



# REQUEST FOR QUALIFICATIONS

## I-44 – Project Bridge Rebuild Design-Build Project Newton/Jasper/Lawrence County, MO

Project Number: J713357  
RFQ Issued: August 13, 2018  
SOQs Due: September 4, 2018

Missouri Department of Transportation  
2915 Doughboy Drive  
Joplin, MO 64804



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



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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-802 – Debarment, Suspension, Ineligibility, and Voluntary Exclusion

# 1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the I-44 Project Bridge Rebuild (Project), on I-44, from 0.9 mile east of Loop 49 in Joplin to Route Z in Halltown, in Newton, Jasper and Lawrence Counties, Missouri. This project is designated as Job No. J713357.

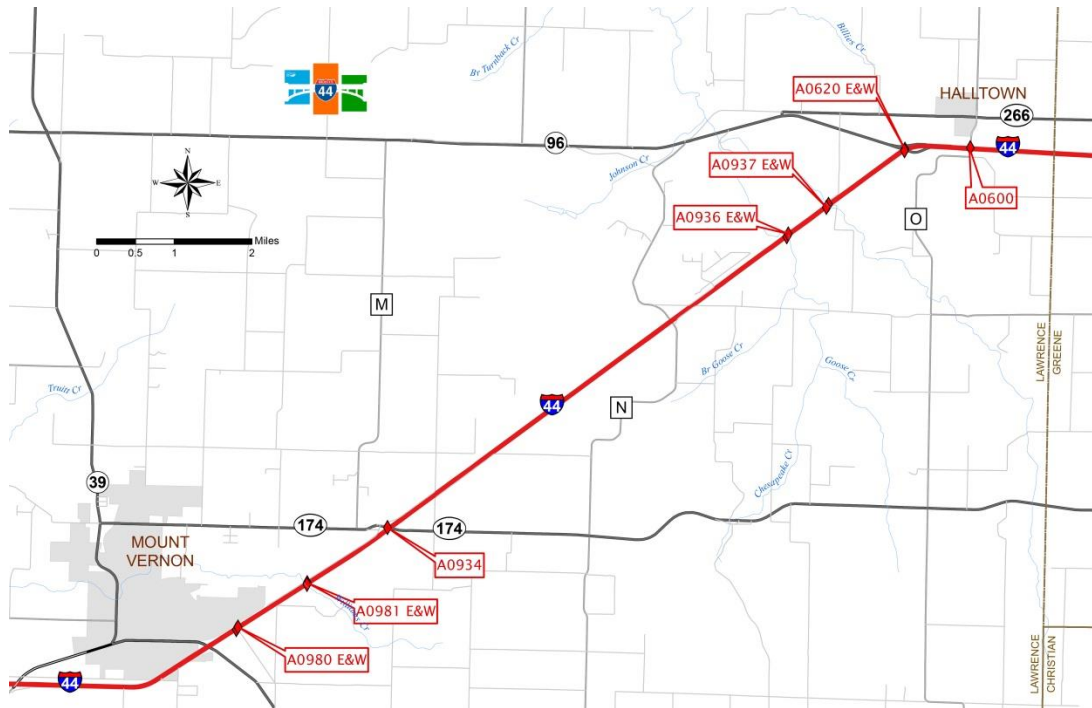
## Western Section



## Center Section



Eastern Section





<b>PRIMARY BRIDGES</b>			
<b>Bridge Number</b>	<b>County</b>	<b>Year Built / Rehab</b>	<b>Feature Crossed</b>
A0540 E	Newton	1960 / 1994	KCS Railroad
A0540 W	Newton	1960 / 1994	KCS Railroad
A0684 E	Jasper	1962 / 1994	BNSF Railroad
A0684 W	Jasper	1962 / 1997	BNSF Railroad
A0546 E	Jasper	1962 / 1994	Center Creek
A0546 W	Jasper	1962 / 1997	Center Creek
A0922 E	Lawrence	1963	Freistatt Branch
A0922 W	Lawrence	1963	Freistatt Branch
A0976 E	Lawrence	1964	MNA Railroad
A0976 W	Lawrence	1964	MNA Railroad
A0977 W	Lawrence	1964	Spring River
A0978 E	Lawrence	1964	Route H
A0978 W	Lawrence	1964	Route H
A0980 E	Lawrence	1964	County Road 1147
A0980 W	Lawrence	1964	County Road 1147
A0981 E	Lawrence	1964	Williams Creek
A0981 W	Lawrence	1964	Williams Creek
A0936 E	Lawrence	1964	Goose Creek
A0936 W	Lawrence	1964	Goose Creek
A0937 E	Lawrence	1964	Turnback Creek, County Road 1222
A0937 W	Lawrence	1964	Turnback Creek, County Road 1222
A0620 E	Lawrence	1960	Route 96
A0620 W	Lawrence	1960	Route 96



<b>SECONDARY BRIDGES</b>		
<b>Bridge Number</b>	<b>County</b>	<b>Feature Crossed</b>
A5149	Jasper	Route 249 NB over I-44
A0625	Jasper	Loop 44 / Route 66 EB over I-44
A0861	Jasper	County Road 100 over I-44
A0863	Jasper	Route U over I-44
R0136	Lawrence	County Road 1010 over I-44
R0198	Lawrence	County Road 1100 over I-44
A0934	Lawrence	Route 174 over I-44
A0600	Lawrence	Route O/Z over I-44

## 1.1 Project Description

The purpose of this project will be to replace or long-term rehabilitate as many bridges as possible along the Interstate 44 corridor while providing safe travels and minimizing delays to our customers during construction. The anticipated scope for this project includes the complete replacement or long-term rehabilitation of twenty-three (23) primary bridges and eight (8) secondary bridges on the I-44 corridor from 0.9 mile east of Loop 49 (Range Line Road) in Joplin to Route Z in Halltown. The following five (5) primary bridges have critical elements rated in poor condition, and are required to be replaced as part of this project (See table above for additional information):

1. A0977W (I-44 WB over Spring River)
2. A0978E (I-44 EB over Route H)
3. A0978W (I-44 WB over Route H)
4. A0620E (I-44 EB over Route 96)
5. A0620W (I-44 WB over Route 96)

I-44 is a freight route of national significance. Major distribution centers are located along I-44 in Missouri and shipping companies use this interstate for cross-country shipping. Current traffic volumes in Newton, Jasper and Lawrence Counties operate near capacity for single lane operations especially during morning and afternoon peak commute times, sometimes exceeding limits for single lane operation; volumes also increase as they get closer to Joplin and Springfield. Volumes increase on Fridays, as well as during the summer months, since many summer travelers utilize I-44 to travel west to Oklahoma as well as east to Saint Louis, the Lake of the Ozarks, and Branson via Springfield.

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. Deliver the project within the programmed budget of \$36.1 million.
2. Maximize the service life of all identified bridges within the project limits and deliver an end product that improves safety and minimizes future maintenance.
3. Move traffic through the project in a safe, efficient manner using innovative techniques.
4. Deliver the project using a diverse workforce.
5. Complete the project by December 15, 2021.

## 1.3 Estimated Cost and Maximum Time Allowed

The total program budget is \$36.1 million, including the design-build contract, MoDOT contract administration costs, Right of Way acquisitions, Utility reimbursements, Stipend payments, and other miscellaneous project management expenses. The estimated fixed cost design-build contract budget is \$31.1 million. The Project must be completed by December 15, 2021.

## 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

Item	Date
Issue RFQ	August 13, 2018
Deadline for submitting RFQ questions	August 23, 2018 (2:00 p.m. CDT)
Final responses to questions posted & Final RFQ Addendum issued	August 29, 2018
SOQ due	September 4, 2018 (2:00 p.m. CDT)
MoDOT notifies shortlisted Submitters	Tentatively September 13, 2018
Issue RFP	September 28, 2018
Final Proposal and Price Allocation due	December 14, 2018
Selection of Apparent Best Value	February 6, 2019

## 3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ and also addresses the evaluation process 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 – Teamwork and Quality Approach (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)

*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 bridge rehabilitations and the various types, bridge replacements, Accelerated Bridge Construction techniques, and maintenance of traffic of bridges on interstate systems and their ability to generate innovative ideas, be on or ahead of schedule, minimize impacts to interstate travel, and resolve challenges.
  - **Construction:** The Submitter shall provide specific examples of their recent and relevant experience with bridge rehabilitations, bridge replacements, Accelerated Bridge Construction, and maintenance of traffic on interstate systems. The Submitter shall also provide specific examples of their recent and relevant experience generating and implementing innovative ideas, delivering improvements on or ahead of schedule, and resolving challenges during construction.
  - **Approach to Ensuring Safety:** The summary shall include the Submitter's safety record, their safety philosophy, and examples of successfully implemented Safety Management Programs or innovations. Provide examples of innovative techniques previously used for safety of motorists in work zones.
  - **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. Provide recent and relevant examples of the successful implementation of a QC/QA program that includes management of both QC and QA aspects of inspection and testing on projects. Provide a summary of how effective the program(s) was and the end result.
  - **Regulatory Agencies, Railroad and Utility Interaction:** Describe previous efforts to mitigate impacts to and work successfully with the applicable regulatory authorities, railroad, and utility companies.
  - **DBE Utilization:** Describe how the Submitter has been successful in meeting or exceeding DBE participation goals on previous projects. This information should be split between professional services and construction activities. The Submitter shall also describe their intentions

to utilize DBEs to meet or exceed the DBE participation goals of 12% construction activities and 16% professional services.

- **Workforce Diversity:** Describe how the Submitter intends to effectively maintain a diverse workforce by meeting or exceeding the construction workforce goals for 2.3% 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-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. 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 and relevant projects and the quality and completeness of the submittal requirements for this section. Specifically MoDOT will evaluate the Submitter's experience based on:

- 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.
- Implementation of innovative traffic handling plans and Accelerated Bridge Construction on a project to minimize and mitigate construction impacts to customers.
- Recent safety history and company safety philosophy on similar equally complex projects.
- The effectiveness of the DBE utilization strategies to maintain a diverse workforce for both construction and non-construction including success graduating diverse workforce candidates to journeyman status.
- Implementation of innovative approaches to increase diversity and engage minorities through programs, training, or other outreach efforts.
- Recent experience delivering projects on schedule or ahead of schedule.
- Ability to synergize design and construction to resolve unexpected challenges encountered during similar projects and the resolution.
- 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. Previous experience with timeliness and accuracy of quality documentation.
- Efforts to minimize impacts on environmentally sensitive areas.
- Implementation of effective efforts to mitigate the impacts of land disturbance and to successfully manage a Stormwater Pollution Prevention Plan on past projects and minimize disruption to streams.
- Experience in working with regulatory authorities.
- Experience in coordinating utility and railroad accommodations.

### 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, safety, overall design, construction, quality management, contract administration, DBE and workforce diversity, and environmental compliance. The Project Manager should have at least five years of recent and relevant experience managing the design and/or construction of major interstate highway bridges including replacements, long-term rehabilitations, and all other associated work. The Project Manager shall have full authority to make final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT's Project Director. The Project Manager also may assume the role of either the Design Manager or the Construction Manager. 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 years of recent experience developing, implementing, and overseeing quality programs in civil construction work as well as document storage. 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 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 five years of in-depth and recent experience managing the design of highways and bridges, specifically bridge replacements and long term bridge rehabilitations on interstate systems, and shall be a registered professional engineer in the State of Missouri. 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 five years of recent management experience in highway and bridge construction. The Construction Manager shall be on site for the duration of the construction phase.
- **Maintenance of Traffic Manager** – The Maintenance of Traffic Manager shall be responsible for ensuring the safe and efficient movement of people,



goods, and services through and around the Project while minimizing impacts to commuters, local residents, freight, and businesses. The Maintenance of Traffic Manager shall have recent and relevant experience developing and implementing detailed traffic control plans and coordinating Maintenance of Traffic with all appropriate partners. In addition, the Maintenance of Traffic Manager shall know and understand the importance of fixing work zone issues as quickly as possible and act to ensure commuter and worker safety.

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.

*Submittal Requirements:*

- An organizational chart and executive summary of Key Personnel and up to four additional 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 highway projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Form DB-103: Resume Summary
- Resumes for the Key Personnel and up to four additional personnel are to be included. Each resume is limited to 1 page and shall include 2 owner references by providing a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.
- 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 experience in managing each Key Task. This information should be included in the allowable pages above.
  - Utility and Railroad Coordination
  - DBE and Workforce Diversity Coordination
  - Safety Management
  - Stormwater Compliance Management
  - MOT and Mobility Coordination

*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:

- Relevance of tasks performed by Key Personnel on resumes for reference projects.
- Use of innovative approaches to deliver a project within budget.
- Experience and approaches to delivering projects on schedule or ahead of schedule.
- Experience and approaches for quality management plan development, implementation, control of documents, verification of conformance and non-conformance, and non-conformance identification and resolution.

- Design and construction of bridges on interstate highway systems in physically constrained corridors with high average daily traffic.
- Design and implementation of innovative traffic handling plans on a project.
- Experience and approach for maximizing and ensuring safety on a project.
- Design and implementation of effective storm water pollution prevention for streams or other sensitive areas on a project.
- Experience and approach for achieving DBE and workforce diversity goals.
- Experience and approaches to handling utility coordination.

### 3.6 Part 4 – Teamwork and Quality Approach (50 Points)

*Submittal Requirements:*

- Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Submit an executive summary not to exceed three (3) pages covering the Submitter's teamwork and quality approach in the following areas:

- **Organizational Makeup and Structure:** Provide the organizational style of the team and indicate how the makeup and structure increase the Submitter's ability to meet or exceed the goals. An organizational chart is required.
- **Project Approach:** Indicate Submitter's approach and ability to coordinate with all parties of the project and identify any special issues or challenges that are likely to be encountered. Provide examples of how this was successful on past projects.
- **Quality Approach:** Identify the plan for developing, implementing, tracking, and maintaining a Quality Management Program including both QC and QA roles, and show and demonstrate past successes implementing this on previous projects.
- **DBE Utilization:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals listed above and provide examples of past performance.
- **Safety Approach:** Identify Submitter's approach for implementing and upholding a Safety Plan for the project. Provide specific examples of how this was implemented on previous projects and define the benefits obtained.

*Evaluation Criteria:*

Part 4 will be evaluated based on Submitter's ability to meet or exceed the Project goals. MoDOT will evaluate the Submitter based on:

- The proposed role and responsibilities of each primary team member. The functional structure, levels of management, and reporting relationship for primary members and major functions to be performed in managing, designing, and constructing the Project.
- Resources available and dedicated to the Project, and the Submitter's ability to facilitate the design, plans, and construction in a timely manner.



- Strategy and approach to developing and implementing a Quality Control and Quality Assurance program for the Project, and an understanding of the Quality Management Program and how it will be implemented during all phases. Show how this has been demonstrated successfully on past projects.
- The effectiveness of the DBE utilization strategies for construction and non-construction, and Submitter's ability to maintain a diverse workforce and history with OJT programs.
- Strategy and approach to developing and enforcing a Safety Plan, and process for ensuring it is followed and successful through the appropriate stages of the project.
- Submitter's ability to cooperate and partner with owners to deliver projects of great value.

## **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 2:00 pm, Central Daylight Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. Nine (9) printed and bound copies and one (1) electronic copy in PDF format of the RFQ response are to be submitted and also emailed to the Project Director as shown in Section 6.3.

### **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
<b>Part 2 – Submitter Experience</b>	
Executive Summary	3
Form DB-102: Reference Project Summary	16
<b>Part 3 – Key Personnel Experience</b>	
Executive Summary	3
Form DB-103: Resume Summary	1
Resumes	9
<b>Part 4 – Teamwork and Quality Approach</b>	
Executive Summary	3
Form DB-101: Major Participant Information	As needed
Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion	1

Dividers between sections of the SOQ are not counted.

## 5 EVALUATION PROCESS

All responses shall 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 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 short-listing no more than five (5) teams. The scoring outlined is intentionally crafted to differentiate between many highly qualified teams. MoDOT will use the rating below to determine a maximum of five most highly qualified teams and/or demonstrated significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the shortlisting 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 10% 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 the MoDOT Project Director. Written requests 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 the SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$140,000 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, Greg Chapman, 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.

Greg Chapman, P.E.  
I-44 Project Bridge Rebuild Director  
Missouri Department of Transportation  
2915 S. Doughboy Drive  
Joplin, MO 64804  
([Gregory.r.Chapman@modot.mo.gov](mailto:Gregory.r.Chapman@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 2:00 pm, CDT 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:

[http://modot.mo.gov/southwest/major\\_projects/I-44ProjectBridgeRebuild.htm](http://modot.mo.gov/southwest/major_projects/I-44ProjectBridgeRebuild.htm).

### 6.5 Ineligible Firms

Crawford, Murphy, & Tilly, Inc.; Burns & McDonnell, Inc.; EFK Moen, LLC.; Terracon, Inc.; Survey Solutions, Inc.; Penetradar, Corp.; and Anderson Engineering, Inc., are



acting as the owner's engineer and therefore are ineligible. 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 6.1) 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 2.3% minority and 6.9% female per craft.

## 6.9 Disadvantaged Business Enterprises

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

12% construction activities                      16% 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.

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:

[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).

## 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.