by state law and that is selected by the LA DOTD in accordance with state law.

Guaranteed Maximum Price (GMP): The negotiated price between the LA DOTD and CMAR Contractor for construction services for the Project or portion thereof.

Guaranteed Maximum Price Proposal (GMP Proposal): The proposal submitted by the CMAR Contractor during the course of the Pre-Construction Services Agreement that sets forth the proposed GMP, including Margin, bonds, and insurance; Baseline Progress Schedule; and Construction Services Scope of Work.

Home Office Overhead: Home Office Overhead consists of time-related costs that cannot be attributed to a particular project, and are costs at the CMAR Contractor's home office. Examples could be, but are not limited to, home office clerical and executive staff, rent, taxes, supplies, insurance, and utilities. Home Office Overhead will be negotiated and agreed upon between the LA DOTD and the CMAR Contractor prior to execution of the Construction Services Contract. The Home Office Overhead rate will be included in the CMAR Contractor's Margin.

Independent Cost Estimator (ICE): The third-party consultant that participates with the Design Professional and LA DOTD in development and/or review of CMAR Contractor-provided Cost Models, OPCs, parametric cost estimates, and other cost aspects of the project. The Independent Cost Estimator (ICE) develops an independent cost estimate to be used to assist the LA DOTD in reviewing and reconciling the OPCs and in reviewing, negotiating, and accepting or rejecting the GMP Proposal.

Innovative Procurement Section: The unit within the LA DOTD responsible for leading and coordinating all procurement activities related to the CMAR Contract.

Jobsite Overhead: Jobsite Overhead consists of time-related costs chargeable to a project, but not chargeable to a particular item of work. Examples could be, but are not limited to, project office rent, salaried project personnel, project office equipment costs, and project office utilities. The Jobsite Overhead will be negotiated and agreed upon between the LA DOTD and the CMAR Contractor prior to execution of the Construction Services Contract. The Jobsite Overhead will be included in the CMAR Contractor's Margin.

Letter of Interest (LOI): A letter in response to a Notice of Intent (NOI) signed by an authorized representative of the potential Proposer who is interested in submitting a Statement of Qualifications (SOQ) for a CMAR project, expressing interest in the project and requesting to receive access to the RFQ for the project. The LOI should provide any information required by the Advertisement.

Louisiana Department of Transportation and Development (LA DOTD): The LA DOTD, through its offices and officers, responsible for developing and implementing programs to ensure

adequate, safe, and efficient transportation and other public works facilities and services in the state in accordance with Chapter 11 of Louisiana R.S. Title 36, as amended.

Louisiana Department of Transportation and Development’s Project Manager (LA DOTD’s Project Manager): The representative of the LA DOTD responsible for oversight of design and pre-construction services, oversight of the ICE and GMP development, and oversight of construction services in coordination with the District. The LA DOTD’s Project Manager is the LA DOTD’s main point of contact for the Design Professional, CMAR Contractor, and ICE.

Margin: The combination of CMAR Contractor Home Office Overhead (including all general and administrative expenses), Jobsite Overhead, and profit.

Notice of Intent (NOI): See “Advertisement” above.

Notice to Proceed (NTP): A written authorization from the LA DOTD to the CMAR Contractor to start work under the CMAR Contract (either the Pre-Construction Services Agreement or the Construction Services Contract).

Opinion of Probable Cost: An estimate prepared by the CMAR Contractor that reflects the estimator’s opinion as to the probable costs that a “prudent” contractor would include in its bid to construct the defined facilities. Unless specifically stated, the Opinion of Probable Cost (OPC) does not capture costs borne by the LA DOTD for pre-construction activities or for expenses related to the management and support of field construction activities. OPC pricing is predicated on the CMAR Contractor’s compliance with all Specifications and design parameters during construction services.

Person: Any individual, corporation, company, Limited Liability Company (LLC), Joint Venture (JV), voluntary association, partnership, trust, unincorporated organization, or governmental person.

Pre-Construction Services Agreement: The written agreement between the LA DOTD and the CMAR Contractor setting forth the obligations of the parties with respect to the performance of certain pre-construction services, including, but not limited to, scheduling, pricing, and phasing to assist the LA DOTD to design a more constructible Project. The Pre-Construction Services Agreement is one part of the CMAR Contract.

Pre-Construction Services Phase: The first phase of the project when the CMAR Contractor performs the activities under the Pre-Construction Services Agreement.

Pre-Construction Services Price: The final, negotiated price between the LA DOTD and CMAR Contractor for pre-construction services for the Project.

Pre-Construction Services Scope of Work: All duties and services to be furnished and provided by the CMAR Contractor as required by the Pre-Construction Services Agreement, including, the administrative, QC, quality assurance, procurement, legal, professional, supervision, management, and documentation and all other efforts necessary or appropriate to complete the pre-construction services.

Proposer: A Person submitting an SOQ for the Project in response to the RFQ.

Request for Qualifications (RFQ): The written solicitation issued by the LA DOTD seeking SOQs to be used to identify the most highly qualified Proposer for selection for the CMAR Contract.

Scope of Work: Generally, all duties and services to be furnished and provided by the CMAR Contractor as required by the CMAR Contract, as included in the Pre-Construction Services Scope of Work and, if the CMAR Contractor is awarded the Construction Services Contract, the Construction Services Scope of Work.

Secretary: The Secretary of the Louisiana Department of Transportation and Development.

Selection Review Committee: The committee appointed by the LA DOTD, consistent with state law, to review the SOQs, score the Proposers, and submit to the Chief Engineer, for recommendation to the Secretary, award to a CMAR Contractor.

Short-List: If the LA DOTD determines to utilize presentations and/or interviews during the evaluation of SOQs, the most highly qualified Proposers after initial evaluation of the SOQs. The use of a Short-List, along with the Short-List number and eligibility requirements, will be disclose in the RFQ.

Special Provisions: Requirements adopted by the LA DOTD for the project that amend the Standard Specifications or any adopted Supplemental Specifications.

Specifications: The Louisiana Standard Specifications for Roads and Bridges, current edition, issued by the LA DOTD (the “Standard Specifications”), as may be modified by Supplemental Specifications and/or Special Provisions.

Standard Specifications: The Louisiana Standard Specifications for Roads and Bridges, current edition, issued by the LA DOTD.

Statement of Qualifications (SOQ): The submission made by a Proposer in response to the RFQ, including all clarifications thereto submitted in response to requests by the LA DOTD.

Supplemental Specifications: Approved additions and revisions to the Standard Specifications, and included in all LA DOTD contracts.

Work Breakdown Structure: A deliverable-oriented grouping of Project components that organizes and defines the total scope of the Project.

2.0 ROLES AND RESPONSIBILITIES

2.1 Introduction

There are four major parties that must collaborate to deliver a project using the CMAR process, including the following:

- A) The LA DOTD;
- B) The Design Professional;
- C) The ICE; and
- D) The CMAR Contractor.

The assembly of this team involves three separate procurement efforts, one for the Design Professional, one for the ICE, and one for the CMAR Contractor. When assembled, these three external entities (the Design Professional, ICE, and CMAR Contractor) join with the LA DOTD to form the CMAR Project Team. The CMAR Project Team is charged with collaborating and partnering together to successfully deliver the project using the CMAR process.

In some ways the roles and responsibilities of the Design Professional and CMAR Contractor, as well as LA DOTD staff, are similar to those in traditional Design-Bid-Build delivery, yet there are key differences as well. Those engaged in using the CMAR process to deliver projects must be mindful of the similarities and differences to effectively participate and contribute to the success of the project.

2.2 Role of the Innovative Procurement Section

The Innovative Procurement Section leads the procurement of the CMAR Contractor. The Innovative Procurement Section maintains the integrity of the procurement process, from start to finish. The Innovative Procurement Section oversees the following responsibilities:

- A) Maintains strict confidentiality with regard to its functions within the procurement process and monitors the entire process for confidentiality, integrity, and procurement sensitivity;
- B) Prepares and issues Confidentiality and Non-Disclosure Agreements to any personnel, whether LA DOTD personnel or external partners, involved in the procurement process;
- C) Prepares and issues Affidavits regarding Conflicts of Interest after receipt of SOQs and prior to commencement of evaluations. If apparent conflicts are disclosed, the resolution process for the conflicts will be determined by the Chief Engineer;
- D) Drafts the procurement documents, including the Notice of Intent (NOI), RFQ, Pre-Construction Services Agreement, and Construction Services Contract;

- E) Assists the LA DOTD's Project Manager with development of any necessary technical information, including the project description, Pre-Construction Services Scope of Work, and Construction Services Scope of Work; and
- F) Provides orientation sessions on the CMAR Contract and evaluation and selection process for the members of the Selection Review Committee prior to start of evaluations.

2.3 Role of the LA DOTD's Project Manager

The LA DOTD's Project Manager is the LA DOTD's lead individual and main point of contact for the project throughout the life of the project. The LA DOTD's Project Manager oversees the following responsibilities:

- A) Coordination with Consultant Contracts Services (CCS) regarding the procurement of the Design Professional and the ICE;
- B) Development of technical information for the procurement of the CMAR Contractor, including the project description, Pre-Construction Services Scope of Work, and Construction Services Scope of Work;
- C) Communication with the Proposers during the procurement of the CMAR Contractor, serving as the LA DOTD's point of contact for all communications with Proposers; and
- D) Management of the Design Professional, the ICE, and the CMAR Contractor during pre-construction services and the CMAR Contractor, in coordination with the District, during construction services.

2.4 Role of the Design Professional

For CMAR projects, the LA DOTD enters into a contract with a Design Professional, which is required to work in partnership with the LA DOTD and the CMAR Contractor. Procurement of the Design Professional is accomplished through the LA DOTD's typical consultant selection methods in accordance with standard practices and procedures. The Design Professional's contract requires the Design Professional to work together with the CMAR Contractor and the ICE, and the scope of work details the unique services expected under CMAR project delivery. After consideration of the CMAR Contractor's ideas by the LA DOTD, the Design Professional incorporates any LA DOTD-approved CMAR Contractor ideas on phasing, materials, constructability, traffic control, and other project approaches with the goal of improving project value and mitigating project risk.

The Design Professional is responsible for performing all engineering, design, and Construction Document development including professionally signing and sealing all design documents. Upon sealing of the design documents, or any portion thereof, the design is finalized to enable a determination of the provable cost and the preparation of a GMP Proposal.

The Design Professional also prepares a schedule for design that is coordinated with the CMAR Contractor's pre-construction services schedule, as well as a construction schedule that is coordinated with the CMAR Contractor's Baseline Progress Schedule. The Design Professional provides multiple construction estimates that are compared to estimates produced by the ICE and the CMAR Contractor's Opinions of Probable Cost (OPC) during the Pre-Construction Services Phase.

2.5 Role of the Independent Cost Estimator

The primary responsibility of the ICE is to develop a detailed independent cost estimate for the contract items and review the Design Professional's and CMAR Contractor's schedules and Design Professional's cost estimates and CMAR Contractor's OPCs at selected stages throughout pre-construction services. The ICE's analysis will red-flag cost and/or schedule variances, validate the CMAR Contractor's Cost Model, and assist in negotiation of the GMP. Procurement of the ICE is accomplished through the LA DOTD's typical consultant selection methods in accordance with standard practices and procedures. The ICE's contract requires the ICE to work together with the CMAR Contractor and the Design Professional, and the scope of work details the unique services expected under CMAR project delivery.

During the Construction Phase, the ICE may provide continued support to the LA DOTD's Project Manager with respect to certain tasks that may include independent cost support and review for Change Order work, negotiation and conflict management support, continued assistance to the CMAR Project Team with respect to further determining cost impacts related to the project's Construction Phase, and Baseline Progress Schedule review.

2.6 Role of the CMAR Contractor

The CMAR Contractor's main objective is to collaborate and actively partner with the LA DOTD and the Design Professional during the delivery of the project to help achieve the goals established for the project, both in the Pre-Construction Services Phase and, if awarded, Construction Phase. The CMAR Contractor is part of the CMAR Project Team, and provides input to the Design Professional regarding constructability, sequence of construction, and any other ideas that bring value to the project. The CMAR Contractor's technical experience, resources, and approach (means and method) will identify potential risks that can influence cost and schedule and allow the Design Professional to eliminate or mitigate those risks.

The CMAR Contractor's ideas and suggestions early in the design will allow the development of a clear, concise Construction Services Scope of Work. The CMAR Contractor validates the LA DOTD's budget through development of OPCs (updated throughout the Pre-Construction Services Phase with a minimum of required submittals at 30%, 60%, and 90% final plans), until a GMP agreement is reached at or before the plans are 100% complete.

In addition, during the Pre-Construction Services Phase, the CMAR Contractor provides the following to assist in the development of the project plans:

- A) An estimate of the quantities of materials, labor, and equipment needed for construction of the project;

- B) A Baseline Progress Schedule;
- C) Advice as to the availability, cost, and capacities of materials, labor, and equipment;
- D) Risk identification and methods and innovative approaches to mitigate identified risks; and
- E) Constructability Reviews, phasing and sequencing reviews, and other input.

After development of the project plans, the CMAR Contractor shall provide a final GMP Proposal, proposing the GMP, including Margin, bonds, and insurance; Baseline Progress Schedule, with maximum number of days; and Construction Services Scope of Work. During the Construction Phase, if awarded, the CMAR Contractor adheres to all requirements and procedures outlined in the Construction Services Contract.

2.7 Ineligible Firms

A potential organizational conflict of interest may occur in the following circumstances:

- A) Where a consultant and/or its subcontractors assisted the LA DOTD in the preparation of the RFQ and also participates as a Proposer or members of a Proposer in response to that RFQ; or
- B) A consultant and/or its subcontractors will participate in the design of the project or in the cost estimation process and also participate as a Proposer or a member of a Proposer in response to the RFQ for that project.

The LA DOTD may determine that there is not an organizational conflict of interest for a consultant or subcontractor in a circumstance identified in Sections 2.7 (A) or (B) under the following conditions:

- 1) 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 RFQ and did not include assistance in the development of the RFQ itself or evaluation criteria; and
- 2) Where all documents and reports that were delivered to the LA DOTD by the consultant or subcontractor are made available to all the Proposers through the RFQ.

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 an SOQ, nor will an SOQ be considered, if the Proposer or any principal participant 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 SOQ or award. If a subcontractor identified in a Proposer’s SOQ 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 government on the date of the submission of the SOQ 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 SOQ being considered or eligible for award under the procurement.

2.8 Role of the Federal Highway Administration

If Federal Highway Administration (FHWA) funding is used on the project, the guiding document governing the LA DOTD's relationship with the FHWA is the Stewardship Agreement. Under 23 C.F.R. Part 635, Subpart E ("Construction Manager/General Contractor (CM/GC) Contracting"), the FHWA provides the following authorizations, concurrences, and approvals during CMAR project development for projects that include federal-aid participation, in addition to any other authorizations, concurrences, notices, or approvals discussed elsewhere in this Manual:

- A) Approval prior to issuance of CMAR procurement procedures (*i.e.*, this CMAR Manual), and any changes to the procurement procedures after approval (23 C.F.R. §635.504(c));
- B) Authorization of Preliminary Engineering (PE), if the LA DOTD is requesting federal participation in the costs of pre-construction services (23 C.F.R. §635.506(b));
- C) Concurrence in award of the Pre-Construction Services Agreement (23 C.F.R. §635.506(e)). Request for concurrence in award should include a copy of the cost/price analysis for the pre-construction services, including contract modifications, if the LA DOTD is requesting federal assistance in the cost of pre-construction services (23 C.F.R. §635.506(b));
- D) Authorization of pre-construction services after concurrence in award. (23 C.F.R. §635.506(b) and (e));
- E) Completion of the National Environmental Policy Act (NEPA) process will constitute authorization of final design activities and pre-construction services activities associated with final design (23 C.F.R. §635.505(c), and in accordance with 23 C.F.R. §635.309(p));
- F) Concurrence in award of the Construction Services Contract (23 C.F.R. §635.506(e)). Request for concurrence in award should include the price estimate for construction costs for the entire project, the LA DOTD's price analysis, and the agreed GMP for the project or portion of the project (23 C.F.R. §635.506(d)(2) and (4));
- G) Authorization of construction services, including any early works packages after concurrence in award (23 C.F.R. §635.506(e)); and

- H) Concurrence, if the LA DOTD is unable to enter into the Construction Services Contract with the CMAR Contractor and intends to initiate a new procurement process (23 C.F.R. §635.504(b)(6)).

3.0 ISSUING THE REQUEST FOR QUALIFICATIONS

3.1 General

The process to procure the CMAR Contractor is initiated by the Innovative Procurement Section. A CMAR Contractor must be selected prior to 30% completion of the Design Professional's construction plans. The process to procure a CMAR Contractor is generally prescribed in Louisiana R.S 38:2225.2.4 and includes the following steps:

- A) Appoint the Selection Review Committee;
- B) Prepare the NOI and advertise for LOIs;
- C) Develop RFQ documents;
- D) Issue the RFQ and any addenda, if necessary;
- E) Conduct the informational meeting, if scheduled;
- F) Respond to Proposer questions;
- G) Schedule and participate in informational and one-on-one meetings, if held;
- H) Receive and evaluate SOQs;
- I) Conduct presentations/interviews, if scheduled, and make the selection; and
- J) Award and execute the Pre-Construction Services Agreement with the successful Proposer.

3.2 Selection Review Committee

Louisiana R.S 38:2225.2.4(B)(5) states the LA DOTD is responsible for establishing the Selection Review Committee to evaluate the SOQs submitted in response to the RFQ.

The statute further states the Selection Review Committee will be appointed by the LA DOTD to review the RFQ, score the Proposers, and recommend selection of a CMAR Contractor. The Selection Review Committee shall consist of no more than five individuals selected as follows:

- A) One design professional in the discipline of but not involved in the project;
- B) One licensed contractor in the discipline of but not involved in the project;

- C) One representative of the LA DOTD (typically, the LA DOTD's Project Manager, who will also act as the Chair of the Selection Review Committee); and
- D) Two members at large.

Each of the members of the Selection Review Committee will be required to sign a Confidentiality and Non-Disclosure Agreement and, after submission of the SOQs, an Affidavit regarding Conflicts of Interest requiring the member to disclose any real or perceived personal conflicts of interest with any of the Proposers or the project.

3.3 Technical Advisors

CMAR places significant responsibility on the CMAR Contractor to participate in the planning and design of a project during pre-construction services and, if award the Construction Services Contract, to construct, manage, and control the construction services. As such, capability, capacity, and experience are very significant to the ultimate success of CMAR projects. Technical Advisors who bring specific expertise to the individual Pass/Fail Evaluation Factors and/or Qualitative Evaluation Subfactors or Factors, as appropriate, may be assigned by the LA DOTD to advise the Selection Review Committee. The Technical Advisors may be employees of the LA DOTD, other stakeholders, consultants, and/or other experts. Technical Advisors may be added during the evaluation process as may be required.

3.4 Advertisement/Notice of Intent (NOI)

The NOI is the public announcement that solicits LOIs from interested Proposers (or potential members of Proposer teams). Submission of an NOI ensures that the firm that submits the NOI will receive a copy of the RFQ, will be invited to attend any meetings scheduled prior to submission of SOQs for which the firm is eligible, will participate in the questions and answers, and will receive copies of addenda.

As per Louisiana R.S. 38:2225.2.4(F)(1), the project shall be advertised in the official journal of the State and advertised on the LA DOTD's Web site two times within 30 days prior to the deadline for receipt of LOIs. The NOI may be advertised in additional media or publications as well.

The NOI should contain a brief description of the project and provide the potential Proposers enough information to determine their interest in the project.

Prior to release, the NOI will be sent to the FHWA for information.

Section 3.4 Tasks

- Draft the NOI.
- Confirm dates for publishing in the Register and send final NOI to the Register.
- Send copy of the NOI to the FHWA for information.

- Post the NOI on the LA DOTD’s Web site.
- Receive and log LOIs.
- Post list of LOI respondents to the LA DOTD’s Web site.

Section 3.4 Deliverables

- NOI.
- Log of LOIs.

3.5 RFQ Requirements

3.5.1 Introduction

Once the LOIs have been received, the respondents are notified of the link to the secure RFQ Web site. The RFQ is issued by the Innovative Procurement Section and is only released to entities that have submitted LOIs in response to the LA DOTD’s NOI.

It is the responsibility of the LA DOTD’s Project Manager and Innovative Procurement Section to establish the project-specific requirements and to develop and finalize the RFQ for the project. While much of the RFQ includes “boilerplate” language, there are sections that must be tailored to address project-specific issues or needs. The Innovative Procurement Section may elect to schedule a preliminary scoping workshop with the LA DOTD’s Project Manager and other key project participants early in the RFQ development process to ensure that all project issues are addressed in the RFQ.

3.5.2 Standard RFQ Contents

The RFQ is required by statute to include the following:

- A) Pre-Construction Services Scope of Work. (This describes services to be performed during the Pre-Construction Services Phase of the project. It is the responsibility of the LA DOTD’s Project Manager to work with the Innovative Procurement Section to determine what tasks, meetings, and roles the pre-construction services will include.);
- B) Submittal criteria for the project. (This section lists instructions to the Proposers; RFQ procedures, including the procurement schedule, any informational or one-on-one meetings, and protest procedures; and required responses, documents, and forms to be submitted with each SOQ.);
- C) Procurement grading criteria. (This section describes the membership of the Selection Review Committee and evaluation subfactors and factors and weightings for each of the evaluation subfactors or factors, as appropriate, listed in the RFQ. It is the responsibility of the LA DOTD’s Project Manager to work with the

Innovative Procurement Section to consider evaluation subfactors and factors for each project and the weightings for each listed evaluation subfactor and factor, as appropriate.);

- D) Scoring methodology. (This section describes how the evaluation subfactors and factors, as appropriate, and overall SOQ will be scored by the Selection Review Committee.); and
- E) Total fees and compensation payable to the CMAR Contractor for pre-construction services. (This section sets forth the maximum fees and compensation that the LA DOTD will pay to the CMAR Contractor under the Pre-Construction Services Agreement).

The following items are not required by statute, but considered a best practice for inclusion in the RFQ:

- 1) Project description. (This is the project description and elements of work. It also includes a listing of the project-specific goals.);
- 2) The construction cost estimate; and
- 3) The Disadvantaged Business Enterprise (DBE) goal and any other federal requirements that will be part of the CMAR Contract.

In addition to the topics listed above which are addressed in the main body of the RFQ, appendices should be used to convey the following information:

- (a) Appendix A – Site map and preliminary plans (if applicable);
- (b) Appendix B – The detailed submission requirements for the SOQ and each evaluation factor;
- (c) Appendix C – A compilation of the forms to be submitted with the SOQ;
- (d) Appendix D – A copy of the sample Pre-Construction Services Agreement; and
- (e) Appendix E – A copy of the sample Construction Services Contract.

3.5.3 Estimating the Pre-Construction Services Price

Prior to issuance of the RFQ, the total fees and compensation to the CMAR Contractor for pre-construction services will be estimated by the LA DOTD and disclosed in the RFQ. The Pre-Construction Services Price can be based on hourly rates and/or lump sums, dependent upon the particular project or by task. When estimating the pre-construction services fees and

compensation, the LA DOTD will take into account the size and complexity of the project, the project's schedule, and the Pre-Construction Services Scope of Work.

3.5.4 Evaluation Factors

The RFQ may request the Proposers include the following in the response to the RFQ, as well as any other appropriate factors that would, in the opinion of the LA DOTD, demonstrate the capability of the Proposer to perform the role of the CMAR Contractor.

3.5.4.1. Pass/Fail Evaluation Factors

The following pass/fail evaluation factors may be further broken down into pass/fail evaluation subfactors. The pass/fail evaluation factors usually include the following:

A) Legal Pass/Fail Evaluation Factor

The Legal Pass/Fail Evaluation Factor generally looks at the legal make-up of the Proposer, licensing status with the Louisiana State Licensing Board for Contractors, debarment/disqualification status, and lobbying and other certifications, and may include information regarding a Proposers performance on past projects, including safety performance.

B) Financial Pass/Fail Evaluation Factor

The Financial Pass/Fail Evaluation Factor includes a statement from the Proposer's surety indicating the surety's (or, a JV of sureties') willingness to provide the performance and payment bonds to the Proposer for the construction services for the project and, if determined prudent in the LA DOTD's sole discretion, a performance bond for the Proposer for the pre-construction services for the Project. If necessary for a particular project, review of financial statements of the Proposer and any third-party guarantors and the financial strength of the Proposer may also be considered under the Financial Pass/Fail Evaluation Factor.

3.5.4.2. Qualitative Evaluation Factors

The following qualitative evaluation factors may be further broken down into qualitative evaluation subfactors. The qualitative evaluation factors typically include the following, or a combination of the following:

A) Organization and Key Personnel Qualitative Evaluation Factor

The Organization and Key Personnel Qualitative Evaluation Factor includes proposed management and staffing for the project. The Proposer is required to identify specific key personnel that the Proposer will commit to the project if selected and the resumes and references for those key personnel, as well as their proposed roles and the division of work and responsibilities among those key personnel.

B) Experience of the Firms Qualitative Evaluation Factor

The Experience of the Firms Qualitative Evaluation Factor includes identification of specific past projects that the Proposer (or, if the Proposer is a JV, its members) has completed that are similar to the project being proposed on and construction methodologies previously used by the Proposer on other projects. The LA DOTD may also seek experience of major or specialty subcontractors, depending on the type or size of the project.

C) Past Performance Qualitative Evaluation Factor

The Past Performance Qualitative Evaluation Factor includes past performance of the Proposer, including timely completion of other public works projects of similar complexity and size, and which may include the Proposer's latest safety record including experience modification rate (EMR), recordable incident rate (RIR), and lost work time incident rate. In addition, the Past Performance Qualitative Evaluation Factor frequently includes review of the Proposer's history of major litigation, claims, disputes, arbitration proceedings, assessments of stipulated damages, terminations for cause, disqualifications, or other disciplinary actions. Proposers are required to provide references from the owners that took action, so that reference calls may be made in order to make correct determinations as to the nature of the action.

D) Project Approaches Qualitative Evaluation Factor

The Project Approaches Qualitative Evaluation Factor includes the Proposer's general and, if identified by the LA DOTD, specific approaches during the pre-construction and construction services. These approaches include the extent to which the Proposer intends to self-perform portions of the work and the Proposers standard safety plan.

E) Project Understanding Qualitative Evaluation Factor

The Project Understanding Qualitative Evaluation Factor includes the Proposer's narrative explaining its proposed management approach and project understanding of both pre-construction and construction services; approach to collaboration and partnering with the LA DOTD, Design Professional, and ICE; approach to proactive risk management; and keys to ensuring a successful project.

3.5.5 DBE Goals (If Applicable)

The DBE program encourages the formation and growth of DBEs by providing an equal opportunity for these firms to compete for and participate in the CMAR process. DBE goals are required on projects that utilize federal funds.

Each proposed CMAR project is reviewed for DBE subcontracting possibilities at the Pre-Construction Services Phase and Construction Services Phase. The LA DOTD's Project Manager

is to consult with the Innovative Procurement Section and Compliance Programs Director for evaluation and setting of percentage goals for the dollar value, for either the CMAR Contract as a whole or for both the Pre-Construction Services Agreement and the Construction Services Contract separately, prior to issuing the RFQ.

3.6 RFQ Concurrence and Approvals

Prior to release, the RFQ must be submitted to the FHWA for approval.

Prior to release, the RFQ must be submitted to the Chief Engineer for recommendation to the Secretary.

3.7 Issuing the RFQ

The RFQ will be issued by the Innovative Procurement Section and is only released to entities that have submitted LOIs. The purpose of issuing the RFQ only to entities that have submitted an LOI is for purposes of practical control. This way, if the LA DOTD subsequently issues an addendum, it is only responsible for ensuring the addendum reaches those entities on its controlled list. An E-mail is sent to each Proposer that submitted an LOI with the Web site information and other pertinent data that goes with the RFQ.

Section 3.7 Tasks

- RFQ to the FHWA for approval.
- Chief Engineer recommendation to the Secretary for approval.
- Prepare and issue the RFQ via the secure Web site.

Section 3.7 Deliverables

- RFQ.
- RFQ FHWA approval memorandum.
- Chief Engineer recommendation for approval memorandum.

3.8 Informational Meetings and One-on-One Meetings

3.8.1 Informational Meetings

After issuance of the RFQ to those Proposers that have submitted an LOI, the LA DOTD may hold an informational meeting. The informational meeting will be held in a location to be identified in the RFQ. It is led by the LA DOTD's Project Manager with support from the Innovative Procurement Section. The LA DOTD's Project Manager should highlight project-specific requirements and other items pertaining to the technical issues facing the project.

The informational meeting agenda may cover a range of topics, including the following:

- A) Orientation to the LA DOTD's CMAR process;
- B) Description of the project, especially areas of high risk or complexity;
- C) Any special environmental or community mitigation requirements;
- D) The procurement and project schedules;
- E) An overview of the procurement process;
- F) Federal requirements, including DBE goals, if any; and
- G) Description of the evaluation and selection processes and what is expected of the Proposer.

While the LA DOTD is free to answer questions during the question and answer period of the informational meeting, if the answer is unknown to a certain question or if a question is answered incorrectly, it is the LA DOTD's responsibility to provide a correct response to the question to all Proposers.

Section 3.8.1 Tasks

- Secure informational meeting space.
- Prepare informational meeting Microsoft Power Point® presentation (or other presentation materials).
- Prepare informational meeting agenda.
- Prepare informational meeting sign-in sheet.
- Secure speakers.

Section 3.8.1 Deliverables

- Microsoft Power Point® presentation (or other presentation materials).
- Informational meeting agenda.
- Informational meeting sign-in sheet.

3.8.2 One-on-One Meetings

During the SOQ preparation period, the LA DOTD may determine to conduct one-on-one meetings with firms that submitted an LOI and that may act as the Lead Principal Participant for a Proposer. The one-on-one meetings are specific in nature, geared toward the individual Proposer's

specific issues. In these meetings, the individual Proposer is responsible for proposing the agenda for the meeting, and the LA DOTD only adds agenda items that it needs to address. Since the individual Proposer will submit its agenda in advance, it is the LA DOTD's responsibility to have personnel on hand who will be able to address the agenda issues that the Proposer has identified. In the event that the LA DOTD personnel cannot answer a Proposer question during a one-on-one meeting, it should be requested that the Proposer submit the question in writing so that the LA DOTD may have time to consider the response. While the interactions that occur during the one-on-one meetings are confidential, a transcript may be made of each one-on-one meeting and retained as a record of the meetings.

Section 3.8.2 Tasks

- Secure one-on-one meeting space.
- Procure one-on-one meeting agendas from Proposers.
- Prepare one-on-one meetings sign-in sheets.
- Hire court reporter.
- Review transcripts for accuracy.

Section 3.8.2 Deliverables

- One-on-one meeting agendas.
- One-on-one meeting sign-in sheets.
- Transcripts.

3.9 Proposer Questions and Answers

Prior to the submission of SOQs, Proposers have the opportunity to submit questions regarding the RFQ specifically or the procurement process or project generally. Typically, a standardized format for these questions and answers is included in the RFQ with instructions to Proposers.

Any question received must be responded to in writing and released to all Proposers, without indicating which Proposer submitted the question. It is the responsibility of the Innovative Procurement Section to compile, log, and track the Proposer questions as they are submitted. The questions are then distributed to appropriate LA DOTD personnel to respond to each Proposer question submitted. The Innovative Procurement Section will coordinate the release of the responses to Proposer questions. This means that all the questions and answers will be posted on the secure Web site, accessible by the entities that submitted LOIs.

If response by the LA DOTD to a certain question necessitates a change to the RFQ documents, the questions and answers will be released with a corresponding addendum revising the RFQ. There may be multiple rounds of question and answer documents for a single RFQ.

Additionally, it is a best practice to answer the questions in the chronological order received. The purpose of doing so is to prevent confusion among Proposers as to whether their questions were received by the LA DOTD and to minimize follow-up correspondence by the Proposers.

Section 3.9 Tasks

- Review Proposer questions and assign to LA DOTD personnel for response.
- Prepare question and answer document.
- Issue question and answer document via the secure Web site.

Section 3.9 Deliverables

- Question and answer document.

3.10 RFQ Addenda

Addenda may need to be issued to the RFQ, as anticipated by the LA DOTD to provide information not originally available at the RFQ release date, or to correct errors discovered by the LA DOTD in the RFQ, or, as indicated in Section 3.9, in response to questions received from Proposers. However, the need for a high number of addenda to an RFQ may be indicative of either poor quality checks prior to the RFQ's release or of insufficient project development prior to the RFQ release, and the Innovative Procurement Section should evaluate any RFQ that results in a high number of addenda for the reasons why.

Addenda will be prepared by the Innovative Procurement Section with support from the LA DOTD's Project Manager and other LA DOTD personnel. Addenda will be released the same way as the questions and answers. This means that notice of the addenda is sent to all of the entities that submitted LOIs and posted on the secure Web site.

Section 3.10 Tasks

- Draft addenda.
- Chief Engineer recommendation to the Secretary for approval.
- Issue addenda via the secure Web site.

Section 3.10 Deliverables

- Addenda.
- Chief Engineer recommendation for approval memorandum.

4.0 EVALUATING STATEMENTS OF QUALIFICATIONS

4.1 Evaluation and Selection Plan

The Evaluation and Selection Plan (E&S Plan) is prepared by the Innovative Procurement Section for each project and is the LA DOTD's internal document that details the step-by-step procedure for the evaluation process of the SOQs submitted by the Proposers in response to the RFQ through to the award of the CMAR Contract. The E&S Plan's step-by-step detail addresses specifically the Selection Review Committee and any teams involved in the evaluations of the SOQs and their roles and responsibilities. The E&S Plan is tied directly to the RFQ, but provides the detail of the evaluation and selection process necessary to direct the members of the Selection Review Committee and any teams to carry forth the process correctly.

The E&S Plan is distributed to the Selection Review Committee members and is critical to promote open and fair competition and to maintain a level playing field among the Proposers. The evaluation process itself is set up to ensure that all Proposers are treated consistently in order to avoid any perception of favoritism in the process. Prior to any deviation from the E&S Plan, the LA DOTD's counsel should be consulted.

Section 4.1 Tasks

- Draft the Evaluation and Selection Plan.

Section 4.1 Deliverables

- Evaluation and Selection Plan.

4.2 Evaluation Process Overview

The SOQ evaluations must be put on the schedules of the members of the Selection Review Committee well in advance in order to ensure the availability of the members to complete the evaluations in a timely fashion. If one of the members of the Selection Review Committee proves to be unavailable for all or any portion of the evaluations, that member should be replaced with someone who is available.

The Innovative Procurement Section is also responsible to prepare materials, including evaluation worksheets and workbooks, for use by the Selection Review Committee during the evaluation of the SOQs. The evaluation worksheets should set forth the exact requirements as stated in the RFQ, and can help to streamline and facilitate each evaluator's review of each SOQ. The evaluation worksheets should be handed out to the members of the Selection Review Committee at the evaluation orientation and should remain confidential for the duration of the procurement process.

The steps of the evaluation process are briefly and generally outlined below. However, each procurement is unique and the RFQ will set forth the specific steps being utilized by the LA DOTD for that specific procurement.

Louisiana Department of Transportation and Development

- A) The Innovative Procurement Section prepares and conducts an evaluation orientation for the Selection Review Committee;
- B) The Innovative Procurement Section receives the SOQs, reviews the SOQs for responsiveness, and prepares the SOQs for evaluation;
- C) The Innovative Procurement Section distributes the SOQs to the Selection Review Committee for evaluation;
- D) The Selection Review Committee members review the SOQs and submit requests for clarifications to the Selection Review Committee as a whole for approval. If approved, the Selection Review Committee forwards requests for clarifications to the Innovative Procurement Section at any time for issuance to the Proposer;
- E) The Innovative Procurement Section issues requests for clarifications throughout the evaluation process, as required;
- F) If short-listing is included in the evaluation process, the Selection Review Committee initially evaluates each Proposer in accordance with the procedure set forth in the RFQ and determines a Short-List of Proposers that will participate in presentations and interviews. The minimum requirements for inclusion on the Short-List, and number of Proposers that may be short-listed, is disclosed in the RFQ;
- G) The Selection Review Committee participates in Proposer presentations and interviews, if held;
- H) After receipt of responses to requests for clarifications, if any, and participation in Proposer presentations and interviews, if held, each Selection Review Committee member will re-evaluate each pass/fail evaluation factor and each qualitative evaluation subfactor and factor for each remaining Proposer, based on any information received through the clarifications and/or presentations and interviews using the evaluation worksheets;
- I) After each Selection Review Committee member re-evaluates each pass/fail evaluation factor and qualitative evaluation subfactor and factor, the Chair of the Selection Review Committee will finalize the score for each qualitative evaluation subfactor and factor for each Selection Review Committee member to calculate the final total SOQ score for each eligible Proposer; and
- J) The results of the evaluation process will be submitted to the Chief Engineer for recommendation to the Secretary. The Secretary will, in his or her sole determination, select the successful Proposer or reject all SOQs.

Section 4.2 Tasks

- Send appointment notices for SOQ evaluations to Selection Review Committee members.
- Reserve space for SOQ evaluations.
- Prepare evaluation worksheets.
- Prepare evaluation workbooks.
- Reserve/identify secure space/location for storage of SOQs and Selection Review Committee evaluation materials.

Section 4.2 Deliverables

- Evaluation worksheets.
- Evaluation workbooks.

4.2.1 Evaluation Process Orientation

The Innovative Procurement Section will commence the evaluation process with an evaluation orientation, which will inform the members of the Selection Review Committee of the particular scope and expectations of the project and the details of the procurement process, including the SOQ evaluation subfactors and factors and the evaluation process. All of the members of the Selection Review Committee are required to attend this evaluation orientation and sign the Conflict of Interest Affidavit and, if they have not already done so, the Confidentiality and Non-Disclosure Agreement.

The Innovative Procurement Section is also responsible for preparing evaluation worksheets for use by the Selection Review Committee during the evaluation of the SOQs. The evaluation worksheets should evaluate the exact requirements as set forth in the RFQ, and can help to streamline and facilitate each evaluator's review of each SOQ. The evaluation worksheets and all solicitation documents should be handed out to the members of the Selection Review Committee at the evaluation orientation and should remain confidential for the duration of the procurement process.

Section 4.2.1 Tasks

- Prepare evaluation orientation Microsoft Power Point® presentation.

Section 4.2.1 Deliverables

- Microsoft Power Point® evaluation orientation presentation.

4.2.2 Responsiveness Review of the SOQ

The Innovative Procurement Section is responsible for the responsiveness review of each SOQ upon its receipt on the SOQ due date. The responsiveness review is only a check of whether the Proposer has submitted all of the required “pieces” of the SOQ. The responsiveness review is not a review as to the quality of the SOQ. The opinion of the quality of the SOQ is reserved strictly for the Selection Review Committee. The responsiveness review can be greatly simplified by the creation of a responsiveness checklist – a checklist of all of the submission requirements from the RFQ.

Section 4.2.2 Tasks

- Prepare SOQ responsiveness checklist and conduct SOQ responsiveness reviews.

Section 4.2.2 Deliverables

- SOQ responsiveness checklist.

4.2.3 Evaluations

The SOQs are confidentially evaluated by the Selection Review Committee members. Selection Review Committee members must attest to maintain strict confidentiality and security regarding the content of SOQs and proceedings of the Selection Review Committee meetings before, during, and after the evaluation process on the LA DOTD’s Confidentiality and Non-Disclosure Agreement.

It is essential that the integrity and transparency of the selection process be maintained to ensure that the LA DOTD is selecting the most qualified CMAR Contractor, avoid Proposer or public perception of favoritism or partiality in award of the CMAR Contract, and ensure that all submittals are given fair and equal consideration.

In addition to signing Confidentiality and Non-Disclosure Agreements, Selection Review Committee members must not participate in any evaluation process when there may be an actual, potential, or perceived conflict of interest (either of an outside business or personal nature) with the Proposers involved. Selection Review Committee members are required to complete Conflict of Interest Affidavits after submission of SOQs but prior to the commencement of evaluations. Any Selection Review Committee member who believes there is any actual, potential, or perceived conflict of interest when serving on a committee is required to so indicate on his or her Conflict of Interest Affidavit and may be removed from the Selection Review Committee.

Responsive SOQs will first be evaluated against the pass/fail evaluation factors included in the RFQ. After each Selection Review Committee member has evaluated individual SOQs for conformance with the pass/fail evaluation factors and completed the evaluation worksheet provided by the Innovative Procurement Section, the Selection Review Committee will meet to clarify any questions the individual Selection Review Committee members have regarding the pass/fail evaluation factors and/or the information submitted in an SOQ. The Innovative Procurement Section assists the Selection Review Committee during these discussions. After

receipt of clarifying information from the Proposers, if any, and presentations/interviews with Proposers, if held, the Selection Review Committee members will re-evaluate each Proposer's pass/fail evaluation factor.

For each SOQ passing all pass/fail evaluation factors, each member of the Selection Review Committee will then evaluate the SOQ against the qualitative evaluation subfactors and factors using the evaluation worksheets provided by the Innovative Procurement Section. After each member has evaluated individual SOQs, the Selection Review Committee will meet to clarify any questions the individual Selection Review Committee members have regarding the SOQs or the qualitative evaluation subfactors and factors. After receipt of clarifying information from the Proposers, if any, and presentations/interviews with Proposers, if held, the Selection Review Committee members will re-evaluate each Proposer's qualitative evaluation subfactors and factors.

When the individual Selection Review Committee members complete evaluation of the pass/fail evaluation factors and qualitative evaluation subfactors and factors, the Chair of the Selection Review Committee will finalize the score for each qualitative evaluation subfactor and factor to calculate the final total SOQ score for each Proposer.

4.2.4 Requests for Clarifications

During the evaluation process, it may prove to be difficult for the Selection Review Committee to continue on with its evaluations because a Proposer has submitted an SOQ that contains an error, omission, ambiguity, or weakness. In those instances, at the sole discretion of the Selection Review Committee and the Innovative Procurement Section, a request for clarification may be issued to a Proposer. A request for clarification must be agreed upon by the Selection Review Committee as a whole and will be issued to the Proposer by the Innovative Procurement Section. The purpose for this is because, at times, one evaluator may have missed or not understood a certain portion of an SOQ, but when discussed with the Selection Review Committee in its entirety, the need for the request for clarification is eliminated.

Typically, a request for clarification should not require more than 24 hours for a response since it is only a correction of an error, omission, ambiguity, or weakness. Once the response to the request for clarification is received, the Innovative Procurement Section will review it for responsiveness and then deliver it to the Selection Review Committee for its further consideration in the evaluation process.

Section 4.2.4 Tasks

- Draft requests for clarification.
- Review responses to requests for clarification for responsiveness and distribute to the Selection Review Committee.

Section 4.2.4 Deliverables

- Requests for clarification.

4.2.5 Presentations/Interviews

As noted above, the Selection Review Committee may opt to invite Proposers to provide presentations and/or attend interviews during the evaluation process. At its discretion, the Selection Review Committee may invite only a Short-List of Proposers to participate in presentations and/or interviews. If the Selection Review Committee will short-list Proposers for presentations/interviews, the number to be included on the Short-List and the eligibility criteria must be disclosed in the RFQ. Inclusion on the Short-List will be determined after initial evaluation by the Selection Review Committee of the pass/fail evaluation factors and qualitative evaluation subfactors and factors. The Innovative Procurement Section notifies each Proposer of its inclusion on the Short-List, if established, and its invitation to a presentation/interview.

Presentations/interviews are part of the evaluation process. The length, location of, and format of the presentation and/or interview will be detailed in the RFQ or in the invitation sent to the eligible Proposers. Presentations/interviews will be conducted by the Selection Review Committee members, with support from the Innovative Procurement Section.

4.2.6 Selection

After presentations/interviews, if held, and within 90 days after the receipt of SOQs, the Selection Review Committee members will re-evaluate the pass/fail evaluation factors and qualitative evaluation subfactors and factors for each Proposer that participated in the presentations/interviews. When the individual Selection Review Committee members complete re-evaluation of the pass/fail evaluation factors and qualitative evaluation subfactors and factors, the Chair of the Selection Review Committee will finalize the score for each qualitative evaluation subfactor and factor to calculate the final total SOQ score for each eligible Proposer.

The Selection Review Committee, with assistance from the Innovative Procurement Section, then prepares and signs a memorandum for the Chief Engineer to present to the Secretary recommending the successful Proposer for approval, including a summary of the reasons for the final selection recommendation.

Once the final selection is established and approved, the Innovative Procurement Section E-mails all Proposers notification of the final selection. The Innovative Procurement Section sends the LA DOTD's Notice of Intent to Award to the top-ranked Proposer.

4.3 Protest of CMAR Contractor Selection

The RFQ establishes the protest procedure for the procurement. The established protest procedure is the only recourse for Proposers seeking to challenge the selection process. This administrative remedy must be followed prior to any judicial recourse during this phase. However, in accordance with Louisiana R.S. 38:2225.2.4(D), there shall be no challenge to the legal process except for fraud, bias for pecuniary or personal reasons not related to the taxpayers' interest, or arbitrary and capricious selection by the LA DOTD.

4.4 Negotiations

Upon identification of the selected Proposer and after the protest period has lapsed, the LA DOTD will proceed with the selected Proposer to finalize the Pre-Construction Services Agreement. The LA DOTD may agree to limited negotiations with the selected Proposer to clarify any issues regarding the Pre-Construction Services Scope of Work, schedule, pre-construction services pricing and payment, or any other information provided by that Proposer.

Any decision to commence or continue negotiations regarding the terms of the Pre-Construction Services Agreement is at the LA DOTD's discretion. By submitting its SOQ, each Proposer commits to entering into the sample Pre-Construction Services Agreement included in the RFQ, without negotiation or variation, and to fill in blanks and include information from the SOQ that the sample Pre-Construction Services Agreement indicates is required.

If a Pre-Construction Services Agreement satisfactory to the LA DOTD cannot be negotiated with the selected Proposer, the LA DOTD will formally end negotiations with that Proposer and take one of the following actions:

- A) Requiring the selected Proposer to enter into the Pre-Construction Services Agreement in the form included in the RFQ, without variation except to fill in blanks and include information from the SOQ that the sample Pre-Construction Services Agreement indicates is required. If the selected Proposer chooses to not enter into the Pre-Construction Services Agreement in the form included in the RFQ, the selected Proposer will forfeit its proposal bond;
- B) Rejecting all SOQs; or
- C) Proceeding to the next most highly qualified SOQ to finalize or attempt to negotiate the Pre-Construction Services Agreement with that Proposer.

4.5 Award and Execution of CMAR Contract

After negotiations are completed, the Innovative Procurement Section will send an award letter to the successful Proposer notifying it of award of the CMAR Contract. The letter typically includes one electronic copy of the entire completed set of the Pre-Construction Services Agreement (with all of the "blanks" filled in) for the successful Proposer's review

For federally-funded jobs, a concurrence in the award of the Pre-Construction Services Agreement is required from the FHWA. In addition, if the LA DOTD is requesting federal assistance in the cost of pre-construction services, FHWA approval of the cost/price analysis for the pre-construction services, including Change Orders is required. The following documents will need to be received and reviewed by the Innovative Procurement Section prior to execution of the Pre-Construction Services Agreement:

- A) Performance bond, if required for pre-construction services;
- B) Insurance certificates;

- C) Full details of who will sign the Pre-Construction Services Agreement and evidence as to the authority, power, and capacity of said individual(s) to bind the successful Proposer to the agreement;
- D) The Proposer's Federal Internal Revenue Service Identification Number; and
- E) Evidence that the successful Proposer and any subcontractors are properly licensed, if not previously provided.

It should be assumed that three original copies of the Pre-Construction Services Agreement should be executed, plus one original for each parish in which the project will be conducted. After execution of the Pre-Construction Services Agreement, a written Notice to Proceed (NTP) is required to be provided to the CMAR Contractor prior to commencement of any work under the Pre-Construction Services Agreement.

Section 4.5 Tasks

- Draft award letter to the successful Proposer.
- Draft and submit award concurrence letter to the FHWA, along with the pre-construction services cost/price analysis.
- Schedule Pre-Construction Services Agreement execution ceremony (if signing ceremony is to be held).
- Draft NTP.

Section 4.5 Deliverables

- Award letter to successful Proposer.
- FHWA award concurrence letter.
- NTP.

4.6 Debriefing Meetings

After execution of the Pre-Construction Services Agreement, unsuccessful Proposers may request a de-briefing. If any of the unsuccessful Proposers request a de-briefing, the Chair of the Selection Review Committee should lead the de-briefing, with support from the Innovative Procurement Section.

The de-briefing should focus on providing the unsuccessful Proposer with information on both the strengths and weaknesses in the Proposer's SOQ, with a focus on how that particular Proposer can improve in the next procurement. The de-briefings should occur as soon after Contract Execution as possible so that the information is still fresh in the mind of the Chair of the Selection Review Committee.

The Chair of the Selection Review Committee will review the evaluation worksheets of the Selection Review Committee members for the Proposer requesting the de-brief and summarize the documented strengths and weaknesses from those evaluation worksheets into a format that is concise and easy to follow for purposes of the de-brief.

Section 4.6 Tasks

- Schedule de-briefs.
- Prepare summary de-brief documents.

Section 4.6 Deliverables

- Summary de-brief document.