



# REQUEST FOR QUALIFICATIONS

**Chester Bridge**  
**Perry County, MO and Randolph County,**  
**IL**

Project Number: J9P3857, J9P3857B, J9P3857C

RFQ Issued: June 16<sup>th</sup>, 2022

SOQs Due: July 18<sup>th</sup>, 2022

Missouri Department of Transportation  
Southeast District  
2675 N. Main St.  
Sikeston, MO 63801



**Chester Bridge**  
**Missouri Department of Transportation**  
**Request for Qualifications**  
**Job Nos. J9P3857, J9P3857B, J9P3857C**  
**June 16<sup>th</sup>, 2022**

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<b>Addenda</b>	<b>Date</b>	
1		Revisions:
2		Revisions:
3		Revisions:
4		Revisions:

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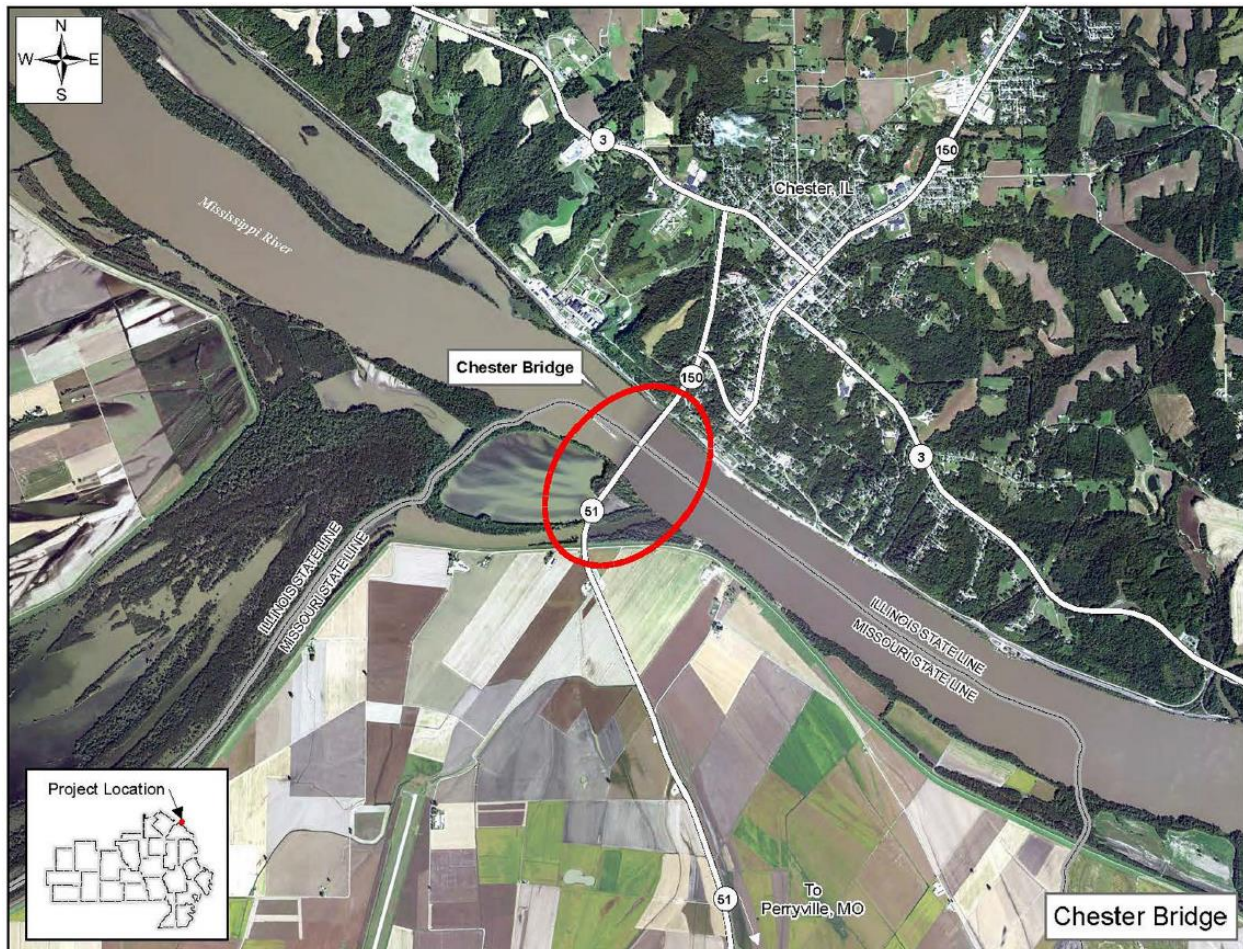
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**FORMS**

Form DB-101 – Major Participant Information  
Form DB 102 – Reference Project Summary  
Form DB-103 – Resume Summary  
Form DB-104 – Receipt of Addenda  
Form DB-105 – Conflict of Interest  
Form DB-110 – Commitments of Key Personnel  
Form DB-802 – Debarment, Suspension, Ineligibility, and Voluntary Exclusion Certification

# 1 INTRODUCTION

The Missouri Department of Transportation (MoDOT), in cooperation with Federal Highway Administration (FHWA) and Illinois Department of Transportation (IDOT), is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for Missouri Route 51/Illinois Route 150 Chester Bridge over the Mississippi River (Chester Bridge) project (Project). The Project provides removal and replacement to the Chester Bridge over the Mississippi River (L0135) near Chester, Illinois and the accompanying Horse Island Chute Bridge (L1004). Approximate project limits extend from the intersection of Route 51 and Perry County Roads 239/944 in Missouri to the intersection of IL Route 150 and Taylor Street in Illinois. This project is designated as Job Numbers J9P3857, J9P3857B, and J9P3857C.



## 1.1 Project Description

The Chester Bridge is a continuous-truss bridge, constructed in 1942 and reconstructed 1944, across the Mississippi River. The Horse Island Chute bridge is a steel stringer bridge, also built in 1942, over the Horse Island Chute. The bridges connect Route 51 (in Missouri) with Route 150 (in Illinois). They form the only



Mississippi River roadway crossing between St. Louis (roughly 57 river miles north) and Cape Girardeau (roughly 56 river miles south). The nearest population centers are the City of Chester, IL and the City of Perryville, Missouri. The Chester bridge is a vital link between the two communities and provides access for agricultural industry to move goods and services between the States.

The anticipated scope for this project includes the removal and replacement of the existing Chester Bridge and Horse Island Chute Bridge, improving roadway geometrics, and improving safety along MO 51 and IL 150. The Project will be built in accordance with the Environmental Assessment (EA), and the approved Finding of No Significant Impact (FONSI) that defines the environmental commitments and required mitigation set forth in the EA for the Chester Bridge Project.

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. Replace both structures within the project budget using durable 100-year, low maintenance structure(s).
2. Provide a safe and reliable transportation solution for all modes of transportation.

3. Complete the project no later than December 1, 2026 with the least impacts to all modes of transportation.
4. Deliver the project safely while utilizing a diverse workforce.

### **1.3 Estimated Cost and Maximum Time Allowed**

The Project will be awarded based on a best value selection, meaning the proposals will contain both integrated cost and qualitative components and award will be based on both components. Currently, the total program budget is \$232,417,000 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 \$208,000,000. The Project must be completed by December 1, 2026.

## **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 shortlist 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 shortlisted Submitters. Only the shortlisted Submitters will be eligible to submit proposals for the Project. Each shortlisted 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 DBE exclusivity referred to in Section 6.9.

## **2.3 Procurement Schedule**

<b>Item</b>	<b>Date</b>
Issue RFQ	June 16, 2022
Deadline for submitting RFQ questions	July 11, 2022
Final responses to questions posted & Final RFQ Addendum issued	July 13, 2022
SOQ due	July 18, 2022
Oral Presentations	July 21, 2022 – July 22, 2022
MoDOT notifies shortlisted Submitters	August 3, 2022
Issue RFP	August / September 2022
Final Proposal and Price Allocation due	January 2023
Selection of Apparent Best Value	March 2023

## **3 SOQ CONTENTS AND EVALUATION CRITERIA**

This section describes specific information that must be included in the SOQ, and also 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 (100 Points)
- Part 3 – Key Personnel and Organization (100 Points)
- Part 4 – Oral Presentation (50 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 (100 Points)

*Submittal Requirements:*

- An executive summary not to exceed three (3) 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 major river bridge crossings. Submitter should demonstrate their ability to generate and incorporate innovative ideas, be on or ahead of schedule, not exceed the program budget, and resolve challenges. Describe previous experiences with design of specialty structures including long span bridges over navigable waterways including considerations for seismic activity and barge collisions. Also describe considerations for the maintainability and long-term reliability of the completed structures.
  - **Construction:** The Submitter shall provide specific examples of their relevant experience with the safe construction of major river bridge crossings. The Submitter should showcase experiences of constructing long span bridges over navigable waterways with multiple stakeholders. The Submitter should demonstrate their ability to generate and incorporate innovative ideas, be on or ahead of schedule, not exceed the program budget, and resolve challenges. The Submitter should include relevant information on unexpected challenges including market inflation. The Submitter is also encouraged to showcase past partnerships with owners that resulted in quality-built projects.
  - **Approach to Ensuring Safety:** The summary should include the Submitter's safety record, their safety philosophy, and examples of successfully implemented Safety Management Programs and safety innovations. The submitter should expand on safety experience working on rivers. Submitter should include information on industry standard safety statistics such as DART rates (Day Away, Restricted, and Transfer) and TRIR (Total Recordable Incident Rate).
  - **Quality Management Program:** Identify specific examples of your quality programs for previous projects that demonstrate your ability to develop, implement, and maintain a Quality Management Program throughout all phases of the project.
  - **Regulatory Agencies, Multiple States or Jurisdictions, Railroad, Levee District, Airport and Utility Interaction:** Describe previous efforts to mitigate impacts to and work successfully with the applicable regulatory authorities, railroads, levee districts, airports and utility companies. Describe collaborative experiences working with multiple states or multiple jurisdictions that have joint responsibility of a project.



- **DBE Utilization and Workforce Diversity:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 6% construction activities and 12% professional services and provide examples of past performance. Describe how the Submitter intends to effectively maintain a diverse workforce by meeting or exceeding the construction workforce goals for 11.4% minorities and 6.9% female and provide examples of past performance. Also demonstrate how the Submitter will effectively maintain a diverse workforce of 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 eight (8) reference projects can be described for each Submitter. The Contractor should showcase at least five (5) of the eight (8) reference projects. 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's experience based on:

- Recent design and construction experience of successful delivery of long span major river bridges.
- Use of innovative approaches to deliver a project within budget, such as value engineering change proposals, design-build projects, additional applicable standards, alternative technical concepts, etc.
- Recent experience delivering projects on schedule or ahead of schedule.
- Ability to address unexpected challenges encountered during similar projects and the resolution.
- Experience with a variety of structure types for long span bridges over navigable waterways, in areas of high seismic demand and similar geotechnical conditions.
- Experience in working with regulatory authorities associated with major river crossings, specifically the U.S. Coast Guard, U.S. Army Corps of Engineers, and levee districts. Describe experiences of strategies used to obtain permits.
- Experiences coordinating with utility and railroads on projects.
- Past performance coordinating with FAA and airports.
- Implementation of innovative traffic handling plans on a project to minimize and mitigate construction impacts to customers.
- Implementation of effective efforts to mitigate the impacts of land disturbance in environmentally and culturally sensitive areas, and to successfully manage a Stormwater Pollution Prevention Plan on past projects.
- Recent safety history and company safety philosophy including information for major river bridges.

- Implementation of innovative approaches to increase diversity and engage minorities and local community through programs, training, or other outreach efforts.
- The effectiveness of the DBE utilization strategies to maintain a diverse workforce for both construction and non-construction.
- Approach to developing a Quality Control and Quality Assurance program for the Project. Understanding of the Quality Management Program and how it will be implemented during all phases

### 3.5 **Part 3 – Key Personnel and Organization (100 Points)**

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

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 design, construction, quality management, contract administration, safety, DBE and workforce diversity, and environmental compliance. The Project Manager should have at least ten (10) years of recent experience managing the design and construction of major river structures. 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 should showcase their ability to successfully collaborate in a team environment and have a strength in ability to produce solutions to complex issues. The Project Manager must 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. Such records include documentation for design, construction quality and testing, environmental compliance, erosion control, and DBE/workforce diversity compliance. The Quality Manager should have at least five (5) years of recent experience developing, implementing, and overseeing quality programs in 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 construction activities.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met. The Design Manager should have at least eight (8) years of recent experience managing the design of highways and Major River Bridges and must be a Licensed Professional Engineer in the State of Missouri and the State of Illinois or must have registration pending at the time of SOQ submittal and be licensed 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 ten (10) years of recent management experience in highway construction and major river bridges. The Construction Manager shall be on site for the duration of the construction phase.
- **Structural Design Manager** – The Structural Design Manager is responsible for the design of the structures. The Structural Design Manager should have at least ten (10) years of recent experience managing the design of Major River Bridges and must be a Licensed Professional Engineer in the State of Missouri and a Licensed Structural Engineer in the State of Illinois or must have registration pending at the time of SOQ submittal and be licensed for the duration of the project. During construction, the Structural Design Manager shall be readily available for on-site consultation.

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.

The following Key Tasks address the areas in which special attention will be needed for the success of this Project. Each Submitter shall describe their approach to managing each Key Task.

- Regulatory Agency Permit Coordination
- Railroad Coordination
- Safety Management
- DBE and Workforce Diversity Coordination

*Submittal Requirements:*

- A one (1) page organizational chart.
- Executive summary of Key Personnel, not to exceed three (3) pages describing the Key Personnel’s qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of major river bridge projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Form DB-103: Resume Summary
- Form DB-110: Commitments of Key Personnel
- Resumes for the Key Personnel and up to four (4) additional 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 based on:

- Design and construction of major river bridges.
- Use of innovative approaches to deliver a project within budget.
- Relevance of tasks performed by Key Personnel on resumes for reference projects.
- Experience and approaches to delivering projects on schedule or ahead of schedule.
- Design and implementation of innovative traffic management plans on a project.
- Approach and plan for maximizing and ensuring safety on the project.
- Approach and plan for achieving DBE and workforce diversity goals.
- Experience and approaches to handling utility coordination.

### 3.6 Part 4 – Oral Presentation (50 Points)

An oral presentation provided by the Submitter's Key Personnel will be conducted in an in person format on the dates shown in Section 2.3. The Submitter shall provide the Key Personnel's email addresses and phone numbers with SOQ. A meeting invite will be sent to the Key Personnel. The oral presentation questions will be sent to the Project Manager. This will allow the Submitter time to prepare for the oral presentation. The oral presentation will be no more than 60 minutes in length. The oral presentation will be audio recorded in accordance with 7 CSR 10-24.030.

Any of the Key Personnel defined in Section 3.5, Part 3 – Key Personnel and Organization, may participate in the oral presentation. **Only Key Personnel will be allowed in the oral presentation.**

The Submitter is instructed not to provide any additional documentation to be shared with MoDOT at the oral presentation. The Submitter's hardcopy of their SOQ will be available for reference. Points will be deducted from Submitter's Part 4 scores if additional documentation is shared with MoDOT at the oral presentation.

The Submitter will be required to sign up for an oral presentation appointment as directed in Section 4.2. Anticipated dates of interviews are listed in Section 2.3.

#### *Evaluation Criteria:*

Key Personnel's responses to the questions based on the following topics:

- Ability to demonstrate problem solving skills in design and construction as a team.
- Ability to successfully partner on complex issues that could potentially arise on the project.
- Approach to coordinating with external partnerships including utilities, FAA/airport, regulatory agencies, and multiple states or jurisdictions.
- Approach to managing traffic during construction.
- Approach to safety as a team.
- Approach to quality control as a team.

## **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**

SOQ must be submitted by 1:00 p.m., Central Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. One (1) electronic copy in Portable Document Format (PDF) of the RFQ response is to be submitted by email to [chester\\_bridge@modot.mo.gov](mailto:chester_bridge@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 PDF, to [chester\\_bridge@modot.mo.gov](mailto:chester_bridge@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.

The Submitter will be required to sign up for an oral presentation appointment to satisfy the requirements of Part 4 following submittal of their SOQ. Appointments will be available on the dates listed in Section 2.3.

### **4.3 Page Limits**

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



<b>Cover Letter</b>	1
<b>Title Page</b>	1
<b>Table of Contents</b>	1
<b>Part 1 – Administrative Elements</b>	
Form DB-104: Receipt of Addenda	1
Form DB-105: Conflict of Interest	As needed
Form DB-802: Debarment, Suspension, Ineligibility, Voluntary Exclusion	As needed
<b>Part 2 – Submitter Experience</b>	
Executive Summary	3
Form DB-101: Major Participant Information	As needed
Form DB-102: Reference Project Summary	16
<b>Part 3 – Key Personnel Experience</b>	
Organizational Chart	1
Executive Summary	3
Form DB-103: Resume Summary	1
Form DB-110: Commitments of Key Personnel	18
Resumes	9

Dividers between sections of the SOQ are not counted.

## 5 EVALUATION PROCESS

According to 7 CSR 10-24.030, all responses to the Request for Qualifications will be evaluated by the pre-qualification review/shortlisting team. This team will be comprised of the following Missouri Department of Transportation staff or their designated representative: Chief Engineer, Chief Financial and Administrative Officer (Chief Financial Officer), Controller (Financial Services Director), Director of Program Delivery (Assistant Chief Engineer), one (1) or more District Engineer(s), Project Director for Project, State Construction and Materials Engineer, State Bridge Engineer and the State Design Engineer. Federal Highway Administration (FHWA), acting as an external partner will be an observer to the pre-qualification/shortlisting process.

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 100 points.

Part 3 will be evaluated based on a possible 100 points.

Part 4 will be evaluated based on a possible 50 points.

MoDOT is restricted to shortlisting no more than five (5) teams; therefore, the scoring was intentionally crafted to differentiate between what we anticipate 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 shortlisting process are as follows:

<b>Rating</b>	<b>Description</b>
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 30% 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 SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$1,000,000.00 and shall be provided to such Proposer(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, Brian Okenfuss, 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.

Brian Okenfuss, P.E.  
Chester Bridge Project Director  
Missouri Department of Transportation  
2675 North Main Street  
Sikeston, MO 63801  
[chester\\_bridge@modot.mo.gov](mailto:chester_bridge@modot.mo.gov)

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 to MoDOT's Project Director. To be considered, all questions and requests must be received by 3:00 pm, 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, <https://www.modot.org/chesterbridge>.

## **6.5 Ineligible Firms**

HDR Engineering, Inc. is acting as the owner's engineer and therefore is ineligible. The following firms are acting as a sub-consultant with HDR Engineering, Inc. and are also ineligible:

EFK Moen, LLC

Engineering Design Source, Inc.  
Geotechnology, Inc.  
SurvTech Solutions, Inc.  
Armeni Consultant Services, LLC  
Lochmueller Group, Inc.  
Real Estate Analysts, LTD.  
Lettis Consultants International, Inc.

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.

## **6.6 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.

## **6.7 Organizational Conflicts of Interest**

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 Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.3) belong to more than one Submitter organization.

## **6.8 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, businesses 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.

The Commission has set a workforce goal of 11.4% minority and 6.9% female per craft.

## 6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:

6% construction activities

12% professional services

In an effort 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.

Both Missouri and Illinois desire to maximize the opportunity for DBE firms certified in their States to participate in this Project funded by both States. The States also desire to make it easier for Contractors bidding on the Project to locate and provide sufficient certified DBE firms to achieve the DBE goal set by MoDOT.

The Contractor shall be entitled to use the DBE firms certified by either or both the Illinois Unified Certification Program (IL UCP) of the Missouri Regional Certification Committee (MRCC) to fulfill the DBE goals established by MoDOT.

MoDOT has implemented the Unified Certification Program and has formed the MRCC. It is the Contractor's responsibility to ensure firms identified for participation are approved certified DBE firms. The MRCC DBE Directory is at the following web site:

[http://www.modot.mo.gov/business/contractor\\_resources/External\\_Civil\\_Rights/DBE\\_program.htm](http://www.modot.mo.gov/business/contractor_resources/External_Civil_Rights/DBE_program.htm)

MoDOT will also accept DBE firms that are certified with the IL UCP. The IL UCP DBE Directory is at the following web site:

<https://idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index>



## **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 shortlisting. Notice of protest of the decision on shortlisting must be filed within five calendar days after the public announcement of shortlisting.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to the 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.