REQUEST FOR QUALIFICATIONS

Forward 44: U.S. 50 Interchange Improvements Project
St. Louis District
Franklin County, MO

Project Number: JST0115, JSL0297
RFQ Issued: November 2, 2026
SOQs Due: December 7, 2026

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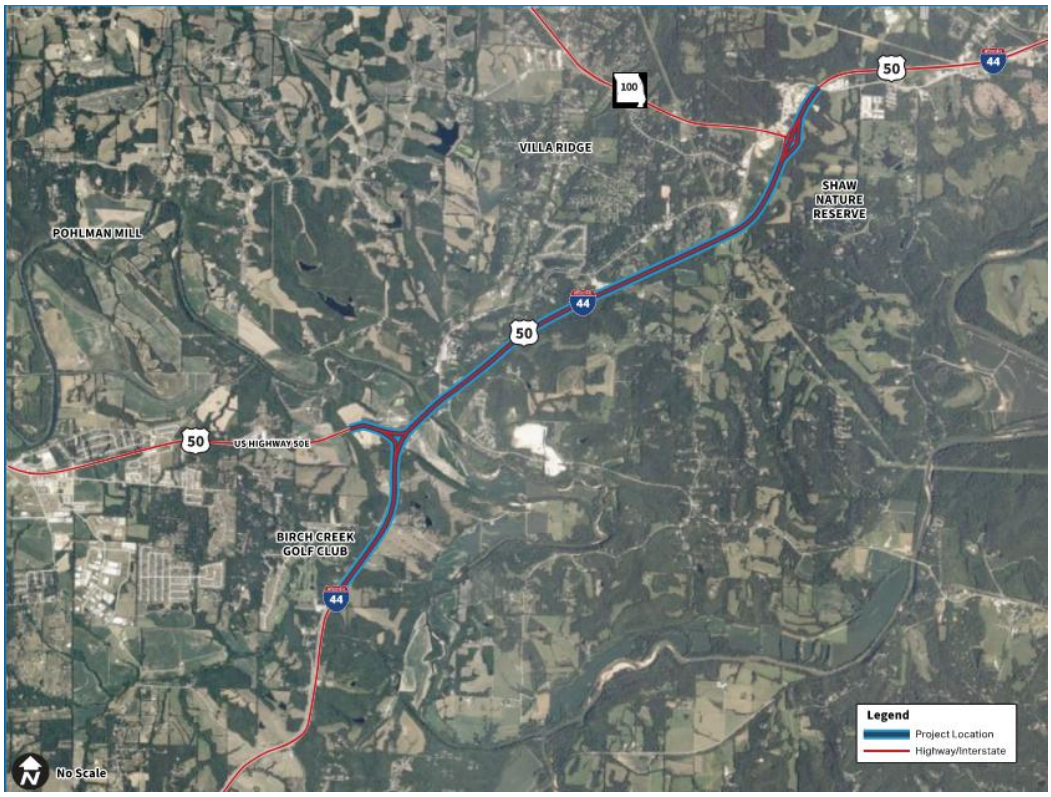
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1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQs) from entities (Submitters) interested in providing design-build services for the Forward 44: U.S. 50 Interchange Improvements Project (Project), at the U.S. 50 interchange on I-44 in Franklin County. This Project is designated as Job Nos. JST0115 and JSL0297.



1.1 Project Description

Interstate 44 (I-44) is an integral part of the national interstate system providing a direct connection between the Oklahoma City, Tulsa, and St. Louis metropolitan areas. I-44 carries over 46,400 vehicles per day, and over 30% of those vehicles are freight. Connecting Joplin, Springfield, Rolla, and St. Louis, this interstate serves as one of Missouri's most essential corridors, linking major metropolitan areas and providing access to recreational areas. Furthermore, as traffic from I-44 transitions toward the Union area, the I-44/U.S. 50 interchange and U.S. 50/Route AT intersection become important local travel connection points for residents and the surrounding communities. This interchange provides daily access for commuters, local travelers, and regional traffic moving through the area. A well-used commuter lot located just south of the intersection further highlights the corridor’s role as a key connection point for work.

MoDOT intends to make improvements to the I-44 corridor, I-44/U.S. 50 interchange, and

U.S. 50/Route AT intersection to improve safety and reliability; reconstruct or rehabilitate existing pavement and bridges; and provide long lasting improvements for all road users.

The Project will be built in accordance with the National Environmental Protection Agency (NEPA) documents that define the environmental impacts and required mitigation for the Project. Improvements to I-44 will be documented with a Categorical Exclusion 2 (CE2).

The successful Proposer will be responsible for management, design, construction, Quality Assurance and Quality Control of the project. It is anticipated that the Proposer will identify and secure a project office within the State of Missouri and within reasonable proximity to the jobsite to co-locate with the MoDOT design-build staff.

1.2 Project Goals

The following prioritized goals have been established for the project:

1. Improve safety and reliability within the I-44/U.S. 50 interchange, U.S. 50/AT intersection and entire project limits within the program budget.
2. Provide a long-lasting and expandable transportation system that minimizes maintenance and future traffic impacts.
3. Safely construct a project that minimizes impacts to the public.
4. Deliver the project on schedule.

1.3 Estimated Cost and Maximum Time Allowed

The total budget is $126.2 million including the design-build contract, Right of Way acquisitions, Utility reimbursements, stipend payments, and other miscellaneous project management expenses. The estimated fixed cost design-build contract budget is $100 million. The Project must be safely opened to traffic and all activities completed prior to August 1, 2030.

2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS

2.1 Two-Phased Design-Build Procurement Process

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of SOQs, that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will short list at least two (if any) but not more than five most highly qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the short-listed Submitters. Only the short-listed Submitters will be eligible to submit proposals for the Project. Each short-listed Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a design-build contract (if any) for the Project to the Proposer offering the best value, to be determined as described in the RFP.

2.2 Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

MoDOT may disqualify a Submitter that violates the Disadvantaged Business Enterprise (DBE) exclusivity referred to in Section 6.8.

2.3 Procurement Schedule

Item	Date
Issue RFQ	November 2, 2026
Deadline for submitting RFQ questions	November 18, 2026 (10:00am CDT)
Final responses to questions posted & Final RFQ Addendum issued	November 24, 2026
SOQ due	December 7, 2026 (10:00am CDT)
MoDOT notifies short listed Submitters	December 18, 2026
Issue RFP	January 4, 2027
Final Proposal and Price Allocation due	March 15, 2027 (10:00am CT)
Selection of Apparent Best Value	April 7, 2027

3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ and addresses the evaluation criteria that MoDOT shall utilize.

3.1 Organization of SOQ

The SOQ shall be organized as follows:

- Cover Letter
- Title Page
- Table of Contents
- Part 1 – Administrative Elements (Pass/Fail)
- Part 2 – Submitter Experience (60 Points)
- Part 3 – Key Personnel and Organization (40 Points)

3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the design team and contractor. Name the entity with whom MoDOT will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.

3.3 Part 1 – Administrative Elements (Pass/Fail)

Submittal Requirements:

- Form DB-104: Receipt of Addenda
- Form DB-105: Conflict of Interest (including a letter describing such conflicts if they exist)
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Evaluation Criteria:

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

3.4 Part 2 – Submitter Experience (60 Points)

Submittal Requirements:

- An executive summary not to exceed four (4) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas:
  - **Design:** The Submitter shall provide specific examples of their relevant experience with the design of freeways, interchanges, and arterials with characteristics similar to this Project. Demonstrate relevant experience of Submitter's ability to utilize expertise to improve the safety and reliability of interstate and arterial facilities while safely managing traffic impacts. Illustrate examples of effective partnering with owners and contractors. The Submitter is encouraged to provide examples of completed projects which successfully reduced the crash rates due to design improvements.
  - **Construction:** The Submitter shall provide specific examples of its ability to successfully deliver similar projects and of its ability to generate and implement innovative ideas to deliver quality, be on or ahead of schedule, and proactively resolve challenges. The Submitter shall include previous tools used to mitigate traffic impacts during construction by using innovative approaches to Maintenance of Traffic. The Submitter shall provide examples of successful transition of traffic during construction on completed projects. Illustrate examples of effective partnering with owners, other contractors, consultants, local businesses, and residents where communication about each phase of construction leads to the success of the Project.
  - **Approach to Ensuring Safety:** The summary should include every Major Participant's safety record including lost time incidents, OSHA recordables, and fatalities in the last five years and examples of successfully implemented Safety Management Programs or innovations.
  - **Quality Management Program:** The Submitter shall provide specific examples of quality programs for previous projects of similar size and complexity to this project that demonstrate its ability to develop, implement, and maintain a Quality Management Program throughout all phases of the project while acting independent of production.
  - **Regulatory Agencies and Utility Interaction:** Describe previous efforts to mitigate and minimize impacts to and work successfully with the applicable regulatory agencies and Utility companies. Submitters shall highlight specific examples of close coordination with regulatory agencies and utilities.
  - **DBE Utilization:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 0% construction activities and 0% professional services and provide examples of past performance.
- Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- Form DB-102: Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two pages. A maximum of four (4)

reference projects can be described for each Submitter. For ease of comparison, this form is not to be modified.

Evaluation Criteria:

Part 2 will be evaluated based on Submitter's demonstrated performance on recent projects and the quality and completeness of the submittal requirements for this section. Specifically, MoDOT will evaluate the Submitter experience based on:

- Use of innovative approaches to deliver a project within budget, such as proposing and implementing construction efficiencies, Value Engineering Change Proposals, Additional Applicable Standards, Alternative Technical Concepts, and the successful delivery of Alternative Contracting Projects.
- Experience delivering major roadway construction projects effectively and efficiently.
- Experience in enhancing roadway safety and traffic operation reliability utilizing a data-driven approach.
- Experience designing and constructing geometric improvements at interchanges and intersections while considering freight movements.
- Past performance in developing and implementing a Quality Control and Quality Assurance program on a major transportation project that can promptly identify and correct deficiencies. Including how the Submitter provided QC and QA for both the design and construction elements of the Project, detailing the sampling, testing, inspection, management control, document control, communication requirements, and non-compliant work to ensure that the work conforms to the contract requirements.
- Recent safety history and company safety results.
- Implementation of innovative traffic handling plans on a project to minimize and mitigate construction impacts to local and regional customers.
- Recent experience delivering projects on or ahead of schedule.
- Demonstrated ability to resolve unexpected challenges encountered during similar projects.
- Past performance for both construction and professional services on projects meeting or exceeding DBE goals.
- Implementation of innovative approaches to engage and develop the workforce in the local community through programs, training, or other outreach efforts.
- Experience coordinating with owners, local governments, regulatory agencies utility companies, and other organizations to achieve mutually agreeable results.

3.5 Part 3 – Key Personnel and Organization (40 Points)

Each Submitter shall identify the experience, responsibilities and past achievements of the Key Personnel listed below.

Key Personnel identified in the SOQ, including any "Additional Key Personnel", may not be removed, replaced, or added without written approval of the MoDOT Project Director.

Submitters should define the following positions as Key Personnel:

- **Project Manager** – The Project Manager is responsible for all aspects of the Project, including but not limited to, overall safety, design, construction, quality management, contract administration, DBE and workforce development, and environmental compliance. The Project Manager should have at least ten years of recent and relevant experience managing the design and construction of major transportation networks. The Project Manager shall have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT's Project Director. The Project Manager should have an understanding of Project Partnering and hold Safety and Quality in the highest regard. The Project Manager shall be assigned to the Project full-time for the duration of the Project.
- **Quality Manager** – The Quality Manager's responsibilities include, but are not limited to, creation and execution of the Submitter's quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including design documentation, construction quality and testing, environmental compliance, erosion control, and DBE/labor compliance. The Quality Manager should have at least five years of recent and relevant experience developing, implementing, and overseeing quality programs on heavy civil construction work. The Quality Manager shall report directly to the Submitter's executive management team. The Quality Manager shall not be the Project Manager. The Quality Manager may assign a designee to be a Design Quality Manager during the design phase. The Quality Manager shall be assigned to the Project full-time and shall be required to be on Site for all activities.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met including the contract requirements. The Design Manager should have at least seven years of recent and relevant experience managing the design of major transportation networks including roadways, structures, interchanges, and traffic operations and safety. The Design Manager must be a registered professional engineer in the State of Missouri or must have registration pending at the time of SOQ submittal and be registered for the duration of the project. The Design Manager shall be assigned to the Project full-time when design activities are being performed. During construction, the Design Manager shall be readily available for on-site consultation.
- **Construction Manager** – The Construction Manager shall be responsible for managing the construction of the Project. The Construction Manager should have at least seven years of recent management experience in the construction of highways and bridges. The Construction Manager shall be on

site for the duration of the construction phase.

Submittal Requirements:

- An executive summary of Key Personnel, not to exceed three (3) pages describing the Key Personnel's qualifications and recent specialized experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of Highway projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Provide the organizational style of the team and indicate how the structure has proven the Submitter's ability to meet or exceed the goals. Include a description of overall team makeup, and summary of agreement if a Joint Venture.
- Form DB-103: Resume Summary
- Form DB-110: Commitment of Key Personnel
- Resumes for the Key Personnel are to be included. Each resume is limited to one (1) page and shall include two (2) owner references by providing a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.

Evaluation Criteria:

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter's:

- Experience in utilizing innovative approaches to deliver a project within budget.
- Experience in maximizing and ensuring safety on a project.
- Experience in design and construction of interchanges, structures, freeways, and arterials in a mix of rural and urban corridors.
- Experience in design and implementation of innovative traffic handling plans on a project.
- Experience developing a project schedule and delivering projects on-time. The submitter is encouraged to expand on experience with project phasing and strategies to keep projects on schedule.
- Experience coordinating with utilities and regulatory agencies.
- The roles and responsibilities of each primary team member. The functional structure, levels of management, and reporting relationships for primary members and major functions to be performed in managing, designing, and constructing the Project.
- Experience and approach for achieving DBE and workforce development goals.
- Relevance of tasks performed by Key Personnel on resumes for reference projects.

4 SUBMITTAL REQUIREMENTS

4.1 Format

The SOQ must be formatted for 8.5" x 11" paper. Charts and other graphical information may be formatted for 11" x 17" paper. Use of 11" x 17" format shall be limited to a maximum of two pages. Minimum font size is 11-point. However, 10-point text may be used within graphs or tables.

4.2 Due Date and Quantities

The SOQ must be submitted by 10:00 am, Central Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. One (1) electronic copy in PDF format of the RFQ response is to be submitted by email to SLForward44@modot.mo.gov as shown in Section 6.3 and detailed below. Hard copies will not be accepted.

Submitter's SOQ Email:

Submitters shall email one (1) electronic copy of their respective SOQ, in Portable Document Format (PDF), to SLForward44@modot.mo.gov.

SOQ Coordinator's Response Email:

The SOQ Coordinator will provide the Submitter a SOQ receipt after receiving the Submitter's SOQ Email.

4.3 Page Limits

The maximum number of pages is shown in the following table:

Section	Max Pages
Cover Letter	1
Title Page	1
Table of Contents	1
Part 1 – Administrative Elements	
Form DB-104: Receipt of Addenda	1
Form DB-105: Organizational Conflicts	As needed
Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion	As needed
Part 2 – Submitter Experience	
Executive Summary	4
Form DB-101 Major Participant Information	As needed
Form DB-102 Reference Project Summary	8
Part 3 – Key Personnel Experience	
Executive Summary	3
Organizational Chart	1

Form DB-103 Resume Summary	1
Form DB-110: Commitment of Key Personnel	4
Resumes	4

Dividers between sections of the SOQ are not counted.

5 EVALUATION PROCESS

All responses will be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 60 points.

Part 3 will be evaluated based on a possible 40 points.

MoDOT is restricted to short-listing no more than five teams; therefore, the scoring was intentionally crafted to differentiate between what is anticipated to be many highly qualified teams. MoDOT will use the ratings below to determine a maximum of five most highly qualified teams and/or demonstrate a significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the short-listing process are as follows:

Rating	Description
Exceptional +/-	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/-	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/-	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable +/-	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.

6 GENERAL INFORMATION

6.1 Major Participant Definition

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding an equity interest in the Submitter.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 20% or more of the construction work.
- Each sub-consultant that will perform 20% or more of the professional services.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of MoDOT Project Director. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

6.2 Stipend

No stipends will be paid for submitting a SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is $400,000.00 and shall be provided to such Proposers(s) as early as 15 days after MoDOT determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their stipend within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to MoDOT.

6.3 Communications

MoDOT's Project Director, Glenn Konersmann, is MoDOT's sole contact person for receiving all communications regarding the project and procurement thereof. Each Submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.

Glenn Konersmann, P.E., Assoc. DBIA
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During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities, utility companies, railroads, regulatory agencies, and the general public.

6.4 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted in email to SLForward44@modot.mo.gov. To be considered, all questions and requests must be received by 10:00 am, CT on the date indicated in Section 2.3. Questions, requests for clarifications, and responses will be posted on the project web site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project web site, Forward 44: U.S. 50 Interchange Improvements Project | Missouri Department of Transportation

6.5 Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

6.6 Organizational Conflicts of Interest

MoDOT has developed guidance to identify and remedy organizational conflicts of interest (COI) that may arise from design-build projects. Pursuant to 23 CFR 636.116, consultants and sub-consultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Submitter's team. Submitter must provide to MoDOT, via DB-105 form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Assistant Chief Engineer has sole discretion to make a final determination on a case-by-case basis whether a COI exists and the action(s) that must be taken to resolve, mitigate, or avoid the COI.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

A firm is ineligible to submit a proposal, in either a prime or sub-consultants' role, if it assists in the development of the scope of work, the RFQ, or the RFP. The following firms have been declared ineligible for this Project.

- AECOM Technical Services
- EFK Moen, LLC
- George Butler Associates, Inc
- Tsquared Traffic and Transportation, LLC
- Surveying And Mapping, LLC (SAM)
- UES Professional Services 25, LLC
- Bowlby & Associates

6.7 Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

MoDOT will ensure that in any contract entered into pursuant to this advertisement, business owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

A goal of two (2) OJT positions for construction activities has been assigned.

6.8 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:
0% construction activities **0%** professional services

To ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1, or with written permission from MoDOT's Project Director.

It is the policy of MoDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms will need to be certified with MRCC. The MRCC DBE Directory is at the following web site:
https://www.modot.org/dbe-program

7 PROTEST PROCEDURES

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the public announcement of short listing. Notice of protest of the decision on short listing must be filed within five calendar days after the public announcement of short listing.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to MoDOT Project Director and other Submitter(s), a detailed statement of the grounds, facts, and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of MoDOT, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Submitter or MoDOT. The Director of MoDOT or his designee will issue a written decision regarding the protest within 30 calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of MoDOT or his designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the draft RFP, MoDOT may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Director of MoDOT or his designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or his designee concludes that the Submitter filing the protest has established a basis for protest, the Director or his designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in

the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications, or taking other appropriate actions.

7.1 Costs and Damages

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.