New York State Department of Transportation
Replacement of the Kosciuszko Bridge over Newtown Creek
One-On-One and ATC Protocol
July 30, 2013

1.0 Introduction
The RFP Instructions to Proposers (ITP) for Phase 1 of the Kosciuszko Bridge Project, Section 2.0 Procurement Process, Article 2.4 One-on-One Meetings, and Part 3.0 Alternative Technical Concepts (ATCs), describe the activities that may take place both prior to and after the submission of proposals wherein the Department may meet with the Proposers on an individual basis as well as the basis upon which the Proposer may submit alternative technical concepts, commonly referred to as ATCs. Both of these activities are commonly used in Design-Build projects and are a means of providing a confidential interaction between the individual Proposers and the Department regarding the development of the Proposer’s approach and a formal means for the Proposer to submit and receive feedback from the Department and possible approval of an ATC. As the Department recognizes that the Proposer may propose materials that are not already approved by the Department, RFP Part 5 – Special Provisions includes SP 16 - Materials Approval Procedures for Design-Build Projects.

The purpose of this document is to describe the procedures to be followed by the Department in administering the One-on-One Meetings. It is anticipated that at the One-on-One meetings, the agenda will include a range of items, including ATCs, and hence the discussion below focuses on the organization and conduct of the meetings. An outline is listed below.

2.0 General Conditions

• All meetings will be recorded.

• No statements at any One-on-One meeting will be considered to modify the RFP. Changes to the RFP may be made only through an Addendum that will be made available to all Proposers.

• No part of the evaluation of a Proposal will be based on statements made or information exchanged by, or the conduct of, the Proposer or the Department during any one-on-one meeting.

• The Department may issue written responses to all Proposers addressing some or all of the questions or comments raised by any Proposer during a One-on-One meeting without attributing such questions or comments to specific Proposers, and/or the Department may issue one or more Addenda. However, the discussions at a One-on-One meeting will remain confidential and any responses relating to specific ATCs will be provided on a confidential basis.

• All communications with the Department outside of One-on-One meetings shall be submitted to the Department’s Designated Representative in accordance with the ITP.

• The Department will, in their discretion, determine which representatives of the Department will be present at any One-on-One meeting with the Proposer.
3.0 Scheduling of One-on-one Meetings

- The Department will randomly assign the first One-on-One meeting dates and times to the Proposers. Following initial assignment of meeting dates and times, the day and time slot for meetings in subsequent weeks will rotate (first becomes last, second becomes first, third becomes second, and last becomes third). It is anticipated that there will be 3 scheduled sets of One-on-One meetings.

- The proposed schedule for One-on-One meetings will be announced at the Informational meeting. The Proposer is not required to participate in any of these meetings.

- If the Proposer requests additional meetings, or if the Department considers it desirable or necessary to schedule additional meetings, the Department may, in their discretion, schedule any such additional meetings.

4.0 Purpose of One-on-One Meetings

The ITP contemplates a series of one-on-one meetings to be held with Proposers during the first three months following the issuance of the RFP. These meetings may serve the following purposes:

- The Proposer may:
  a) Ask questions/seek clarifications regarding the RFP;
  b) Identify conflicts within the RFP documents that require resolution to enable developments of its Proposal;
  c) Discuss various aspects of design concepts that it may be considering;
  d) Provide initial information to the Department about its technical approach for the Project;
  e) Discuss potential alternative technical concepts (ATCs); and
  f) Receive feedback from the Department regarding possible issues associated with inclusion of such concepts in the proposal.
• The Department will gain:
  a) An understanding of the way in which the Proposers are contemplating addressing critical aspects of the Project, potentially forestalling approaches that might lead to a “non-responsive” determination;
  b) The ability to obtain clarifications and a fuller understanding of the ATC being submitted for review and approval; and;
  c) Another means (beyond submitted questions) to identify areas that may require addenda to the RFP.

The ITP does not require Proposers to participate in any of these meetings.

5.0 Confidentiality
While the Department reserves the right to disclose to all Proposers any issues raised during a One-on-One meeting, the discussions at a One-on-One meeting will remain confidential and all discussions pertaining to an ATC will be kept confidential. In order to maintain confidentiality separate secure folders will be established for each Proposer and all correspondence, including ATCs, shall be maintained in that secure folder. In addition, confidentiality agreements shall be signed by all members of the Department’s One-on-One meeting attendees.

6.0 Meeting Format and Protocol

• Meeting Location: Meetings will be held at the offices of Parsons Brinckerhoff at 250 West 34th Street, New York.

• Meeting scheduling and timing: Two day periods every two weeks starting around the release of the Final RFP, with two 3-hour slots each day. Slots are allocated to individual Proposers on a rotating basis. The first slots will be determined randomly by firms pulled from a hat at the Draft RFP Informational Meeting.

<table>
<thead>
<tr>
<th>Meeting Number</th>
<th>Meeting Dates</th>
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</thead>
<tbody>
<tr>
<td>Meeting Number 1</td>
<td>Tuesday, August 20, 2013 - Wednesday, August 21, 2013</td>
</tr>
<tr>
<td>Meeting Number 2</td>
<td>Tuesday, September 3, 2013 - Wednesday, September 4, 2013</td>
</tr>
<tr>
<td>Meeting Number 3</td>
<td>Tuesday, September 17, 2013 - Wednesday, September 18, 2013</td>
</tr>
<tr>
<td>Meeting Number 4</td>
<td>To be determined, if necessary</td>
</tr>
</tbody>
</table>

**Daily Schedule**

<table>
<thead>
<tr>
<th>Daily Schedule</th>
<th>9:00 AM – 12:00 PM</th>
<th>12:00 PM - 1:00 PM</th>
<th>1:00 PM – 4:00 PM</th>
<th>4:00 PM -5:00 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Group Meeting, review agenda and initial responses to agenda items</td>
<td>First Proposer</td>
<td>Lunch</td>
<td>Second DB Team</td>
<td>Department Wrap up, summarize meetings and assign follow up tasks/schedule</td>
</tr>
</tbody>
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• Meeting Room Layout:
  a) PowerPoint projection
b) Large table for plan roll-out

c) Easel, pad and markers

• Meeting Agenda:

a) It is anticipated that at the One-on-One meetings, the agenda will include a range of items that will be identified by the Department; a tentative outline of items is listed below. At least 5 business Days prior to the scheduled first meeting at 9 a.m. for each bi-weekly one-on-one each Proposer may submit proposed agenda items to the Department’s Designated Representative.

b) The Department will advise the Proposer of the final agenda 3 business days before the meeting.

c) At any meeting, the Department may seek clarifications regarding previously submitted ATCs.

<table>
<thead>
<tr>
<th>Meeting Number</th>
<th>Tentative Agenda</th>
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</thead>
<tbody>
<tr>
<td>Meeting Number 1</td>
<td>Overall concept/ Horizontal and vertical alignments, lane configurations and EIS requirements/Proposer Issues, ATCs</td>
</tr>
<tr>
<td>Meeting Number 2</td>
<td>Environmental issues/remediation, legal and contract issues / Proposer Issues, ATCs</td>
</tr>
<tr>
<td>Meeting Number 3</td>
<td>Schedule, Staging, Material Delivery and Visual Quality/ Proposer Issues, ATCs</td>
</tr>
<tr>
<td>Meeting Number 4</td>
<td>To be determined, if necessary</td>
</tr>
</tbody>
</table>

• Management of Meeting Attendance:

In general it is desired to limit the number of attendees to meetings so that only those who will have an active role will attend. There is no restriction on the number of attendees but the Proposers are asked to limit the number of attendees as feasible to encourage free conversation.

Sign-In Procedures:

a) All Proposer and Department attendees must sign “Acknowledgement Regarding One-on-One Meetings”

b) All Proposer and Department attendees will record attendance on sign-in sheet that will also confirm agreement to terms of the meeting

• Meeting Administration:

a) Overall Meeting Chair will be the Department’s designated meeting lead

b) The Proposer is to designate its meeting lead at the start of each meeting

c) Initial kick-off by the Department confirming the meeting’s agenda

d) Balance of meeting led by the Proposer following the agenda

e) Meetings may conclude with (for instance) the following:
   1) Brief caucus sessions by the Department and the Proposer.
   2) Department’s final statement as needed regarding process for future meetings, addenda as the only method for binding changes to RFP, etc.

• Rules of Presentation, Discussion and Materials

Speaking
a) The Proposer will decide who will present materials or ask or respond to questions on behalf of the Proposer. Defined at beginning of meeting

b) The Department’s meeting chair will decide who will respond and ask questions on behalf of the Department, and generally directs the conduct of the meeting in accordance with the agenda.

Presentation Materials

a) Audio/Visual Materials
   1) PowerPoint-type presentations
   2) Printed copies of any PowerPoint presentation will be requested and will also become part of the meeting minutes.
   3) Other text, modeling, simulations, as needed

Plans & Other Handouts

a) Plans and printed handouts will be allowed and will become part of the meeting minutes. All handouts shall be identified by date and author.

- Permitted/Limitations on In-Meeting Responses by Department:
  a) No statements permitted regarding the quality of design ideas that were presented
  b) In-meeting statements regarding design, technical or commercial issues raised by the Proposer limited to the following:
     1) Requesting clarification of the Proposer’s in-meeting statements, design materials, etc.
     2) Directing the Proposer to various sections of the RFP package

- Meeting Recording or Documentation
  a) The Department will prepare meeting minutes. Meeting minutes will be provided to the Proposers.
  b) A/V recording will be used by the Department for recordkeeping purposes to review subsequent to meetings for clarification purposes.

- Post-Meeting Actions and Follow-Up
  a) The Department designees will review the results of two-day meeting period:
     1) Potential areas of concern
     2) Issues requiring addenda
     3) Agreed upon follow-up actions and schedules
     4) Issues requiring Q&A addressed to all Proposers
     5) Review ATCs and issue response to Proposers through the Designated Representative

7.0 ATC Format and Protocol
The purpose of the ATC is to allow the Proposers to submit technical concepts to the Department to verify that the concept meets the parameters specified in the RFP. In responding to such a request, the Department would make no statement regarding the quality of the concept, but rather would advise the Proposer whether its concept was in compliance with the project requirements. In complex projects, the Proposers may be expending significant resources in developing ATCs. ATC reviews provide assurance to Proposers that those expenditures will not be wasted. In addition, if a Proposer carries an ATC through to submission of a Proposal, only to find that the concept does not comply with a RFP requirement, the Proposer would have little opportunity to adjust its Proposal in a timely manner, even if Discussions and Proposal Revisions were to follow. If the ATCs are reviewed early and problems communicated to the Proposer, the Proposer will have the opportunity to adjust its concept(s) in sufficient time to prepare and submit a fully compliant Proposal for evaluation.

Note that ATCs that relate to change in materials will also need to be coordinated with Materials Approval Procedures for Design-Build Projects in DB 111 and Special Provision 16.

8.0 Schedule of ATCs
While it is anticipated that ATCs may be discussed at One-on-One meetings, the submittal of ATCs is not contingent on them being discussed at a One-on-One meeting.

A Proposer may submit ATCs for review to the Department until the date identified in the ITP Section 1.6.1, through the Designated Representative.

9.0 Format of ATCs
The ATC submittal form (Form ATC) is included in ITP Appendix F of the RFP. While an ATC could be discussed at a One-on-One meeting, all ATCs must follow a formal submittal process, and include the contents specified in Form ATC. All ATCs must be submitted through the Department’s Designated Representative.

10.0 Review Process of ATCs
Upon receipt of an ATC, the Department’s Designated Representative will distribute via the secure site the ATC to the Department’s One-on-One team, who will jointly determine within a two day period to whom the ATC should be directed with the goal to develop a draft response within the next 6 working days and a complete response two weeks after receipt.

The Department will not approve any ATC that entails a deviation from the requirements of the as-issued Contract Documents unless the Department determines, in their sole discretion, that the proposed end product based on the deviation is equal to or better than the end product absent the deviation.

If an ATC is summarily approved the Department’s comments will inform the Proposer that its ATC appears to be generally acceptable. If the Department needs more information to determine whether or not the ATC will be approved, conditionally approved, or not approved, the Department will submit written questions to the Proposer and/or request a One on One meeting.

If an ATC is conditionally approved, the Proposer must re-submit the ATC showing that the conditions have been met by the date indicated in the ITP Section 1.6.1.
The Proposer must include in its proposal a copy of all Department issued approvals for any ATCs that are included within its Proposal.