



# **REQUEST FOR PROPOSALS**

## **For The Safe & Sound Bridge Improvement Project: Design Build Project**

### **Missouri Highways and Transportation Commission**

November 29 2008  
Project Number J5B0800  
Missouri Department of Transportation  
1320 Creek Trail Drive, Dock Area  
Jefferson City, MO 65109





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## **FORMS**

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# 1 INTRODUCTION

The Safe and Sound Bridge Improvement Project is a large-scale system improvement that will replace 554 bridges in five years under one design-build contract. In order to keep costs under control, MoDOT expects and encourages innovative methods while keeping public inconvenience to a minimum. The contract team is challenged with delivering quality projects on a large scale in a short time at a good value.

The improvements shall replace bridges in poor or serious condition located on major and minor highways throughout the state. MoDOT believes that innovative fabrication and construction methods and approaches identified through the private sector will reduce costs for the project. MoDOT will supply the Proposers with a menu of required bridge design options, minimum Maintenance of Traffic requirements, and final bridge deck curb-to-curb widths. MoDOT will provide permanent signing, pavement markings, and traffic control on bridge closures; the contract team will be responsible for such aspects on bridges that are not closed which utilize techniques including but not limited to staged construction, bypasses, or crossovers. The Contract team will also be responsible for any staged traffic control on roadways that the Project Bridge crosses.

This RFP includes the following documents (RFP Documents):

- Instructions to Proposers (ITP)
- Book 1 – Design-Build Contract
- Book 2 – Performance Requirements
- Book 3 – Applicable Standards
- Book 4 – Contract Drawings, Data, and Reports
- Book 5 – Informational Documents

The Contract Documents include Books 1 through 4. The Proposal will also be a Contract Document to the extent set forth in Book 1 Section 1.3.

## 1.1 Procurement phases

The Commission is committed to working with the highway design and construction industry to deliver the Bridge Improvement Project successfully by developing a DB procurement process that allows Proposers to achieve the Project goals. The successful Proposer for the Bridge Improvement Project shall fully understand the Project goals and the design-build procurement process to deliver a Proposal that provides the Commission and the citizens of Missouri practical transportation solutions within the available budget. The general phases of the procurement process are:

- a) Industry Review – The Commission intends to discuss with the industry the

big picture items including the procurement process, schedule for the procurement process, process to define Additional Applicable Standards and the Proposal evaluation process. The Commission encourages the industry to comment as to whether or not the Book 2 Performance Specifications provides adequate detail.

- b) Technical Concepts Proposal Discussions – The Commission will hold a series of confidential meetings with each Proposer where the Proposer may present Initial and Final Technical Proposal concepts, Additional Applicable Standards and Design Exceptions, if any, to the Commission and FHWA. The parties will discuss the Proposer's technical concepts proposal.
- c) Contract Language Discussions – The Commission will hold confidential meetings with each Proposer where clarifications or comments related to the Contract wording will be discussed.
- d) Initial Technical Proposal Discussions – The Commission intends to negotiate with each Proposer the details of their Initial Technical Proposal. The Commission intends for the Initial and Final Technical Proposals to meet the Project goals.
- e) Final Technical Proposal/Price Allocation Discussions – The Commission intends to negotiate with the apparent successful Proposer final contractual details including the use of unsuccessful Proposers' solutions, if any, clean-up of any contractual issues and ensuring the enforceability of the Additional Applicable Standards.

The Commission encourages confidential discussions with the Proposers throughout the procurement process.

## **1.2 Project Goals**

MoDOT has developed the following prioritized goals for the Project. The goals describe the minimum outcomes that MoDOT desires for the Project.

- a) Deliver good bridges at a great value.
- b) Minimize public inconvenience through increased construction speed and flexibility with schedule.
- c) Complete construction no later than October 31, 2014.

## **1.3 Draft RFP and Industry Review**

The Commission will release a draft RFP to the industry for their review. The Commission will hold a joint meeting with the industry to improve the industry's



understanding of the Project goals and RFP and to improve the RFP based upon industry questions and comments. The Commission's small core Project team will attend the industry review meeting. Items the Commission desires to discuss during industry review are:

- a) Does the procurement process, as described in the ITP, maximize the opportunities to meet the Project goals? Does the industry have suggestions on how the process could be improved to control costs while meeting the Project goals?
- b) Does the schedule for the procurement process provide the appropriate amount of time to maximize the opportunities to meet the Project goals? Does the industry have suggestions on how the procurement schedule could be modified to control costs while meeting the Project goals?
- c) The procurement process provides the Proposers with the opportunity to define Additional Applicable Standards for the Project as long as they meet the standards identified in Book 3, Applicable Standards. The Commission's desire is to encourage new ways of doing business to increase the opportunities to meet the Project goals.
- d) Do the requirements in Book 2, Performance Requirements, provide the necessary level of definition to support the Project goals or is it beneficial for the Commission to provide additional detail on what is required?

## **1.4 RFP and Technical Concepts Proposal**

The Commission will issue a RFP as incorporating the comments received during the industry review. The Commission will then hold a series of confidential meetings with each Proposer where the Proposer may present technical concepts, Additional Applicable Standards and Design Exceptions, if any, to the Commission and FHWA. These meetings are to discuss technical concepts in order to receive, from the Proposers, the highest quality Initial Technical Proposal possible. During the discussions, absolutely no information will be shared from one Proposer to another Proposer, including without limitation, technical solutions, Additional Applicable Standards or Design Exceptions, if any. The purpose of the confidential meetings will be to:

- a) Provide verbal feedback to the Proposer on whether their technical solutions achieve the Project goals to the greatest extent possible and to discuss possible improvements that can be made by the Proposer.
- b) Provide verbal or written feedback to the Proposer regarding Additional Applicable Standards and Design Exceptions, if any. The Commission's feedback will indicate if the AAS or Design Exception is acceptable, acceptable with conditions, or unacceptable.

- c) Provide verbal or written feedback to the Proposers regarding Contract Language. These discussions will be held with all Proposers within the same time period, such that any contract revisions will be posted following review and discussion with all Proposers.

## 1.5 Initial Technical Proposal

After the series of technical concepts proposal meetings have occurred, the Proposers will submit a detailed Initial Technical Proposal, incorporating discussions that occurred during the previous phase. This proposal shall be structured so that it conveys all necessary information clearly in the least amount of pages necessary to do so. After receipt of the Initial Technical Proposals, the Commission may hold confidential discussions with each Proposer and will provide comments to each Proposer in writing.

## 1.6 Final Technical Proposal and Price Allocation

The Commission will request the Proposers to submit their Final Technical Proposal and Price Allocation. The Commission will evaluate the Proposals and determine the apparent successful Proposer. The Commission will meet with the apparent successful Proposer and negotiate into its Proposal ideas from the unsuccessful Proposers' Proposal(s) that improve its Proposal, if any, and to clean up any contractual issues and ensure the enforceability of the Additional Applicable Standards.

## 2 RFP PROCESS

### 2.1 *RFP and Technical Concepts Proposal*

Subsequent to the issuance of the RFP, MoDOT will begin holding technical concept proposal meetings at MoDOT's office in Jefferson City. The first meeting will be held one week after the RFP is issued. MoDOT will be available to meet as much as bi-weekly with each Proposer, but will discuss meeting frequencies at the first meeting with each Proposer. The opportunities for meeting frequencies and durations will be the same for each Proposer.

- **Initial Technical Concepts Proposal Meeting:** MoDOT will set the agenda for the first meeting with each Proposer.
- **Subsequent Technical Concepts Proposal Meeting:** After the initial meeting with each Proposer, the Proposers will set the agenda for each meeting.

The Proposers may request clarifications to the RFP Contract language informally during the technical concepts proposal meetings, or formally in writing. The



Commission may provide responses to informal requests verbally during the confidential technical concepts meetings or may request that the Proposer's request for clarification be submitted formally in writing. Formal requests for clarification shall be addressed to the Project Director. The Commission will respond to the formal requests on the Project without identifying which Proposer requested the clarification. A specific timeframe is provided in the schedule to focus RFP contract comments from all proposers, in order to compile and issue revisions to all issues within the same revision. The Commission reserves the right to amend the final RFP via addendum as a result of any request for clarification.

MoDOT will provide verbal feedback regarding the Proposer's technical concepts during the Initial Technical Proposal meetings. The discussions will include possible weaknesses and deficiencies, and other aspects of the Proposal that could be altered or explained to enhance materially the Proposal's potential for award, including possible Project definition changes, moving scope items from one technical area to another and necessary revisions within technical areas.

The Proposers may begin submitting Additional Applicable Standards during the Technical Concepts Proposal phase as they are developed using Form C - Additional Applicable Standards. MoDOT will review the Additional Applicable Standards and communicate with the Proposer if the standards are acceptable, not acceptable, or acceptable with conditions.

MoDOT will also provide feedback regarding the acceptability of the Proposer's Additional Applicable Standards (AAS), including construction specifications, special provisions, design requirements (by discipline), standard drawings, materials and testing requirements, and maintenance requirements. The Proposers shall submit their AAS using Form C – Additional Applicable Standards. All AAS must be submitted to MoDOT by the date specified in Section 2.5.

The Proposers may request deviations from the Applicable Standards defined in Book 3 as design exceptions. Design exceptions shall be submitted as early in the procurement process as possible, but no later than the date specified in Section 2.5, using Form D – Design Exceptions.

## **2.2 Initial Technical Proposal**

The series of discussions held during the technical concepts proposal phase will culminate with the formal submission of the Initial Technical Proposals. The Proposers' Initial Technical Proposals shall not be submitted with a Price Allocation.

The Commission will review the Initial Technical Proposals, but will not formally evaluate the proposals. The Commission will summarize the review of the Initial Technical Proposals by providing comments to each Proposer in writing. After receipt of the Initial Technical Proposals, the Commission may request confidential discussions be held with each Proposer.



As part of the Initial Technical Proposals, a compiled package of all Additional Applicable Standards and Design Exceptions, if any, shall be included. The Commission will review the standards and Design Exceptions, if any, and provide written feedback of their acceptability.

### **2.3 *Final Proposal and Price Allocation***

Proposers shall submit their Final Proposals and Price Allocation. The Final Proposals shall incorporate changes to their Initial Technical Proposals as a result of discussions with the Commission. The Final Proposals and Price Allocation will be evaluated as described in Section 3.

The Commission will make the apparent best value selection and pay the Stipend to the unsuccessful Proposers. After payment of the Stipend to the unsuccessful Proposers, The Commission will provide the unsuccessful Proposers' Final Proposal (excluding Price Allocation and confidential information) to the successful Proposer and will negotiate inclusion of any technical solutions that improve its proposal, if any. The Commission will also negotiate enforceability of the proposed Additional Applicable Standards and any necessary design-build modifications, details and/or clarifications to the Additional Applicable Standards.

### **2.4 *Contract Award***

The Commission will award the Contract to the Proposer with the apparent best value after the final Contract has been successfully negotiated. If no final agreement is reached between the Commission and the Proposer with the apparent best value proposal, the Commission reserves the right to pay the stipend to the apparent successful Proposer and to negotiate a Contract with the Proposer with the next highest score.

### **2.5 *Procurement Schedule***

Deadlines for submitting RFP questions and Proposal are shown below. This schedule is subject to revision by addenda to this RFP.



Item	Schedule
Issue Draft RFP	October 29, 2008
Issue RFP	December 16, 2008
Technical Discussions	December 16, 2008 – January 30, 2009, & March 30, 2009 – April 3, 2009
RFP Language Negotiations	February 3, 2009 – March 5 2009
Last Day for Design Exception submittal	March 19, 2009
Initial Technical Proposals Due	March 24, 2009
MoDOT provides comments on Initial Technical Proposal	March 30, 2009
Last Day for AAS submittal	April 3, 2009
Last Day for Proposer Clarifications	April 3, 2009
The Commission Posts Final Responses to Proposer's Request for Clarification and Final RFP Addendum	April 8, 2009
Final Technical Proposal and Price Allocation Due	April 24, 2009
Select Team	May 1, 2009
Limited Negotiations/Contract Clarifications	May 1 – May 14, 2009
Contract Executed by Contractor Delivered to Commission	Within 10 Business Days
Commission Execution	Within 2 Business Days of receipt of Executed Contract from Contractor

## 2.6 *Requests for Clarification*

The Proposers may submit formal requests for clarification on the Final RFP in writing until the date shown in Section 2.6. Additionally, the Proposers may submit formal requests for clarification on items changed in Addenda up to five Business Days after each Addendum. The Commission will respond to formal requests for clarification in writing. The responses will be posted on each Proposer's ProjectWise site.

### **3 PROPOSAL CONTENTS AND EVALUATION PROCESS**

#### **3.1 *Organization of Proposal***

The Proposal shall be organized as follows:

- Part 1 – General Information
  - Major Participants
  - Key Personnel
- Part 2 – DBE Performance Plan
- Part 3 – Additional Applicable Standards
- Part 4 – Technical Elements
  - Maintenance of Traffic (Form T Bridges)
  - Exposure / Closure Days
  - Completion Schedule
  - DBE Commitments and Socially/Economically Disadvantaged Workforce Utilization
- Part 5 – Administrative Elements
- Part 6 – Price Allocation
- Attachment(s) for information only

The Initial Technical Proposal shall include Parts 1 thru 5. The Final Technical Proposal shall include Parts 2 thru 6, and changes to Part 1 if any.

#### **3.2 *Evaluation Process***

The Proposals will be reviewed for the Proposal's conformance to the RFP instructions regarding organization and format, the responsiveness of the Proposer to the requirements set forth in the RFP and compliance with the pass/fail criteria. Those Proposals determined to be non-responsive to this RFP may be excluded from further consideration and the Proposer will be so advised. Proposers submitting non-responsive Proposals are not eligible for payment of the stipend.

When the Final Proposals and Price Allocations are received, the Price Allocations will be separated from the Proposals and will not be opened until completion of the Proposal evaluations.

#### **3.3 *Contents and Evaluation of Part 1 – General Information***

##### **3.3.1 *Major Participants***

Proposers shall submit any changes to Major Participants from the information provided in their Statements of Qualifications.

Submittal Requirements:

- Narrative describing the rationale for any changes to Major Participants.
- Form A (Form 1 from SOQ) – Major Participant Information shall be submitted for Major Participants that were not identified in the Statement of Qualifications.
  - If the Proposer has submitted a request to change Major Participants prior to submittal of its Proposal and The Commission has provided an Approval letter or e-mail for the requested change, the Proposer is only required to submit the Commission Approval letter or e-mail with its Proposal.

### 3.3.2 Key Personnel

- Proposers shall submit any changes to Key Personnel from the information provided in their Statements of Qualifications. Key Personnel shall not be removed, replaced, or added without written Approval of The Commission. Written request must document the proposed change and demonstrate that the change shall be equal to or better than the Key Personnel submitted in the Proposal.

*Submittal Requirements:*

- Narrative describing any changes to Key Personnel identified in the Statement of Qualifications and a description comparing the qualifications of the new individual(s) to the individual originally submitted.
- Organizational Chart
- Form B – Key Personnel Summary
- Resumes for modifications to Key Personnel, if any. The Proposers do not need to re-submit resumes that were included in their Statement of Qualifications.

*Evaluation Criteria:*

All elements in Part 1 will be evaluated on a pass/fail basis.

### 3.4 **Contents and Evaluation of Part 2 – DBE Performance Plan and Workforce Utilization**

The Proposer shall submit a DBE Plan that is in conformance with the requirements of the RFP including a commitment to meet the DBE goal.

**Socially/Economically Disadvantaged Workforce Utilization Plan:** The Proposers shall submit a draft Socially/Economically Disadvantaged Workforce Utilization Plan. At a minimum, the draft plan should include the following items:

- a) The identified stakeholders and the strategies and tactics to reach workforce utilization including



- i. Strategies for meeting the training goal throughout the duration of the Project.
  - ii. Strategies to work with pre-apprenticeship training programs to ensure socially/economically-disadvantaged workers are trained and hired.
  - iii. Strategies for working with the unions/trade organizations to ensure socially/economically-disadvantaged workers are trained and hired.
- b) The approach to working with community-based organizations for recruitment and retention of socially and economically disadvantaged individuals

Submittal Requirements:

- c) DBE Performance Plan
- d) A draft Socially/Economically Disadvantaged Workforce Utilization Plan

Evaluation Criteria:

Part 3.4 will be evaluated on a pass/fail basis.

### **3.5 Contents and Evaluation of Part 3 – Additional Applicable Standards**

The Proposers shall meet MoDOT, AASHTO, and FHWA requirements unless alternative requirements are proposed and accepted by the Commission. The Proposers are encouraged to propose alternative technical requirements and Additional Applicable Standards for the Project that meets the Project goals. The proposed manuals, specifications and standards, shall be limited to those already reviewed by FHWA, for example, standards from state departments of transportation.

The Proposers shall provide the Additional Applicable Standards that include construction specifications, special provisions, design requirements (by discipline), standard drawings, materials and testing requirements, and manuals proposed for the Project. Submittal requirements:

- a) Form C – Additional Applicable Standards;
- b) a narrative describing the rationale for choosing the proposed standards. Indicate how language included in the proposed standards that are provided as guidance only will be addressed; and
- c) a narrative describing the approach to the specific items listed in this section.

In order to be considered with the Final Technical Proposal, Additional Applicable



Standards shall be approved no later than 2 weeks prior to the submittal deadline for the final technical proposal.

Evaluation Criteria:

Part 3.5 will be evaluated on a pass/fail basis. The Additional Applicable Standards will be evaluated to insure that the Proposer has adequately defined all technical requirements necessary for successful Project completion. The Additional Applicable Standards will be evaluated for thoroughness of requirements (have all technical areas been addressed), completeness of the requirements (has the necessary detail been provided) and enforceability (are the requirements written in enforceable Contract language).

### **3.6 *Contents and Evaluation of Part 4 – Technical Elements (30 Points)***

#### **3.6.1 *Completion Commitment (5 points)***

The Request for Proposals was developed to afford the Proposers the most flexibility in the planning and execution of the Work.

Submittal Requirements:

Completion Commitment for all Work.

Evaluation Criteria:

Proposers shall provide commitment to complete all Work prior to October 31, 2014. This will be evaluated on a Pass/ Fail basis.

Five points will be awarded to the Proposer committing to earliest completion. Points will be deducted on a prorated basis for later commitments.

#### **3.6.2 *Maintenance of Traffic (20 points)***

The Commission expects the Proposer to minimize the impact to traffic during construction. This may be achieved by speed of construction to limit the duration of road closures and flexibility of scheduling to accommodate shifting of schedules to minimize impact during higher traffic periods which vary by location and stakeholder concerns.

As a means of reducing impact to traffic, the Proposer is to execute the Work in a manner to minimize the road closure duration. Maximum allowed points for road closure duration is 10 points.

Project Bridges listed on Form R may be closed for construction. Flexibility in the



specific schedule and duration of these closures can provide a means of addressing many location-specific stakeholder concerns. The Contractor shall propose specific commitments in their proposal related to scheduling and duration flexibility, by stating how many, what type, and to what degree they will commit to providing schedule and duration flexibility. Maximum allowed points for Contractor commitments is 10 points.

Submittal Requirements:

Enter data in column titled "Closure Duration" in Form R –*Closure Days, for each Project Bridge*, the number of Calendar Days the road will be closed to traffic. This column will be averaged for scoring, as described below.

Ten points will be scored for 60 or fewer Closure Days, zero points will be scored for 110 Closure Days, with other proposed Closure Days on a prorated basis.

Provide a written commitment and description of specific schedule and duration flexibility commitments (how many, what type, and to what degree).

The Proposal with the highest number of Project Bridges with the most flexibility will be allocated 10 points, followed by a 20% reduction in points for each successively lower Proposal.

### **3.6.3 Public Information (5 points)**

The proposer shall submit a Contractor Public Involvement Integration Plan, noting that MoDOT will have the lead in coordinating Public Involvement, and specifically providing strategies and commitments on the part of the Contractor to incorporate stakeholder concerns and scheduling into the Contractor's construction schedule.

The Contractor Public Involvement Integration Plan shall list overall and specific strategies, which may be used in the Public Involvement process as well as graphic displays, or sample communications that may be utilized by MoDOT staff for Community Briefings and Stakeholder Coordination. Specific efforts and commitments related to schedule and duration flexibility to accommodate stakeholder concerns shall be noted in this plan. The Proposer shall also commit to participating in Community Briefings as deemed necessary by the MoDOT District offices.

Scoring of this item will range from 0 to 5, based on the effectiveness of strategies related to the identification and understanding of potential stakeholder concerns.

### **3.6.4 Structure Type**

Proposers shall specify structure type(s) to be used at each location, as well as the application criteria for each structure type (i.e. number of each type anticipated).





Structure types not specified in Book 2, shall be submitted as an AAS, requiring Commission approval prior to use.

Structure type shall be evaluated on a Pass/Fail basis.

### **3.7 Contents and Evaluation of Part 5 – Administrative Elements**

#### *Submittal Requirements:*

- Form G – Proposal Letter
- Surety Commitment Letter(s). The Proposer shall provide commitment letter(s) signed by a surety meeting the requirements of Book 1, Section 8, irrevocably and unconditionally committing to execute and deliver payment and performance bonds, each in the amount set forth in Book 1, using the exact language in Book 1, Exhibits F and G, subject only to award of the Contract to the Proposer. An original power of attorney, with an affixed seal or signed in blue ink, evidencing the authority of the surety shall be attached to the surety letter. The irrevocable and unconditional commitment shall be effective for 90 days. If the apparent successful Proposer and the Commission have not negotiated a final Contract within the 90 days, the Proposer shall provide a new Surety Commitment letter that complies with the conditions of this Section.
- Form H– Non-Collusion Affidavit
- Form I – Buy America Certification
- Form J – Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Form K – Use of Contract Funds for Lobbying
- Form L – Equal Employment Opportunity
- Form M – Escrow Affidavit, submit a signed original document. An index of the Escrowed Proposal Documents, (Book 1, Exhibit I), shall be submitted at the time the actual escrow takes place.
- Joint Issue Resolution Facilitators - The Proposer shall submit the names and qualifications of three joint issue resolution facilitators, in order of preference.
- Form N – Receipt of addenda
- Authorization Documents:
  - Organizational Documents. The Proposer shall provide a copy of the



articles of incorporation and bylaws, the joint venture agreement, partnership agreement, limited liability company operating agreement or equivalent organizational documents for the Proposer and each Major Participant, which documents shall be consistent with the responsibilities to be undertaken by the Proposer and Major Participants under the Contract.

- Evidence of Good Standing and Qualification to do Business. If the Proposer is a corporation or limited liability company, the Proposer shall provide evidence that the Proposer is in good standing in the state of its incorporation/organization and of current qualification to do business in the State of Missouri. If the Proposer is a joint venture or partnership, the Proposer shall provide the foregoing evidence for each member of the joint venture or each general partner.
- Authorization to Bind Proposer. The Proposer shall provide evidence in the form of a certified resolution of its governing body and, if the Proposer is a partnership, joint venture or limited liability company, of the governing bodies of the Proposer's general partners, joint venture(s) or members, evidencing the capacity of the person(s) signing the Proposal to bind the Proposer should the Commission elect to accept it without negotiations or BAFOs.

The Proposer shall also provide appropriate evidence regarding the authority of any designated individual(s) to sign the certificates required by this RFP on behalf of the Proposer. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.

- Authorization to Negotiate. The Proposer shall provide appropriate evidence regarding authorization of one or more individuals to participate in the negotiation process described herein and make binding commitments to the Commission in connection with this RFP. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.
- Joint and Several Liability. If the Proposer is a joint venture, partnership or limited liability company, the Proposer shall provide a letter from each partner or member of the joint venture or limited liability company stating that the respective partner or member of the joint venture or limited liability company agrees to be held jointly and severally liable for any and all duties and obligations of the Proposer under the Proposal and under any Contract or other agreement arising therefrom. For limited liability companies, this requirement may be met with joint and several member company guarantees securing all Proposer's duties and obligations under the Contract or

other agreement arising therefrom.

- Form M - Escrow Affidavit, submit three signed original documents.
- Form N – Receipt of Addenda

*Evaluation Criteria:*

All elements in Part 5 will be evaluated on a pass/fail basis.

### **3.8 Contents and Evaluation of Part 6 – Price Allocation**

*Submittal Requirements:*

- Form O – Price Allocation Form. The Contractor shall submit the Contract Price on Form O.
- Form P – Proposal Bond. The Proposer shall submit a Proposal Bond in the sum and in the form set forth in Form P. The Proposal Bond shall be issued by a fully qualified surety company meeting the requirements set forth in Book 1, Section 8.
- Form T – Prescribed MOT Form. The Proposer shall enter the number of Impact Days for each bridge listed on Form T.

*Evaluation Criteria:*

The price allocation score will be evaluated on an A+B bidding arrangement, where A is the Contract Price and B is the total value of the impacts to traffic on Form T bridges. The bid amount, for price allocation score only, will be the Contract Price plus the sum of Total Value from Form T.

The lowest bid amount will be allocated 70 points. [5 pts will be deducted prorata for being 5% above the lowest bid, 20 points for 10% above lowest bid, 70 points for 20% above the lowest bid, on a prorated basis]

### **3.9 Best Value Determination**

Award of the Project shall be based on a best value determination. Selection will be based upon the highest score, which will represent the best value to the Commission.

## 4 SUBMITTAL REQUIREMENTS

### 4.1 *Format*

The Proposal 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. Minimum font size is 11 points. However, 10-point text may be used within graphs or tables.

### 4.2 *Due Date and Quantities*

Proposals must be submitted by 2:00 pm, Central Daylight Time, on the date shown in Section 2.5. One hard copy of the Proposal is to be delivered to the Project Director. Submitters shall also post to ProjectWise one electronic copy of Parts 1 thru 5 of the Proposal. Notification shall be sent to the Project Director that the Proposal has been electronically submitted. Part 6 shall be posted to ProjectWise upon notification from the Commission that the Price Allocation is being opened.

The Initial Technical Proposal shall be posted to ProjectWise by 2:00 pm Central Daylight Time on the date specified in Section 2.5. One hard copy of the Initial Technical Proposal shall be delivered to the Project Director within two (2) Business Days after the electronic submittal.

One electronic and hard copy of the Escrowed Proposal Documents (EPD), which includes documentation for all Parts of the Proposal Price Allocation and Base Case Financial Model, and one copy of the EPD index (Book 1, Exhibit I) shall be placed in escrow at the following location within seven (7) Calendar Days after the Price Allocation:

[Hawthorne Bank of Jefferson City](#)  
[132 East High Street, Jefferson City, Missouri](#)

### 4.3 **Technical Concepts Proposal**

Technical concepts proposals will be submitted verbally to the Commission during confidential meetings with the Proposers.

### 4.4 *Initial Technical Proposal Discussions*

The Initial Technical Proposal shall be Part 4.



#### **4.5**      ***Final Proposal***

The Final Proposal shall include Parts 2 thru 5, and any changes to Part 1 since the Statement of Qualifications.

#### **4.6**      ***Price Allocation***

The Price Allocation shall include Part 6. One hard copy of the Price Allocation shall be delivered in a sealed envelope, separate from the Final Proposal. The electronic copy of the Price Allocation shall be posted on the Proposer's ProjectWise site.

### **5**      **GENERAL INFORMATION**

#### **5.1**      ***Stipend***

The Commission has determined that it is appropriate to award a stipend to the responsible Proposers that provide fully responsive, but unsuccessful, Proposals. The amount of the stipend shall be \$1 million and shall be provided to such Proposers after the Commission determines the apparent successful Proposer and receives a signed release from the unsuccessful Proposer. Bidding groups that have not formed a special purpose vehicle will need to provide a written statement from all team members as to whom the stipend should be paid and payment and routing information.

In the event the Commission does not award the Contract and one or more proposals are determined to be fully responsive, the stipend will be provided to such Proposer(s) within 15 Calendar Days after the Commission determines that there will be no award.

#### **5.2**      **Communications**

The Commission's Project Director, Kenyon Warbritton, is the Commission's sole contact person for receiving all communications regarding the Project. Each Proposer is solely responsible for providing a single contact person.

Inquiries and comments regarding the Project and the procurement must be sent to as shown below. E-mail is the preferred method of communication for the Project.



Kenyon Warbritton, PE  
Bridge Improvement Project Director  
Missouri Department of Transportation  
105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, MO 65109

Office: 573-526-3282  
Cell: 573-291-4082  
Fax: 573-522-2279

Send Parcel Post to:  
Kenyon Warbritton, PE  
Bridge Improvement Project Director  
Missouri Department of Transportation  
1320 Creek Trail Drive  
Jefferson City, MO 65109

e-mail: [safeandsound@modot.mo.gov](mailto:safeandsound@modot.mo.gov)

During the Project procurement process, commencing with issuance of the 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 the Commission 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 RFP. Any Proposer engaging in such prohibited communications may be disqualified at the sole discretion of the Commission's Project Director. However, communication is allowed with local entities and the general public. The foregoing shall not preclude any Proposer from participating in public meetings, including public meetings of the Commission.

### **5.3 Addenda**

The Commission reserves the right to revise this RFP at any time before the Final Proposal and Price Allocation due date. The Proposer's contact person will be notified via e-mail when addenda are available.

### **5.4 Confidentiality**

Prior to selection of the apparent successful Proposer all documents submitted pursuant to this RFP will be maintained as confidential.

### **5.5 Organizational Conflicts of Interest**

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist the Commission in the preparation of an RFP document are not allowed to participate on



a Proposer's team. Proposer must provide to the Commission 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.

The Commission may disqualify a Proposer if any of its Major Participants belong to more than one Proposer organization.

## **5.6 *Equal Employment Opportunity***

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

The Commission will affirmatively assure that on any Project constructed pursuant to this advertisement, equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

## **5.7 *Disadvantaged Business Enterprises***

It is the policy of the Commission that Disadvantaged Business Enterprises (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, the Commission 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.

A DBE goal of 7% has been established for the Project. The Commission has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms must be certified with MRCC. The MRCC DBE Directory can be viewed 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).

## **5.8 *Major Participant***

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of The Commission. 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.

## **5.9 Key Personnel**

Key Personnel identified in the SOQ may not be removed, replaced, or added without written Approval of the Commission. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Key Personnel submitted in the SOQ.

## **6 LEGAL REQUIREMENTS**

### **6.1 Discussions with Proposers**

After release of the final RFP, the Proposers will submit their Initial Technical Proposals. The Commission will have confidential discussions with each Proposer to provide feedback related to whether the Proposer's technical solutions achieve the Project goals to the greatest extent possible.

**No information will be shared from one Proposer to the other Proposers regarding information received during discussions of each Proposer's technical solutions or Additional Applicable Standards.**

### **6.2 Ownership of Proposals**

All documents submitted by the Proposer in response to this RFP shall become the property of the Commission and shall not be returned to the Proposer. The concepts and ideas in the information contained in the Proposal and discussed during discussions with each Proposer, including any proprietary, trade secret, or confidential information (exclusive of any patented concepts or trademarks), shall also become the property of the Commission if:

- a) submitted by the successful Proposer, upon award and execution of the Contract; and
- b) if submitted by an unsuccessful Proposers, upon payment of the Stipend.

### **6.3 Legal Effect of Stipend**

The Commission has received a waiver from FHWA of the prohibition of negotiating ideas from the unsuccessful Proposers with the apparent successful Proposer prior to execution of the Contract.

Acceptance of the stipend by the unsuccessful Proposers entitles the Commission to use the ideas obtained from the unsuccessful Proposers in its initial and final Proposals and during the discussions with the unsuccessful Proposers. The Commission will provide to the apparent successful Proposer the unsuccessful Proposers' Initial and Final Proposals. MoDOT will meet with the apparent





successful Proposer and negotiate into its Proposal ideas from the unsuccessful Proposers' initial and final Proposals that improve its Proposal, if any.

If a protest is filed pursuant to Section 7 below, the Commission will not pay a stipend to the unsuccessful Proposers or share the unsuccessful Proposers ideas until the protest has been resolved, and in accordance with the resolution.

#### **6.4 Additional Applicable Standards**

MoDOT has requested the Proposers to identify their Additional Applicable Standards on Form C. During the discussions with each Proposer, MoDOT will either let the Proposer know that the standard is acceptable, inform the Proposer of conditions that must be addressed in order for the standard to be acceptable, or the standard is unacceptable. In the Final Proposal, inclusion of any Additional Applicable Standard that MoDOT has determined unacceptable may result in the Proposal being non-responsive.

If MoDOT has informed the Proposer that their standard description is incomplete and additional details need to be defined, and the Proposer does not present the additional details necessary for acceptance by MoDOT, it does so at its own risk. MoDOT will have the right to require those additional details be incorporated into the Work throughout the life of the Project at no cost to MoDOT.

If the Additional Applicable Standards listed by the Proposer in Form C have conflicting provisions, MoDOT shall have the right to determine, in its sole discretion, which requirement(s) apply.

For any standards, portions of standards or details that have not been specified by the Proposers, MoDOT's standards, portions of standards and/or details will apply to the Project at no additional cost to MoDOT.

#### **6.5 FHWA Design Exceptions**

The Proposer must obtain, at the Proposer's expense, approval of any Design Exceptions necessary because of the Proposer's design of any of the Bridge Improvement Projects, that are located on or over an interstate highway, and construction costs are expected to exceed one million dollars (\$1,000,000).

#### **6.6 Proposal Bond**

If the Proposer is awarded the Contract but fails to execute and deliver the Contract to the Commission, together with all documents required therein and herein, within ten Working Days following the Proposer's receipt of the execution form of the Contract, or if the Proposer is selected for negotiations and fails to negotiate in good faith, then the funds represented by its Proposal Bond shall be released to the Commission and become and remain the property of the Commission.



Within five Business Days after delivery to the Commission of the Contract executed by the Proposer selected by the Commission, together with all other specified items, or within five Business Days after this RFP has been canceled, the Commission will return each Proposal Bond, except those which have been forfeited, to the respective Proposer.

### **6.7 *Withdrawal of Proposal After Proposal Due Date***

The Proposer understands and agrees that if the Proposer withdraws all or any part of its Proposal within 90 days after the Proposal Due Date without the written consent of the Commission, the Proposer shall forfeit its Proposal Bond.

### **6.8 *Responsive Proposal***

The Proposer shall provide responses to all information requested in this RFP for the Proposal. Failure to provide the requested information may result in the Commission, at its sole discretion, determining that a Proposal is non-responsive and should be rejected. A Proposal will be considered non-responsive if it seeks to qualify or change any of the terms and conditions of the Contract, to limit or modify the bonds, insurance or warranties required, or if the Proposal Bond is not provided.

### **6.9 *Missouri Open Records (Sunshine) Law***

During the procurement process, all records, documents, drawings, plans, specifications, and other materials submitted by Proposers will be maintained confidential by the Commission pursuant to the provisions of the Missouri Open Records (Sunshine) Law.

### **6.10 *Changes in Proposer's Organization***

If there are any new Major Participants or Key Personnel or other changes (including deletions) in the Proposer's organization from those shown in the Statement of Qualifications (SOQ), the Proposer shall obtain written Approval of the change from the Commission prior to submitting its Final Proposal and Price Allocation. Such requests must be accompanied with the information specified for such entity in the SOQ. If a Major Participant is being deleted, the Proposer must submit such information as may be required by the Commission to demonstrate that the changed Proposer team, Major Participant, or Key Personnel still meets the SOQ criteria (both pass/fail and qualitative). The Commission is under no obligation to approve any such changes and may do so in its sole discretion.

### **6.11 *Project Rights and Disclaimers***

Notwithstanding anything to the contrary contained in this RFP or the Contract, the Commission reserves the right, in its sole discretion, to:



- a) Investigate the qualifications of any Proposer.
- b) Require confirmation of information furnished by a Proposer.
- c) Require additional evidence of qualifications to perform the Work.
- d) Reject any or all of the Proposals.
- e) Issue a new request for proposals.
- f) Cancel, modify or withdraw the entire RFP, or any part hereof.
- g) Issue Addenda, supplements and modifications to this RFP.
- h) Modify this RFP process.
- i) Solicit BAFOs from the Proposers.
- j) Appoint evaluation committees to review Proposals, and seek the assistance of outside technical experts and consultants in Proposal evaluation.
- k) Hold meetings and conduct discussions and correspondence with the Proposers to seek an improved understanding of the responses to this RFP.
- l) Seek or obtain data from any source that has the potential to improve the understanding of the responses to this RFP.
- m) Permit corrections or supplements to data submitted with any response to this RFP.
- n) Approve or disapprove changes in the Proposer team or Proposal (a substitution of any of the Major Participants will be carefully scrutinized and may result in disqualification of the Proposer).
- o) Require correction of or waive deficiencies, informalities and minor irregularities in Proposals; or seek clarifications or modifications to a Proposal.
- p) Disqualify any Proposer that changes its submittal without Commission Approval.
- q) Hold the Proposals and Proposal Bonds under consideration for a maximum of 90 days after the Proposal Due Date until the final Award is made.

This RFP does not commit the Commission to enter into the Contract or any other contract. The Commission assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFP. Except for payment of the Stipend to certain Proposers, all of such costs shall be borne solely by each Proposer.

In no event shall the Commission be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as a Contract, in form and substance satisfactory to the Commission, has been executed and authorized by the Commission and, then, only to the extent set forth therein.

## **6.12 Escrowed Proposal Documents**

### **6.12.1 Format of Escrowed Proposal Documents**

The Escrowed Proposal Documents (EPD) shall contain information regarding the Proposer's assumptions made in developing its Price Allocation. The Proposer shall submit an electronic and a hard copy of the EPD in such format as it used in preparing its Proposal.

### **6.12.2 Review of Escrowed Proposal Documents**

The Proposer shall deliver with its Final Technical Proposal, a signed original of the escrow agreement on Form M. Within seven Calendar Days after the due date of the Final Technical Proposal and Price Allocation, the Proposer shall deliver the EPD, with a completed copy of Book 1, Exhibit I, to the Commission as specified in Book 1, Section 22 of this RFP. The Commission and the Proposer shall review the EPD prior to Contract execution or Contract negotiations, if applicable, to determine whether they are complete. Such representatives shall also organize and index the EPD in accordance with Book 1, Section 22 of this RFP. The Commission will retain a copy of the index.

If, following the initial organization, the Commission determines that the EPD are not complete, the Commission may require the Proposer to supply data to make the EPD complete. Incomplete EPD may render the Proposal non-responsive and may result in the forfeiture of the Contractor's Proposal Bond. The EPD will be available for joint review in conjunction with Book 1, Section 22.

### **6.12.3 Return of Escrowed Proposal Documents**

The EPD will be returned to each unsuccessful Proposer after the Contract is executed with the successful Proposer or if all Proposals are rejected or withdrawn. The return of the successful Proposer's EPD will be in accordance with Book 1, Section 22.

### **6.12.4 The Commission's Acknowledgment**

The Commission acknowledges that the EPD and the information contained therein are being provided to the Commission only because it is an express prerequisite to entering into the Contract and agrees to notify the Contractor if the Commission is requested to provide information regarding the EPD under a Missouri Open Records (Sunshine) Law request.

## **6.13 Venue**

By responding to this *Instructions to Proposers* and by submitting a proposal in response to the *Request for Proposals*, Proposer specifically, knowingly, and



voluntarily consents to the jurisdiction of the Circuit Court of Cole County, Missouri as venue for all matters, disputes, conflicts, or claims arising out of or related to the procurement of Commission Job No. J5B0800 or the submission of a response by Proposer to the Commission's Request for Proposals for Commission Job No. J5B0800.

## **7 PROTEST PROCEDURES**

### **7.1 *Protests Regarding Request for Proposal Documents***

Any Proposer that is aggrieved in connection with the RFP may protest the terms of the RFP Documents prior to the time for submission of Proposals on the grounds that:

- a) a material provision in the RFP Documents is ambiguous;
- b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or
- c) the RFP Documents exceed, in whole or in part, the authority of the Commission.

Protests regarding the RFP Documents shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Safe and Sound Project Director in an effort to remove the grounds for protest. Written protests regarding the RFP Documents shall completely and succinctly state the grounds for protest and shall include, as a minimum, the following:

- d) The name and address of the protester.
- e) Appropriate identification of the procurement by Project Award number.
- f) A statement of the reasons for the protest.
- g) All available exhibits, evidence, or documents substantiating the protest.

Protests regarding the RFP Documents shall be filed by hand delivery to the Safe and Sound Project Director, Missouri Department of Transportation, 105 W. Capitol, Jefferson City, MO 65102 within seven Business Days after the protester knows or should have known of the facts giving rise to the basis for the protest. The Proposer is responsible for obtaining proof of delivery.

No evidentiary hearing or oral argument shall be provided, except, in the sole discretion of the Director of Transportation, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Proposer or the Commission. The Director of Transportation or his

designee will issue a written decision regarding the protest after the Commission 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 Transportation or his designee will deliver the written decision to the protesting Proposer, with a copy to the other Proposers.

If necessary to correct any error, omission, or ambiguity identified by the protest, the Commission will make appropriate revisions to the RFP Documents by issuing Addenda. The failure of a Proposer to raise a ground for a protest regarding the RFP Documents shall preclude consideration of that ground in any protest of a selection unless such ground was not and could not have been known to the Proposer in time to protest prior to the final date for such protests. The Commission may extend the Proposal Due Date, if necessary, to include any such protest issues.

## **7.2 *Protests Regarding Responsiveness, Best Value Evaluation, or Award***

Protests regarding the Commission's Approval of changes in Proposer's organization or decisions regarding responsiveness, best value evaluation rankings or Award of the Contract must be filed by filing a written notice of protest by hand delivery or courier to the Director of Transportation with a copy to the MoDOT Project Director within five Business Days after notification. The protesting Proposer shall concurrently file a copy of its notice of protest with the other Proposers. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify any Proposal on responsiveness grounds must be filed within five Business Days after notification of non-responsiveness.

If a Notice of Protest is filed, the Commission may proceed with BAFOs or negotiations but shall not Award the Contract until the protest is withdrawn or decided, unless the Commission determines that the public interest requires it to proceed with the Award prior to a decision on the protest, or that the protest is so wholly lacking in merit that the protestant is unlikely to succeed in the protest. Such a determination shall be in writing and shall state the facts upon which it is based.

Within seven calendar days of the notice of protest, the protesting Proposer must file with the Director of Transportation, with a copy to the MoDOT Project Director, a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. The protesting Proposer shall concurrently deliver a copy of the detailed statement to all other Proposers. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Proposer shall have the burden to prove that the decision of the Commission 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 Proposers may file by hand delivery or courier to the Director of Transportation, 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 Proposer files its detailed statement of protest. The Commission will promptly forward copies of any such statements to the protesting Proposer.

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 Transportation, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Proposer or the Commission. The Director of Transportation or his designee will issue a written decision regarding the protest within 30 calendar days after The Commission 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 Transportation or his designee will deliver the written decision to the protesting Proposer and copies to the other Proposers.

If the Director of Transportation or his designee concludes that the entity filing the protest has established a basis for protest, the Commission may withdraw or revise its decisions, rankings, or Award, or take any other appropriate actions, including issuing a new RFP.

## **8 CONTRACT EXECUTION**

Within ten Business Days after delivery by the Commission to the successful Proposer of the execution form of Contract, the successful Proposer shall deliver to the Commission the following:

- a) Signed Contract (four executed duplicate originals), together with evidence of the signatory authority of the signatories thereto. All original signatures shall be in blue ink.
- b) Approvals of each member or partner of the Proposer of the final form of the Contract.
- c) Documentation from the Proposer and each Major Participant that clearly depicts entitlement under the laws of the State of Missouri to undertake and perform the Work. Said documentation shall include copies of construction licenses and evidence that the Proposer or its designated design firm is licensed to carry out the design portion of the Work.



- d) Opinion of counsel for the Contractor, which counsel shall be approved by the Commission (which may be in-house or outside counsel, provided that the enforceability opinion shall be provided by attorneys licensed in the State of Missouri), in substantially the form shown in Form Q.

Within five Business Days after execution of the Contract by the Commission, the successful Proposer shall deliver to the Commission the following:

- g) Performance Bond in the form shown in Book 1, Exhibit F, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section 8, together with evidence of the signatory authority of the signatories thereto.
- h) Payment Bond in the form shown in Book 1, Exhibit G, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section 8, together with evidence of the signatory authority of the signatories thereto.
- i) Insurance certificates required under Book 1, Section 9.