NY ROUTE 347
ROUTE 111 TO MOUNT PLEASANT ROAD

DESIGN-BUILD PROJECT

PIN 0054.20, Contract D900012

REQUEST FOR QUALIFICATIONS

September 14, 2012
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NY ROUTE 347
ROUTE 111 TO MT. PLEASANT ROAD

DESIGN-BUILD PROJECT

PIN 0054.20, Contract D900012

REQUEST FOR QUALIFICATIONS
GENERAL INSTRUCTIONS

September 14, 2012
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1.0 INTRODUCTION AND GENERAL INFORMATION

This Request for Qualifications (“RFQ”), issued by the New York State Department of Transportation (the “Department”), seeks Statements of Qualifications (SOQs) from qualified firms (“Proposers”) interested in performing design, construction, quality control, construction inspection and other identified activities for the NY Route 347 – Rt. 111 to Mt. Pleasant Rd. (the “Project”).

The Project involves Design-Build services for the widening, repair, and rehabilitation of NY Route 347, from Route 11 to Mount Pleasant Road. The Project is located in the Town of Smithtown, Suffolk County, New York.

A New York State Map indicating the location is included in Appendix E.

The contract will be for the purpose of Design-Build services for the construction of a segment of NY 347. The project will include but is not limited to the following:

- Roadway, sidewalk and shared use path construction;
- Noise barrier construction;
- Installation of Signing and Pavement Markings;
- Utility Relocations;
- Drainage;
- Intelligent Transportation System (ITS) Integration; and
- Landscaping to meet aesthetic requirements.

See appendix A for detailed information on the scope of work.

This RFQ is issued pursuant to the Department’s authority under the Infrastructure Investment Act, 2011 N.Y. Laws ch. 56 (the Act). The Act authorizes the Department and other specified authorized state entities to use Design-Build contracts for capital projects related to the states physical infrastructure, subject to the requirements set forth in the Act. This RFQ will be the mechanism by which a short list of Design-Build firms will be established. At the Department’s discretion anywhere from three (3) to five (5) firms may be short-listed.

The Department seeks Proposers who are qualified and prepared in all respects to undertake the complete design and construction of the Project. SOQs will only be accepted from Proposers intending to provide all required services for the Project. The Department will not consider responses from firms not offering to provide all required services.

This RFQ is the first step of a two-step best value procurement process. In order to be invited to proceed to the second step of the procurement process, which is responding to a Request for Proposals (RFP), a Proposer must provide a timely response to this RFQ and be shortlisted by the Department for the Project as described herein.

1.1 ABBREVIATIONS AND DEFINITIONS

Refer to Appendix D for abbreviations and definitions of capitalized terms used in this RFQ.

1.2 PROJECT GOALS

The Department’s goals and objectives for the Project are to:

1) Improve safety and mobility along the Route 347 Corridor by:
   a) Providing additional roadway lanes and improving traffic flow;
b) Implementing Intelligent Transportation System technology;

c) Improving access to Mass Transit and Connections;

d) Providing enhancements to infrastructure for use by pedestrians; and

e) Creating shared use lanes for bicyclists and pedestrians.

2) Protect and improve the environment by:

a) Minimizing the removal of existing vegetation and providing extensive new plantings;

b) Planting native vegetation to support wildlife;

c) Treating road runoff to improve water quality; and

d) Minimizing impacts on the environment.

3) Integrate the transportation system into the fabric of the communities by implementing the principles of traffic calming measures as part of the Boulevard or Greenway design.

4) Deliver the Project safely, on schedule and within budget.

5) Ensure coordination with any adjacent construction projects.

6) Provide best value to the Department.

1.3 ROLE OF THE DEPARTMENT

In the context of the Project, the Department is responsible for:

A) Obtaining the appropriate environmental clearances and other permits as detailed in the RFP except those specifically assigned to the Design-Builder;

B) Overall Project administration;

C) Contract procurement and administration;

D) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of Short-Lists and selection of the Best Value Design-Builder for the Project;

E) Identification of the Department’s Designated Project Manager for the Project as the single point of contact for all communication during the design and construction phase;

F) Quality Assurance Oversight and audit of the Design-Builder’s design and construction, including Quality Assurance and Verification Sampling and Testing;

G) Independent Assurance;

H) Providing information for inclusion in the RFP allowing Proposers to adequately prepare their Proposals;

I) Providing, if necessary, for rights-of-way and easements identified in the RFP;

J) Securing, if necessary, agreements with utility companies and utility owners;

K) Ensuring that the Proposer’s submissions, including any Alternative Technical Concepts, comply with the project requirements including the NYSDOT and AASHTO standards, NEPA commitments and all applicable laws;

L) Final acceptance of the Work and payment for Work performed; and

M) DBE program oversight and compliance review.
At the Department’s sole discretion, the Department may use consultants to fulfill one or more of the responsibilities noted in this Section 1.3 provided that the Department will be responsible for overseeing the performance of any such consultants.

1.4 PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES AND PROJECT STATUS

This RFQ is being issued concurrently with the process of development and review of the final scope of work for the Project. Any Work described herein is subject to adjustment as a result of the process.

Nothing contained in this RFQ is intended to modify, limit or otherwise constrain the process or commit the Department or any other entity to undertake any action with respect to the Project, including selection of a Design-Builder or the design and construction of the Project.

Refer to Appendix A for a description of the Project and information regarding the Design-Builder’s responsibilities and other information regarding the status of the Project.

1.5 PROJECT SCHEDULE

The anticipated date of Notice to Proceed is March 2013 with substantial completion on December 31, 2014. Interim milestones for the project will be established.

Refer to Section 2.2 for information regarding the procurement schedule.

1.6 CONTRACT TYPE

The Contract will be lump sum Design-Build Contract.

1.7 PAYMENT AND LIQUIDATED AND/OR GENERAL DAMAGES

The Contract will provide for periodic payments. There will be a schedule of payments for the project included in the RFP.

The Contract may provide for the assessment of liquidated damages for failure to meet interim milestones, deadlines or provisions. If so, details will be provided in the RFP.

1.8 GOVERNING LAW

The laws of the United States and the State of New York govern the RFQ, RFP and the Contract.

1.9 QUALITY ASSURANCE/QUALITY CONTROL

The Design-Builder will be required to plan, implement, and provide a QC program for the Work.

The Design-Builder’s QC Plan (Quality Plan) must follow the requirements of 23 CFR Part 637 and the Contract Documents. In addition, the Design-Builder’s Quality Plan shall follow the Design and Construction Quality Plan Format provided in the RFP. The Department will review and approve the Design-Builder’s Quality Control Plan to assure that it meets guidelines and minimum requirements established by the Department. The Design-Builder shall maintain
ownership of the Plan, shall be fully responsible for its execution, and shall maintain sole responsibility for the quality and workmanship of the Work. The Department will conduct verification sampling and testing on all material testing as well as conduct audits, in-depth inspections, and reviews of all Work to ensure workmanship, in-process and completed Work meets contract requirements.

The Design-Builder will be required to have, as part of the Design-Build Team, a Quality Manager who will be responsible for the preparation and implementation of the Quality Control Plan and procedures for both design and construction.

For design the Quality Manager shall ensure that the design firm on the Design-Build Team implements the quality control procedures specified in the Design-Builder’s Quality Control Plan for design activities.

For construction the Design-Builder will be required to have, as part of the Design-Build Team, an independent Professional Engineering Firm to perform Construction Inspection, and an Independent Materials Testing Firm or Laboratory to sample and test materials as specified in the Quality Control Plan and/or as required by the project specifications.

The Materials Testing Firm or Laboratory shall report to and support the Professional Engineering Firm performing Construction Inspection and the Professional Engineering Firm performing Construction Inspection shall report directly to the Department.

The Department will establish and maintain its own Quality Assurance Program and/or utilize an independent Quality Assurance organization to conduct verification sampling and testing on all material testing, oversee and/or perform quality audits, perform in-depth inspections of the Design-Builder’s management, design, construction and maintenance activities, the Design-Builder’s Quality Control procedures and verify the quality of the final product. The Department may utilize an independent Consultant to perform Quality Assurance of the Design-Builder’s Designs.

1.10 INSURANCE, BONDING, LICENSING AND SECURITIES

Details regarding insurance requirements for the selected Design-Builder will be specified in the RFP. The Department will require the selected Design-Builder(s) to provide evidence of insurance by certified copy of complete policy or policies endorsed.

Each Proposer submitting a Proposal will be required to provide a Proposal Bond or other form of security acceptable to the Department, as specified in the RFP. The Design-Builder will be required to provide Performance and Payment Bonds and/or other security acceptable to the Department as provided in the RFP.

Prior to Contract execution, all Persons participating in the procurement and/or the Contract must obtain all certificates of authorization, licenses and permits and take all necessary steps to conduct business in the State of New York and perform the Work required under the Contract, including proposing and carrying out contracts consistent with the laws of the State of New York.

1.11 RULES OF CONTACT

The following rules of contact shall apply during the Contract procurement process, which began upon the issuance of this RFQ and will conclude with the execution of the Contract. The rules are designed to promote a fair, unbiased, legally defensible procurement process.
Contact includes face-to-face, telephone, facsimile, electronic mail (e-mail) or formal written communication.

The specific rules are as follows:

A) Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only to designated contact persons. The Department’s Designated Representative for the procurement is:

Peter Russell  
Attention: NY Route 347  
Office of Contracts Management  
New York State Department of Transportation  
50 Wolf Road, 6th Floor  
Albany, New York 12232, USA  
e-mail: Peter.Russell@dot.ny.gov

The above named person, as the Department’s Designated Representative for this procurement, shall be the Department’s single point of contact and source of information for this procurement;

B) After the Shortlist is announced, neither a Proposer on the Shortlist nor any of its team members may communicate with another shortlisted Proposer or members of another shortlisted Proposer’s team with regard to the Project or the Proposal. However, a shortlisted Proposer may communicate with a Subcontractor that is on both its team and another shortlisted Proposer’s team, provided that each shortlisted Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information between the teams;

C) Unless otherwise specifically authorized by the Department, or in this RFQ, a Proposer may contact the Department only through the Department’s Designated Representative and only in writing by mail or e-mail. The Proposer’s contacts with the Department shall only be through a single representative authorized to bind the Proposer;

D) Communications between Proposers and the Department team of staff and consultants is allowed during any joint workshops and meetings organized by the Department;

E) Contact between each Proposer and the Department (questions and responses to questions) shall only be through the Department’s Designated Representative and the Proposer’s designated representative;

F) Neither a Proposer nor its agents may contact employees of the Department, or its consultants under contract to assist with the preparation of the RFQ, including staff members, members of the SOQ evaluation committee(s) and any other person who will evaluate SOQs, regarding the Project, except through the process identified above;

G) Neither a Proposer nor its agents may contact any federal or State official, or stakeholder staff regarding the Project. Stakeholder staff includes employees of:

1) FHWA; and

2) State and federal agencies engaged in the Project or otherwise having jurisdiction over the Project.
H) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer. If the Department determines that an impermissible contact has been made by a Proposer, that Proposer cannot be awarded the contract.

The Department will post information regarding the contract on its Web site:


Proposers are alerted to monitor the Web site regularly.

Unless confirmed in writing by the Department’s Designated Representative, the Department will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein.

1.12 PROPOSER QUESTIONS

The Department will consider questions submitted in writing by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing (sent via mail or e-mail) to the Department’s Designated Representative.

Only written requests (sent via mail or e-mail) will be considered. No oral requests will be accepted. No requests for additional information or clarification to any other Department office, consultant, employee or the FHWA will be considered. All responses to Proposer questions on the RFQ will be disseminated only by posting on the Department’s Web site. Responses will not indicate which Proposer raised particular questions. Responses to questions will not be mailed out.

Only requests received by 12:00 P.M. (midday) Eastern Standard Time on the date specified in Section 2.2 will be addressed.

Questions must include the requestor’s name, address, telephone number and e-mail address, and the Proposer that he/she represents.

The Department may consolidate or rewrite questions, and may post multiple sets of questions and answers. The last response will be posted on the Department’s Web site not later than ten calendar days prior to the SOQ Due Date.

1.13 RFQ ADDENDA

If necessary, the Department will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated by posting on the Department’s Web site. Addenda will not be mailed out. Proposers are advised to visit the Department’s Web site regularly to check for addenda. The final addendum will be posted on the Department’s Web site not later than seven (7) calendar days prior to the SOQ Due Date or, if an additional addendum is required within 7 days of the SOQ due date, the SOQ Due Date shall be revised such that there will be 7 days from the final addendum to the SOQ due date.

It is anticipated that the Department may also use the Department’s Web site to present general market-related inquiries and to receive replies to these inquiries from industry practitioners. These general questions-and-answers would not form part of the SOQ process for the Projects, and any replies received would not be included within the SOQ evaluation for any Proposer.
1.14 **NOTIFICATION OF FIRMS ON THE SHORT-LIST**

Each Proposer will be notified officially in writing, by email or mail, whether or not it has been selected for the Short-list. The Short-list will be posted on the Department’s Web site after all short-listed firms have been notified. Notifications may be expected no later than the date specified in Section 2.2.

1.15 **COSTS**

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending any briefing(s), workshop(s) or meeting(s), and/or providing supplemental information.

1.16 **ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS**

A) Only prospective Proposers who are capable of completing the Project in its entirety will be eligible for the Short-list;

B) Proposer organizations, including Principal Participants, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory, and key personnel identified in the SOQs submitted by Proposers must remain intact for the duration of the procurement process and the subsequent Contract. A shortlisted Proposer may propose substitutions for participants; however, such changes will require written approval by the Department, which approval may be granted or withheld in the Department’s sole discretion. Requests for changes to the Requests for Proposals must be made in writing no later than 14 calendar days prior to the due date for submittal of Proposals. Requests by shortlisted Proposers for changes in any of the Major Participants will be particularly scrutinized. The Proposer should carefully consider the make-up of its team, prior to submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

C) Confidentiality: The Proposer may be given access to certain confidential records solely for the purpose of performing the required services under the Contract. The Proposer shall be required to sign a nondisclosure statement prior to its receipt of any confidential records obligating each employee, agent, subconsultant or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents. In addition, the Proposer shall inform all its employees, agents, subconsultants or subcontractors of the Proposers of the contents and requirements of the nondisclosure statement. The proforma for the confidential nondisclosure statement is available by request from the Department’s Designated Representative.

1.17 **PROPOSAL STIPEND**

There will be no stipends paid for responses to the RFQ or the preparation and submission of SOQs related to the Project. The Department will provide guidance within the RFP on stipends related to the development and subsequent submittal of Proposals. The Department is not obligated to provide stipends for any phase of the procurement process.
1.18 BUY AMERICA

The Project is subject to Buy America policies, which require a domestic manufacturing process for all steel or iron products that are permanently incorporated in a Federal-aid highway construction project. The regulations permit a minimal use of foreign steel and iron in the amount of $2,500 or one-tenth of one percent, whichever is greater, to be used in the Projects. At a Proposer’s request, the Department may, but will not be obligated to, seek a waiver of Buy America requirements if grounds for such waiver exist. The Proposer will be required to comply with the applicable Buy America requirements unless such waiver is sought and granted. The RFP will require Proposers to provide appropriate certifications regarding compliance with Buy America requirements.

1.19 IRAN DIVESTMENT ACT OF 2012

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By submitting an SOQ in response to this RFQ or by assuming the responsibility of a Contract awarded hereunder, the Proposer (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, the Proposer is advised that once the list is posted on the OGS website, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the Department receive information that a person is in violation of the above-referenced certification, the Department will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Department shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The Department reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.
2.0 PROCUREMENT PROCESS

2.1 OVERALL PROCUREMENT PROCESS

The process for procurement of the Contract will use best value as a basis of selection. The Department intends to award the Contract to the Proposer who provides the Proposal with the best combination of price and quality factors.

The procurement process will include two steps:

A) RFQ (Determination of Short-List); and
B) RFP (Selection of Design-Builder from Proposers on the Short-List who submit Proposals).

Evaluation of the SOQs will be based on information submitted in the SOQs or otherwise available to the Department and will involve both pass/fail and quality evaluation factors. Evaluation of the Proposals will be based on information submitted in the Proposals or otherwise available to the Department and will involve both pass/fail and a combination of price and quality evaluation factors. Proposers should note that both the SOQ and RFP Proposals must be self-contained, i.e. all of the information necessary to make a complete and comprehensive evaluation must be contained within the Proposer’s Proposal. Proposers should not assume that any Department or Department staff, that will be involved in the evaluation of the SOQs or Proposals, will have general knowledge of the firms or its Key Personnel.

2.1.1 RFQ

The purpose of the RFQ is to allow the Department to determine the Shortlist of Proposers that will be invited to submit Proposals for the Project. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include information addressing each pass/fail and quality evaluation factors identified herein. Refer to Section 4.0 for SOQ submittal requirements and evaluation factor objectives and requirements.

2.1.2 RFP

The purpose of the RFP is to allow the Department to select the Best Value Design-Builder for the Project. The RFP will provide specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation and the evaluation rating guidelines for the RFP step of the procurement. It is anticipated that the RFP will initially be issued as a draft, with the intent of engaging the Proposers on the Shortlist in its review before finalization.

For informational purposes, and team building purposes, the following summarizes elements of the RFP evaluation and proposal package as currently anticipated by the Department:

A) Evaluation factors for each RFP will include, but not be limited to:

1) Pass/Fail:

   a) Compliance with Article, 145, 147 and 148 of the Education Law and compliance with the Labor Law;
   b) Legal (including compliance with state licensing requirements);
   c) Financial;
   d) Vendor Responsibility; and
   e) Responsiveness of Proposal.
2) Quality (these factors may also include subfactors):
   a) Experience and Qualifications;
   b) Management Approach;
   c) Technical Solutions; and
   d) Project Support.

3) Price

4) Schedule

B) Information to be submitted in the Proposals will include, but not be limited to:

1) Technical approach including concepts;
2) Qualifications and experience of Key Personnel, Construction Inspection Professional Engineering Firm and Quality Control Engineer/Laboratory;
3) Legal documents demonstrating ability to enter into a Contract with the Department;
4) Proposal Bond;
5) Specified certificates and representations;
6) Description of management approach, including schedule and organization;
7) A letter of commitment for each Key Personnel, from either their employer or from the individual Key Personnel;
8) Specified design documents and conceptual diagrams/sketches;
9) A Price Proposal; and
10) Records which demonstrate good faith efforts towards achieving or exceeding the contract DBE goal.

While price is an important factor in the RFP step of the procurement, quality factors will also be significant in determining the best value for the success of the Project. The RFP requirements and evaluation and selection procedures are designed to allow the Department to conduct a comprehensive evaluation of quality in addition to considering the price offered, thus allowing the Department to determine which Proposal is the most advantageous to the Department. At the end of the evaluation of the Proposals, the Department will perform an assessment of the price and the quality factors and select the Proposer that has offered the most advantageous (best value) Proposal. The Department does not currently intend to request revised Proposals following initial evaluations, but reserves the right to do so. The evaluation process will be described in more detail in the RFP.

The description of RFP terms and conditions contained herein, including the anticipated scope of services, evaluation factors and submittal requirements, is preliminary and subject to modification in the RFP.
2.2 PROCUREMENT SCHEDULE

The following represents the current schedule for the Project. The schedule is subject to change at the discretion of the Department.

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<tr>
<td>Final RFQ Released</td>
<td>September 12, 2012</td>
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<td>Final Date for receipt of Proposer’s questions</td>
<td>September 28, 2012</td>
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<td>Issue Date for Final Addendum to the RFQ</td>
<td>October 5, 2012</td>
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<td>and/or answers to Proposer’s questions</td>
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<td>SOQ Due Date</td>
<td>October 10, 2012</td>
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<td>Shortlisted DB Teams Announced</td>
<td>October 26, 2012</td>
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<td>Draft RFP Issued</td>
<td>November 2, 2012</td>
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<td>Draft RFP Info Meeting</td>
<td>November 13, 2012</td>
</tr>
<tr>
<td>Final RFP to Shortlisted Firms</td>
<td>November 30, 2012</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>January 10, 2013</td>
</tr>
<tr>
<td>Selection of Best Value</td>
<td>January 25, 2013</td>
</tr>
<tr>
<td>Execute Contract</td>
<td>February 28, 2013</td>
</tr>
<tr>
<td>Notice to Proceed</td>
<td>March 1, 2013</td>
</tr>
</tbody>
</table>

3.0 EVALUATION PROCESS FOR THE SOQ

3.1 EVALUATION OBJECTIVES

The objective of the RFQ step of the procurement is to create a Short-List of the most highly qualified Proposers with the general capability (quality, financial and management), capacity and experience necessary to successfully undertake and complete the Work for the Project. The Design-Builder will have primary responsibility to plan, design, manage and control the Project and to complete the Project on or ahead of schedule. The Department expects high responsibility standards for the Design-Builder and this is reflected in the quality evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

3.2 REVIEW AND EVALUATION OF THE SOQ

The information submitted in accordance with the RFQ will be evaluated in accordance with both the pass/fail factors listed in Section 3.3.1 and the quality evaluation factors provided in Section 3.3.2. These evaluation factors are further defined in Section 4.4.2.

3.3 EVALUATION FACTORS FOR THE RFQ PHASE

The Department has identified for this project the following factors and/or subfactors that are of particular importance to the Department. This information is provided here to assist Proposers in organizing their teams and preparing their SOQ.

3.3.1 Pass/Fail Evaluation Factors

   A) The pass/fail evaluation factors are:

      1) Legal;
      2) Financial;
3) Backlog Capacity;
4) Proposal responsiveness; and
5) Vendor Responsibility.

B) Pass/Fail ratings will be based on the following criteria:
1) Demonstrated capability to enter into a contractual relationship with the Department and a declaration of willingness to do so;
2) Demonstrated capability to provide required bonds and guarantees and meet other financial requirements of undertaking and completing the Work;
3) Demonstrate sufficient capacity, considering current, committed and potential workload and past level of contract activity, to successfully complete the design and construction of the Project;
4) Proper identification of all Principal Participants, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory and proper submittal of the required information per the requirements of the RFQ;
5) Determination that the Principal Participants are responsible vendors; and
6) Proper submittal of the required information per the requirements of the RFQ.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for quality rating in Section 3.3.2. If a Proposal fails any single pass/fail requirement resulting in a Deficiency, the SOQ shall be declared unacceptable, the quality factors will not be rated, and the Proposer will not be included on the Short-List.

3.3.2 Quality Evaluation Factors

The quality evaluation factors to be evaluated in the SOQs and their relative weighting, listed in order of equal or descending importance are:

A) Organization and Key Personnel (40%);
B) Experience of the Firms (25%);
C) Project Understanding (25%); and
D) Past Performance (10%).

During this evaluation, ratings will be assigned for various sub-factors (see Section 4.4.2) within each quality evaluation factor. The ratings assigned to each sub-factor will be compiled to determine an overall quality evaluation factor rating. The ratings assigned to the quality evaluation factors will be compiled to determine an overall quality rating for the SOQ.

3.4 REQUESTS FOR CLARIFICATION BY THE DEPARTMENT

The Proposer shall provide accurate and complete information to the Department. If information is not complete, the Department will notify the Proposer and request that the missing information be submitted within a specified time frame. Proposers will not be allowed to participate further in the procurement of the Project until all information required is provided. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by
the Department with notations of the insufficiencies or omissions and with a request for Clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, within the time frame specified by the Department, the SOQ may be declared non-responsive.

The Department may waive technical irregularities in the form of the SOQ that do not alter the quality or quantity of the information provided.

The Department may, at its sole discretion, request Clarifications and/or supplemental information from Proposers during the SOQ evaluation and Short-List process.

All requests and responses shall be in writing by mail or e-mail. Responses shall be limited to answering the specific information requested by the Department.

The Department does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the Department elects to conduct interviews, the Proposers shall be notified in writing.

Proposers must submit follow-up responses to inquiries by the Department. Responses shall be submitted to the address indicated below within three (3) days of receipt of the request from the Department except as otherwise specified in writing by the Department. Responses shall be submitted to the Department’s Designated Representative.

In the event a material error is discovered in the RFQ during the SOQ evaluation process, the Department will issue an addendum to the RFQ and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

3.5 DETERMINATION OF THE SHORT-LIST

The Department will establish a Short-List, for the Project, of an appropriate number (as determined by the Department) of the most highly qualified Proposers in order to ensure adequate competition (typically a minimum of three (3); maximum of five (5)). The Short-List will be created by eliminating the lowest rated Proposers until an appropriate number of acceptable Proposers remain. Neither the overall ratings nor the ranking of the Proposers on the Short-Lists will be disclosed to Proposers during the procurement process.

3.6 SHORT-LIST PROTEST

The decision of the Department on a Short-List and the subsequent award of the Contract shall be final and shall not be appealable, reviewable or reopened in any way, except as provided in Section 5.0. Persons and entities participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

Subject to applicable New York law, contents of SOQs, less proprietary information, to the extent protected under applicable New York State law, will become public information upon execution of the Contract.

4.0 REQUIREMENTS OF SOQ SUBMISSION

4.1 SUBMITTAL REQUIREMENTS

All SOQs must be received at the Department’s submittal address no later than 12.00 pm (midday) Eastern Standard Time on the SOQ Due Date specified in Section 2.2.
The front cover of the SOQs must be clearly marked with the project name, Proposer name, and date of submittal, marked “Confidential” and enclosed in one or more sealed containers. Late submittals will not be considered, consistent with State law requirements.

Where multiple containers are used by a Proposer to submit an SOQ, the Proposer shall label each container “Package # of ##” where # denotes the number of the container, and ## denotes the total number of containers being submitted by the Proposer.

4.2 SUBMITTAL ADDRESS

Submittals shall be submitted by either mail or hand delivery to the following address:

   Peter Russell
   Attention: NY Route 347
   Office of Contracts Management
   New York State Department of Transportation
   50 Wolf Road, 6th Floor
   Albany, New York 12232, USA.

Each Proposer shall be responsible for obtaining a written receipt appropriate to the means of delivery from the Department office specified in this Section 4.2 at time of delivery of its SOQ. It is the Proposer’s sole responsibility to ensure delivery of its SOQ to the Department at the time and place specified herein, and the Department shall have no liability or responsibility therefore.

4.3 PAGE LIMIT, FORMAT AND QUANTITIES

Refer to Appendix B for details of page limits, requirements for the formatting of SOQ submissions and details of the number of copies to be submitted.

4.4 CONTENT OF SOQ

This Section 4.4 describes the specific information that must be included in each SOQ. An outline of the required format for the SOQs is provided in Appendix B. Required forms for each SOQ are contained in Appendix C. Any material modification to the forms may result in the SOQ being declared non-responsive.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.4.2. Lengthy narratives containing extraneous information are discouraged. If the Proposer’s organization has not yet been formed, information regarding the future organization shall be provided as appropriate to allow the Department to determine whether the future organization will meet applicable requirements once it is formed.

4.4.1 Cover Letter

The Proposer shall provide a cover letter (no more than two pages) indicating its desire to be considered for the Project and stating the official names and roles of all firms Major Participants. The Proposer shall identify a single point of contact for the Proposer and the address, telephone and fax numbers and e-mail address, where questions should be directed. Authorized representative(s) of the Proposer’s organization shall sign the letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives of all Principal Participants shall sign the letter.
The Proposer shall attach to the cover letter the completed acknowledgment of receipt form (Appendix C Form AOR) acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Department.

4.4.2 Evaluation Factor Objectives and Requirements

In providing a SOQ, Proposers should be guided by the overall Project goals and objectives in Section 1.2 and the specific RFQ objectives and requirements listed in Sections 4.4.2.1 through 4.4.2.8, which provide Proposers with the Department’s expectations. The SOQ evaluation ratings of Section 3.3 will reflect how well a SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors.

4.4.2.1 Legal (Pass/Fail)

A) Objective:

1) To confirm the Proposer is or will be legally constituted, able to submit a Proposal and enter into the Contract, complete the Work, and that the members of the Proposer’s team either hold or commit to obtaining all required Professional Licenses.

B) Requirements and information to be provided in the SOQ:

1) Form L-1 (Appendix C), Proposer’s Organization Information, for the Proposer’s organization; and

C) Requirements and information to be provided in the SOQ if the Proposer is a joint venture or partnership of different firms:

1) Identity of the Lead Principal Participant of the entity, if any (Form L-1, Appendix C);

2) Percent equity share held by each member (Lead Participant column of Form L-1, Appendix C); and

3) An express statement from each of the equity members of the entity as to their joint and several liabilities in accordance with Section 1.10.

D) Requirements and information to be provided in Appendix A to the SOQ:

1) Submit notarized Power of Attorney for each Principal Participant indicating the authority to bind the Principal Participant’s representative to sign for that Principal Participant the submitted SOQ;

2) Submit notarized Power of Attorney from each Principal Participant indicating the authority to bind the Proposer’s designated point of contact to sign documents for and on behalf of the Proposer’s organization; and

3) Use Form L-3 (Appendix C) to submit a copy of the Certificate of Authorization to provide Engineering Services issued by the New York State Education Department for the appropriate team members, or submit documentation on Form L-3 demonstrating the ability to obtain said Certificates and licenses, in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.

E) Requirements and information to be provided in Appendix A to the SOQ if the Proposer is a joint venture or partnership of different firms:
1) If the Proposer has already been legally constituted, full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the joint venture agreement, limited liability company operating agreement or partnership agreement; and

2) If the Proposer has not yet been legally formed, a description of the proposed legal structure and draft copies of the underlying documents, including:
   
a) All significant terms of the joint venture or partnership, including the rules relative to the administration of the joint venture, limited liability company or partnership, including dealing with deadlock situations;

b) Description of how the joint venture, limited liability company or partnership will operate administratively and technically;

c) A teaming agreement or comparable document setting forth the equity members’ agreement to form the organization; and

d) If a Proposer has not yet been legally formed at the time of the submission of their Proposal to the Department, the Proposer must be legally formed before the Department will Award or execute a Contract with the Proposer. If there is a delay, for any reason whatsoever, in the forming of the legal entity, the Award, contract execution and the notice to proceed will be postponed until the legal entity is fully formed. The resulting delay shall not change any of the contractual intermediate or final completion dates in the Contract and Proposal and liquidated damages will be assessed for each day the intermediate or final completion dates are not met. If the Proposer has not yet been legally formed within 7 calendar days of submission of the Proposal, the Department may, at its discretion, reject the Proposal and proceed to award the Contract to the Proposer having the apparent next best value Proposal.

F) Procurement Lobby disclosures for the Proposer or, if the Proposer has not yet been formed, for each of its proposed members, in the form provided at: https://www.dot.ny.gov/main/business-center/consultants/non-architectural-engineering/active-solicitations

4.4.2.2 Financial (Pass/Fail)

A) Objective:

1) To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding capacity and the capability to effectively manage the scheduled cash flow as well as any unanticipated cash flow needs of the Project; and
2) To identify Proposers with sufficient capacity, considering current committed and potential workload, and past level of contract activity, to successfully complete the design and construction of the Project.

B) Requirements and information to be submitted – Surety Letter(s):

1) Provide a letter from a surety or insurance company indicating that the Proposer is capable of obtaining Proposal, Performance and Payment Bonds covering the Design-Build Contract;

2) The bonding/security capacity levels in Table 4.5 represent minimum levels necessary to pass the Pass/Fail criteria of Section 3.3.1;

3) The surety or insurance company submitting such letter must be rated AA-/Aa3 by two nationally recognized rating agencies or at least A-VII by A.M. Best and Company, be listed on Treasury Department Circular 570 and be on the list of companies approved by the State of New York;

4) The letter must specifically state that the surety/insurance company has evaluated the team’s backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team’s amount of current backlog and utilized bonding capacity; and

5) Letters indicating “unlimited” bonding/security capability are not acceptable.

<table>
<thead>
<tr>
<th>Proposal Bond/Security</th>
<th>Payment Bond/Security</th>
<th>Performance Bond/Security</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% of Proposal Amount</td>
<td>100% of Contract Amount</td>
<td>100% of Contract Amount</td>
</tr>
</tbody>
</table>

C) The Contract amount is not anticipated to exceed $40 million.

4.4.2.3 Backlog/Capacity (Pass/Fail)

A) Objective:

1) To identify Proposers with sufficient capacity, considering current, committed and potential workload and past level of contract activity, to successfully complete the design and construction of the Project.

B) Requirements and information to be submitted:

1) Submit Form B (Appendix C), Backlog Information, for each Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory meeting criteria in Section 1.16. Limit backlog information to the office(s)/division(s) of the firms that will be performing Work on the Project.

4.4.2.4 Vendor Responsibility – (Pass/Fail)

A) Objective:
1) To identify Proposers with firms and/or personnel with a history of financial, legal, integrity, or performance issues that could adversely impact the Project generally.

B) Requirements and information to be submitted:

1) Vendor Responsibility Questionnaire: All firms of the Design-Build team shall submit a Vendor Responsibility Questionnaire (VRQ). Construction Contractors shall supply the CCA-2 form, See Appendix C. Note the VRQ form used by the New York State Thruway Authority is not sufficient.

4.4.2.5 Organization and Key Personnel (Quality-40%)

A) Objective:

1) To identify Proposers that can manage all aspects of the Contract in a satisfactory, timely, and effective manner, successfully integrate the various parts of its organization, and coordinate with the Department in a cooperative and functional manner; and

2) To identify Key Personnel with demonstrated experience and expertise, and a record of producing satisfactory work on projects of a similar nature to this Project.

B) Requirements and information to be submitted:

1) Organization and communication structure among the Major Participants (the Construction Firm, the Design Firm, Landscape Architect, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory), and Key Personnel;

2) Resumes outlining experience and qualifications of Key Personnel and an Arborist. Resumes shall have the page limit per person specified in Appendix B. Each Resume shall have Form R – Summary of Individual’s Experience as the first page. The content of each resume, and the sequence of presentation, shall be as listed below:

   a) Proposed role on Project;
   b) Relevant licenses and registrations;
   c) Total years of professional experience and years of experience performing the work the individual would perform on this Project;
   d) Relevant project experience including project names, locations and total construction costs; the individual’s start and end dates on each project; the individual’s role on each project; the duties performed on each project; and the owner’s current contact information, including telephone numbers and e-mail addresses;
   e) History of employment with participant;
   f) Project role, if any, in the projects listed on Form E-1 for firms;
   g) Percent time allocated/committed to the Project;
   h) If more than one key position is to be filled by the same individual, so indicate; and
i) Three references including the name, position, company, or agency and current telephone number and e-mail address for each reference. References shall be owners or clients for whom the individual has performed project work for in the past 5 years and shall not be current or past employers of the individual.

3) Verification of certification for a project Arborist who shall be certified by the International Society of Arboriculture (ISA); and

4) Verification that the Materials Testing Firm or Laboratory is AASHTO certified.

C) Requirements for Key Personnel:

Key Personnel are preferred to have experience on projects of a similar size, scope, and complexity as this Project, and should meet the qualifications described below. Proposed staff with qualifications less than those described below will receive a reduced score compared to staff that meet or exceed the described qualifications. Any requirements described as “shall have...” or “shall be...” are determined to be minimum requirements. Any SOQ’s provided whose staff does not meet this minimum requirements may, at NYSDOT’s discretion, be determined non-responsive and disqualified from the short listing process.

a) Project Manager: Shall have a minimum of 15 years demonstrated experience in construction and construction management of highway and infrastructure projects with similar size and scope as this Project, including projects with compressed timelines, utility coordination and community information requirements. Such experience in construction and management-of-construction shall include at least one roadway construction project having a construction value in excess of $10,000,000. The Project Manager, who should preferably have Design-Build experience and have extensive project management experience, can hold only this one Key Personnel position. It is preferred, but not required, that this individual be licensed and currently registered as a Professional Engineer in the State of New York;

a) Design Manager: Shall be licensed and currently registered as a Professional Engineer in the State of New York, shall be an owner or employee of the Designer and shall have a minimum of 10 years demonstrated experience in managing design for infrastructure projects of similar scope as this Project. NYSDOT experience is preferred. The Design Manager, shall preferably have Design-Build experience, shall have specific experience with roadway design requiring utility coordination and integration of landscape architecture on projects of similar size and type;

b) Resident Engineer: It is preferred, but not required, that this individual be licensed and currently registered as a Professional Engineer in the State of New York and shall have demonstrated at least 15 years experience in highway construction inspection. NYSDOT experience is preferred;
c) **Lead Civil Engineer:** Shall be licensed and currently registered as a Professional Engineer in the State of New York and shall have at least 10 years experience in civil roadway design, including multiuse facilities. NYSDOT experience is preferred;

d) **Lead ITS Engineer:** Shall be licensed and currently registered as a Professional Engineer in the State of New and shall have at least 10 years experience in the design of Intelligent Transportation Systems (ITS) for highway projects;

e) **Construction Manager:** Should preferably be licensed and currently registered as a Professional Engineer in the State of New York and should have a minimum of 15 years of demonstrated construction experience in civil works projects with experience in managing the site work of roadway construction projects. NYSDOT experience is preferred. Experience shall include work of the nature anticipated in the Project, and should preferably include Design-Build contracts;

f) **Quality Manager:** Should have demonstrated experience in roadway design and major infrastructure construction with at least 10 years experience in quality assurance and quality control activities, including preparation and implementation of Quality Plans and procedures for design and construction. The Quality Manager can hold only this Key Personnel position. The Quality Manager shall have experience of quality systems based on ISO 9001, and preferably should have experience with the quality systems of the Department;

g) **Landscape Architect:** Shall be licensed and currently registered as a Landscape Architect in the State of New York and shall have demonstrated experience in landscape design for transportation facilities; roadways, and other transportation corridors with at least 10 years experience in civil works projects. Experience shall include work of the nature anticipated in the Project, and should preferably include Design-Build contracts;

h) **Environmental Compliance Manager:** Should have a minimum of 10 years demonstrated experience in the environmental permit requirements, environmental design, and construction management and compliance on highway projects in environmentally-sensitive areas. Experience in erosion and sediment control, protection of wetlands, and highway noise barrier analysis and design is also required; and

i) **Lead Public Involvement Person:** Should have a minimum of 10 years experience addressing general project related questions from the public and stakeholders on highway projects having similar scope and complexity. Questions from elected and public officials, and the media will be addressed by NYSDOT.
4.4.2.6  Experience of the Firms (Quality-25%)

A) Objective:

1) To identify the best design and construction firms available with demonstrated experience, expertise, capacity in, and record of producing quality Work on projects similar in nature to the Project with a record of producing quality Work;

2) To identify Proposers that have:
   a) Experience in successfully managing, designing and constructing projects of the size and complexity of this Project;
   b) Experience in successfully completing Design-Build projects of the size and complexity of the Project;
   c) Superior records of completing contracts on time and within budget;
   d) Experience in successfully managing the construction sequencing, maintenance of traffic and community interaction aspects of Projects;
   e) Records of managing contracts to minimize delays, claims, dispute proceedings, litigation and arbitration; and
   f) Good safety records.

3) To identify Proposers who will effectively manage all aspects of the Contract in a quality, timely and effective manner and will integrate the different parts of its organization collectively and with the Department in a cohesive and seamless manner;

4) To identify Proposers that have the technical and management experience and expertise to plan, organize, execute the design and construction and assure the quality and safety of the Project; and

5) To identify Proposers whose Design and Construction Inspection Professional Engineering firms preferably have past NYSDOT experience.

B) Requirements and information to be submitted:

1) Firm Experience: Using Form E-1 (Appendix C), past Project Description, provide no more than five (5) past project descriptions per each Constructor and Designer, and no more than three (3) past project descriptions per each Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory. Describe those projects having a scope comparable to that anticipated for the Project.

4.4.2.7  Project Understanding (Quality-25%)

A) Objective:

1) To identify critical risks for this Project, focusing on what the Proposer’s team considers the most relevant and critical to the success of this Project.
2) To identify those Proposers demonstrating an understanding of how the Design-Build process and the Proposer’s organization will contribute to the success of the Project and meeting the Department’s Project goals and understanding of the risk sharing and the teaming relationship between the Design-Builder and the Department.

3) Demonstrate knowledge and understanding of the NY 347 VISION PLAN CONCEPTUAL DESIGN.

B) Requirements and Information to be submitted:

1) List three critical risks and briefly describe the significant issues facing the selected Proposer and/or the Department. Provide a narrative for each risk that describes why the risk is critical, indicates the impact the risk will have on the Project and discuss the mitigation strategies the Proposer’s team may implement to address the risk. Describe the role that the Proposer expects NYSDOT or other agencies may have in addressing these Project risks;

2) Briefly describe how the Proposer will use its organization and the Design-Build process to ensure a Project meeting the objectives as stated in the RFP, considering the Department’s Project goals listed in Section 1.2; and

3) Briefly describe how the Proposer will use the Landscape Architect and Arborist to ensure consistency along the corridor and adjacent projects to be in conformance with the NY 347 Vision Plan.

4.4.2.8 Past Performance (Quality-10%)

A) Objective:

1) To identify Proposers with firms or personnel that have successfully completed projects on time and under budget, including highway reconstruction projects, that were similar in scope, size and complexity as this Project;

2) To identify Proposers with firms or personnel with a history of legal and financial problems that could adversely impact the Project generally; and

3) To identify Proposers with a record of meeting DBE participation requirements and an adequate record of safety.

B) Requirements and information to be submitted:

1) Narrative: Provide a narrative containing the information requested in subparagraphs below for each Major Participant. If an entity has no record of relevant past performance or if the information relative to a category is not available enter a declarative statement to that effect. For each instance of liquidated damages, provide the owner’s name and the name of its current representative (and current phone and fax numbers) who can be contacted for additional information. With respect to the information solicited in this Section 4.4.2.8, failure to provide this information, conditional or qualified submissions to requests or questions posed (such as “to our knowledge”, “to the extent of available information”, “such information is not readily available”, “such information
is not maintained in the manner requested”, etc.), incomplete or inaccurate submissions or non-responsive submissions may, in the sole discretion of the Department, lead to a low evaluation rating for this evaluation factor or result in a deficiency that would cause the Department to declare the SOQ non-responsive.

a) Project Descriptions: Provide a narrative describing past performance on up to three projects, including highway reconstruction projects, that are similar in scope, size and complexity as this Project

b) Awards, Citations and/or Commendations: List awards, citations and/or commendations for performance relevant to this Project received by any Major Participant within the last 7 calendar years. Describe the work for which award(s), citation(s) and/or commendation(s) were received;

c) Liquidated damages: Describe any contract, listed in the Vendor Responsibility Questionnaire submitted in Volume 2 of the SOQ, which resulted in assessment of liquidated damages against any Major Participant involving amounts in excess of $25,000 for any one project over the past 7 calendar years. Describe the causes of the delays and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency;

2) Safety: Submit Form S (Appendix C), Safety Questionnaire, for each Key Personnel meeting criteria listed in Section 1.16 B)1);

3) Experience Modification Rate: Submit a copy of the Experience Modification Rate (EMR) for each Firm on the Proposer’s Team as a measure of the Firm’s safety record; and

4) DBE Program Experience: Submit Form DBE (Appendix C), “Record of DBE Program Experience” – Tables 1-5, for each Principal Participant and the Designer reflecting record of compliance with DBE requirements in their contracts for the past three (3) years.

4.5 PROTESTS

This Section 4.5 sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless wholly arbitrary. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend and hold the Department, its directors, officers, officials, employees, agents, representatives and consultants, harmless from and against all liabilities, expenses, costs (including attorneys’ fees and costs), fees and damages incurred or suffered as a result of such Proposer’s actions. The submission of an SOQ by a Proposer shall be deemed the Proposer’s irrevocable and unconditional agreement with such indemnification obligation.
4.6 WRITTEN PROTESTS ONLY

All protests must be in writing, including pre-award, award, and post-award phases of the procurement process. Protests shall be submitted to the Protest Official designated below with a copy also sent to the Department’s Designated Representative:

David Cherubin
Attention: NY Route 347
Office of Legal Services
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232, USA

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Department in an effort to remove the grounds for protest.

The Protest Official may, in his/her discretion, discuss the protest with the protestor prior to issuance of the Protest Official’s written decision. The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by the Protest Official or his/her designee, whose decision shall be final and conclusive. The Protest Official or his/her designee shall issue a written decision regarding any protest to each Proposer.

4.7 PROTEST CONTENTS

A) All Protests must include:
   1) The name and address of the Proposer;
   2) The Contract number;
   3) A detailed statement of the nature of the protest and the grounds on which the protest is made;
   4) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury; and
   5) A summary of the remedy being requested.

B) The protestor must include information demonstrating a violation of a specific law, regulation or provision of this RFQ;

C) The Department will not be obligated to postpone the SOQ Due Date or Short-List announcement in order to allow a protestor an opportunity to correct a deficient protest or appeal, unless otherwise required by law or regulation; and

D) If the protest is denied, the protestor may be liable for the Department’s costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by the Department as a consequence of the protest. If the protest is granted, the Department shall not be liable for payment of the protestor’s costs, including, but not limited to, legal and consultant fees and costs.
4.8 PROTEST REGARDING RFQ

A) Prior to the SOQ Due Date, all protests, including protests based upon alleged restrictive specifications or alleged improprieties in any type of solicitation shall be filed with the Protest Official, not less than seven (7) calendar days prior to the SOQ Due Date;

B) The Protest Official will promptly make a determination in writing regarding the validity of the protest and whether or not the RFQ process should be delayed beyond the scheduled SOQ Due Date;

C) If the Protest Official determines that the scheduled SOQ Due Date should be delayed, all Proposers will be notified by written addendum of the delay and the reason thereof; in addition, a notification of the delay of the scheduled SOQ Due Date will be posted on the Department Web site; and

D) If the protest is determined to be valid, the Protest Official will respond in writing to each material issue raised in the protest in a timely manner prior to the Department proceeding further with the RFQ.

4.9 PROTEST REGARDING SHORT-LIST DECISION

A) If the Short-List decision is being protested, a protestor shall protest in writing to the Protest Official as soon as practical, but not later than seven (7) calendar days after the protestor knew or should have known it was not included on the Short-List. If the protest has been timely filed, the Protest Official will promptly make a determination in writing regarding the validity of the protest and whether or not the procurement should be delayed, or the Short-List considered for revision;

B) If the procurement is delayed, all Proposers will be notified of the delay. The Protest Official will respond in writing to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement;

C) The Department will not proceed with the procurement for seven (7) calendar days after the decision is rendered by the Protest Official unless the protestor waives in writing its right to appeal to the Protest Official;

D) Should a protestor wish to appeal the decision of the Protest Official concerning any Short-List decision, a protestor shall follow the procedures as outlined in Section 4.10; and

E) No protest under this Section 4.9 may include any grounds for protest that could have been raised under Section 4.8.

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

4.10 RIGHT OF APPEAL

A) In the event that a protestor receives an unfavorable decision from the Protest Official to its protest, the protestor shall have the right to appeal the decision of the Protest Official by submitting a written appeal to the Commissioner or designee within seven (7) calendar days after receipt of the decision of the Protest Official, with a copy sent to the Department’s Designated Contact Person. The Department
will appoint a Protest Committee of at least three members to review the protest and the decision of the Protest Official;

B) The Protest Committee will notify the protester in writing in a prompt manner of its decision regarding the protest and the appeal. If the protest and appeal were filed prior to the release of the Short-List the Department will not announce the Short-List for seven (7) calendar days after the decision of the Committee; and

C) If the matter is not resolved after the appeal, the protestor may continue the protest by appeal to judicial authority. The protestor may also challenge a Shortlist relating to this RFQ to the Office of State Comptroller (“OSC”) pursuant to the provisions of Section 112 of the State Finance Law by submitting a written protest to the OSC Bureau of Contracts containing the specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the Shortlist.

5.0 DEPARTMENT’S RIGHTS AND DISCLAIMERS

5.1 DEPARTMENT’S RIGHTS

The Department may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Department reserves the right, in its sole and absolute discretion, to:

a. Reject any or all SOQs;

b. Issue a new RFQ;

c. Cancel, modify or withdraw the RFQ;

d. Issue addenda, supplements and modifications to this RFQ;

e. Modify the RFQ process (with appropriate notice to Proposers);

f. Appoint a Selection Committee, evaluation teams and Selection Official to review SOQs, and seek the assistance of outside technical experts in the SOQ evaluation;

g. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;

h. Revise and modify, at any time before the SOQ Due Date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. The Department will post any such revisions or modifications on the Department’s Web site. The Department may extend the SOQ Due Date if such changes are deemed by the Department, in its sole discretion, to be material and substantive;

i. Hold meetings and exchange correspondence with the Proposers responding to this RFQ to seek an improved understanding and evaluation of the SOQs;

j. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;

k. Waive minor weaknesses, minor informalities and minor irregularities in SOQs;

l. Disqualify any Proposer whose conduct and/or SOQ fails to conform to the requirements of the RFQ.

m. Seeks clarifications of and revisions to SOQ’s.
n. Prior to opening of the SOQ’s, direct Proposers to submit modifications addressing subsequent RFQ amendments.

o. Utilize any and all ideas submitted in the SOQ’s received.

p. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer’s SOQ and/or to determine a Proposer’s compliance with the requirements of the RFQ.

q. Disqualify any Proposer that changes its SOQ without Department written approval; and/or

r. Refuse to consider an SOQ or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:

   1) Failure on the part of a Principal Participant, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Department (or other State agency);

   2) Default on the part of a Principal Participant, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);

   3) Unsatisfactory performance by the Proposer, a Principal Participant Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);

   4) Issuance of a notice of debarment or suspension to the Proposer, a Principal Participant Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory;

   5) Submittal by the Proposer of more than one SOQ for the same work under the Proposer’s own name or under a different name;

   6) Existence of an organizational conflict of interest or evidence of collusion between a prospective Proposer (or any Principal Participant Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory) and other Proposer(s) (or Principal Participants, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory) in the preparation of an SOQ, Proposal for any Department construction project;

   7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory is
responsible, which in the judgment of the Department might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded; and/or

8) Failure on the part of a Principal Participant, Constructor, Designer, Landscape Architect, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory to submit and certify a Vendor Responsibility Questionnaire to the Department, or other agency prior to the SOQ Due Date.

9) Federal regulations prohibit the hiring of any person or organization that has a “conflict of interest.” Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, the following firms have been identified as having conflicts of interest that prevent their consideration for the pending project. The Proposer may not include the services of Greenman-Pedersen, Inc. and Stantec Consulting Services, Inc. due to a conflict of interest based on services currently being provided to the Department related to this Project. Proposers utilizing Greenman-Pedersen, Inc. and/or Stantec Consulting Services, Inc. will be disqualified.

The RFQ does not commit the Department to enter into a Contract, nor does it obligate the Department to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Legislature of New York, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and the Department.

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

5.2 DEPARTMENT’S DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Department specifically disclaims the following:

A) Any obligation to award or execute a Contract pursuant to this RFQ; and

B) Any obligation to reimburse a Proposer for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

6.0 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY
6.1 POLICY

The Department shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any U.S. Department of Transportation (DOT) assisted contract or in the administration of 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in the Projects.

6.2 DBE PARTICIPATION GOAL

For Federal-aid contracts, projects are subject to USDOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115). The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in the Projects.

The overall goal for DBE will be established for this Project and will be included in the RFP. The Department is currently in the process of securing required approvals of the proposed goals.

6.3 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFPs.

7.0 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of the Projects and the performance of the Contract.
NY ROUTE 347
ROUTE 111 TO MOUNT PLEASANT ROAD
DESIGN-BUILD PROJECT

PIN 0054.20, Contract D900012

REQUEST FOR QUALIFICATIONS

APPENDIX A

PROJECT DESCRIPTION,
DESIGN-BUILDER RESPONSIBILITIES
AND PROJECT STATUS

September 14, 2012
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# TABLE OF CONTENTS

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2.0 DESIGN-BUILDER RESPONSIBILITIES ................................................................................ 1
3.0 PROJECT STATUS .................................................................................................................. 2
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APPENDIX A TO REQUEST FOR QUALIFICATIONS

1.0 PROJECT DESCRIPTION

The Project will consist of the widening, reconstruction, and creation of a Boulevard or Greenway corridor along NY Route 347 in Suffolk County, New York. It is anticipated the Project will include the work outlined below:

A) Widening of NY Route 347 with additional travel lanes and shared use pedestrian and bike paths;
B) Landscape design integrating adjacent properties to create a seamless Greenway or Boulevard;
C) Sound wall design and installation;
D) Installation and integration of the Intelligent Traffic-Management System (ITS);
E) Relocation and/or preservation of existing Utilities;
F) Pavement reconstruction including; paving, pavement markings and traffic signalization;
G) Installation of street lighting;
H) Installation of roadway signs;
I) Installation of new utilities to support services for the new DMS, pedestrian lighting, and traffic signal; and
J) Potential disposal of excavated contaminated soil.

Two-way traffic is expected to be maintained on NY 347 during construction.

2.0 DESIGN-BUILDER RESPONSIBILITIES

The selected Design-Builder shall be responsible for furnishing all labor, material, plant equipment, services and support facilities for the following summary list, in addition to any other items that will be detailed fully at the Request for Proposal Stage:

A) Design and construction of all Project components;
B) Project design and construction management;
C) Support to the Department for Project-related public information activities;
D) Coordination with Project stakeholders, other contractors and utility owners;
E) Design Quality Control and Construction Quality Control;
F) Construction Inspection;
G) Laboratory Testing of Materials;
H) An Environmental mitigation and compliance plan;
I) Additional environmental permitting and monitoring associated with or resulting from Design-Builder’s actions including but not limited to staging areas, haul roads, dump sites and other activities necessary for construction;
J) Maintenance and protection of traffic and access to properties (both temporary and permanent access should be addressed);

K) Project safety and security;

L) Necessary preliminary investigations, information and surveys not provided by the Department;

M) Harmful and hazardous materials remediation (where identified);

N) Drainage and erosion control;

O) Construction waste disposal and handling;

P) Required clearances, licenses, easements and permits, work sites, staging areas, temporary work access, storage areas, etc., on and off site;

Q) Ancillary works, such as access roads, driveways, temporary fencing, relocation of drainage and temporary works;

R) Coordination and relocation of utilities with NYSDOT and municipal facilities (when required);
   o Design-Builder responsible for attending utility coordination meetings. (The RUE will also attend);
   o Design-Builder to provide supporting documents for utility design, including: plans, Special Note of Utility Coordination & Table of Conflicts;
   o Special Note of Utility Coordination must include work description, proposed locations and time frames;
   o Table of Conflicts to include existing & proposed locations;
   o Supporting documents are required for Utility & Municipal Agreements to be completed by RUE;
   o Design-Builder must include the cost to relocate Suffolk County Water Authority facilities in their bid. The cost shall include all permits from the Suffolk County Dept of Health and all service connections;
   o LIPA to provide a cost estimate for their work to the RUE, once all supporting documents are provided by the Design-Builder. The RUE will complete the Agreement. NYSDOT will pay for the relocation work performed by LIPA; and
   o Verizon and Cablevision will perform the relocation of their facilities at their cost,

S) Site clearance;

T) Maintenance of the Project during the Contract period;

U) Development of As-built drawings and records of new construction; and

V) Promote and support DBE participation throughout the life of the contract in accordance with Title 49 CFR Part 26.

3.0 PROJECT STATUS

The following is a summary of the information and data being compiled for the Project. This list is indicative, and is not comprehensive:

A) Scope of Work: A Document which identifies the Work to be performed for the Project will be provided in the RFP;

B) Utilities: Utilities are present on this project. Studies are being conducted to identify existing utilities, the results of which will be provided in the RFP;

C) Right-of-Way (ROW): The Department will undertake any necessary ROW acquisition(s);
D) Environmental: The appropriate environmental clearances will be obtained prior to issuing the Final RFP by the Department, except those identified in the RFP to be specifically assigned to the Design-Builder or changes introduced by the Design-Builder;

E) NEPA and SEQR: All NEPA and SEQR requirements will be satisfied prior to issuance of the RFP. Any changes related to the scope as proposed by the Design-Builder may require a revision to the environmental documents and subsequent agency approval and shall be submitted to such agencies in coordination with the Department;

F) Plans showing general project configuration;

G) Record Plans;

H) Condition Surveys of the roadway; and

I) Reference to Specifications required to be used.

Prior to issue of the RFP, the Department will make available, on the Department’s Web site, information relevant to the design and construction of this project such as: the Scope of Work Documents, Record Plans, and Condition Surveys.
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NY Route 347
Route 111 to Mount Pleasant Road

DESIGN-BUILD PROJECT
PIN 0054.20, Contract D900012

REQUEST FOR QUALIFICATIONS

APPENDIX B

FORMAT AND ORGANIZATION FOR STATEMENT OF QUALIFICATIONS

September 14, 2012
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FORMAT AND ORGANIZATION FOR STATEMENT OF QUALIFICATIONS

The outline presented in this Appendix B shall be followed for preparing the Statement of Qualifications (SOQ). Specific content requirements for each section of the SOQ are described in the RFQ, as referenced in the outline. This format has been created to facilitate responses to the RFQ and the SOQ evaluation and Short-List process.

One (1) signed original and ten (10) copies of Volume 1 of the SOQ shall be provided in individual ring-binders, plus one electronic copy (to be included in the original). The signed original shall be identified as such on the cover and shall be marked “SIGNED ORIGINAL”. Each copy shall be identified on the cover(s) as “Copy # of 10 copies.” For Volume 2, only one signed original and five copies, plus one electronic copy (to be included in the original), shall be submitted. The signed original and the five copies of Volume 2 shall be placed in an individual ring-binder. The signed original shall be identified as such on the cover(s) and shall be marked “SIGNED ORIGINAL”. Each copy shall be identified on the cover(s) as “Copy # of 5 copies.” All volumes may be packaged in a single carton for delivery to NYSDOT.

Unless indicated on a specific Form, the supplied Forms shall not be altered.

A) Photographs or external web links are not to be included in the Forms;
B) All required information must be contained in the Forms;
C) All headers and footers supplied with the Forms must be included; and
D) Corporate logos are not to be inserted.

Any Form found to be altered may, at the discretion of the Department’s Contract Management Bureau, be removed from the SOQ before evaluation.

The SOQ shall be packaged with a cover letter with acknowledgement of Receipt (Form AOR), seven (7) separate Sections and one (1) Appendix. The Sections and Appendix shall consist of loose-leaf pages. The seven (7) Sections and one (1) Appendix shall be placed in two separate 3-ring binders as described below.

Volume 1 shall contain:

A) Section 1 - Organization and Key Personnel;
B) Section 2 - Experience of the Firms;
C) Section 3 - Past Performance; and
D) Section 4 - Project Understanding.

Volume 2 shall contain:

A) Section 5 – Backlog/Capacity;
B) Section 6 - Legal;
C) Section 7 - Financial;
D) Appendix A - Legal Documents.
New York State Department of Transportation

Text shall be in a standard font, a minimum of ten points in height, single-spaced. Pages shall be 8-1/2 by 11 inch white paper with simple lettered/numbered dividers for each section/subsection. Single sided pages shall be used. Number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2; 3-1, 3-2, etc.). Center page numbers at the bottom of each page.

Proposers should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

The information shall be easily reproducible by normal black and white photocopying machines.

SOQs will become the property of the Department. Copies of each SOQ will be retained after the SOQ evaluation process for the Project files.
<table>
<thead>
<tr>
<th>Section No.</th>
<th>Volume No.</th>
<th>Required Information</th>
<th>RFQ Reference</th>
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<tr>
<td>Section 1</td>
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<td>Organization and Key Personnel:</td>
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<td>• Organization &amp; communication structure (maximum 5 pages);</td>
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<td>• Form R for Key Personnel and an Arborist, and associated</td>
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<td>resumes (maximum 3 pages each resume);</td>
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<td>• Verification of Certification for Project Arborist; and</td>
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<td>• Verification of AASHTO Certification of the Materials Testing</td>
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<td>Firm or Laboratory.</td>
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<td>• Past Performance Narrative (maximum 2 pages)</td>
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<td>• Form S;</td>
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<td>• Copy of the Experience Modification Rate (EMR); and</td>
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<td>• Form DBE.</td>
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<td>Project Understanding:</td>
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<td>• Discussion of significant issues and risks facing the selected</td>
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<td>Proposer and the Department; and</td>
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<td>• Description of how the Proposer will use its organization and</td>
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<td>the DB process to ensure a successful Project.</td>
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<td>Section 5</td>
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<td>Backlog/Capacity:</td>
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<td>Legal:</td>
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<td>• Form L-1.</td>
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<td>Additional information if JV, LLC or partnership:</td>
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<td>• Identity of Lead Principal Participant (on Form L-1);</td>
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<td>• Percent share of each Principal Participant (on Form L-1);</td>
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<td>• Statement of joint and several liability.</td>
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<td>• Surety Letters.</td>
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<td>• Vendor Responsibility Questionnaire.</td>
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NY ROUTE 347
ROUTE 111 TO MOUNT PLEASANT ROAD
DESIGN-BUILD PROJECT
PIN 0054.20, Contract D900012
REQUEST FOR QUALIFICATIONS
APPENDIX C
SOQ FORMS
September 14, 2012
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APPENDIX C

FORMS

Form AOR  Acknowledgement of Receipt
Form B    Backlog Information
Form E-1  Experience of the Firm(s)
Form L-1  Proposer's Organization Information
Form L-3  Authorization to Provide Professional Services in New York State
Form DBE  Record of DBE Performance
Form S    Safety Questionnaire
Form R    Summary of Individuals Experience

VRQ      State of New York Vendor Responsibility Questionnaire, CCA-2
         (Available on the Office of the State Comptroller’s Web site:
         http://www.osc.state.ny.us/vendrep/forms_vendor.htm

Note: Only the Constructor should submit the Construction (CCA-2) form. All other firms should submit the standard For-Profit VRQ.
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We hereby acknowledge receipt of the NY347 - RT111 to Mount Pleasant Rd RFQ, dated September 14, 2012 and subsequent responses to questions and Addenda issued by the Department, as listed below.

Add additional lines in tables below, if needed.

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**NAME OF PROPOSER**

We hereby acknowledge receipt of the NY347 - RT111 to Mount Pleasant Rd RFQ, dated September 14, 2012 and subsequent responses to questions and Addenda issued by the Department, as listed below.

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**SIGNED**

**DATE**

**NAME**

(printed or typed)

**TITLE**
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**FORM B**

**BACKLOG INFORMATION**

Insert more rows if needed.

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<td>Proposer Entity</td>
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<td><strong>CONSTRUCTION, INSPECTION, PROFESSIONAL ENGINEERING FIRM</strong></td>
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Form B Table 2  OUTSTANDING PROPOSALS and BIDS

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FORM E-1
PROJECT DESCRIPTION

Complete a copy of Form E-1 for each prior project to be described.
Indicate if the Project involved one or more of the following situations, if any:
___ A Design-Build Project which required roadway design for new or rehabilitated roadways
___ Roadway construction for new or rehabilitated roadways in village or urban settings.
___ Landscape Architecture design for transportation projects in village or urban settings.

<table>
<thead>
<tr>
<th>PROPOSER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of firm</td>
</tr>
<tr>
<td>Role of firm</td>
</tr>
<tr>
<td>Construction Inspection Professional Engineering Firm:</td>
</tr>
<tr>
<td>Experience (years)</td>
</tr>
</tbody>
</table>

DESCRIPTION OF PRIOR PROJECT

<table>
<thead>
<tr>
<th>Name of project</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brief description</td>
<td></td>
</tr>
<tr>
<td>Nature of work for which firm was responsible</td>
<td></td>
</tr>
<tr>
<td>Brief description of site conditions</td>
<td></td>
</tr>
<tr>
<td>List any awards or citations received by the project</td>
<td></td>
</tr>
</tbody>
</table>

Client details (owner / agency / contractor etc)

<table>
<thead>
<tr>
<th>Client Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact name</td>
<td>Telephone and email</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract value: (US$)</th>
<th>Final value (US$):</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of total work done by Firm:</td>
<td>Commencement date:</td>
</tr>
<tr>
<td>Planned completion date:</td>
<td>Actual completion date:</td>
</tr>
<tr>
<td>Amount of claims: (US$)</td>
<td>Any litigation? (state yes or no)</td>
</tr>
</tbody>
</table>
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## FORM L-1

**PROPOSER’S ORGANIZATION INFORMATION**

### NAME OF PROPOSER

<table>
<thead>
<tr>
<th>Main office and contact details of Proposer</th>
<th>Contact name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main office address:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td></td>
<td>Telephone No.</td>
</tr>
<tr>
<td></td>
<td>Email</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local or regional contact details of Proposer (if different from above)</th>
<th>Contact name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local/regional office address:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td></td>
<td>Telephone No.</td>
</tr>
<tr>
<td></td>
<td>Email</td>
</tr>
</tbody>
</table>

### NAME(S) OF PROPOSER ENTITY(IES)

<table>
<thead>
<tr>
<th>Proposer Entity</th>
<th>Name of firm</th>
<th>Address / Telephone / Fax</th>
<th>State of Incorporation</th>
<th>Lead participant % equity share</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACTOR(S)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DESIGNER(S)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## FORM L-1

### PROPOSER’S ORGANIZATION INFORMATION

<table>
<thead>
<tr>
<th>Proposer Entity</th>
<th>Name of firm</th>
<th>Address / Telephone / Fax</th>
<th>State of Incorporation</th>
<th>Lead participant % equity share</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MATERIAL TESTING FIRM OR LABORATORY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**FORM L-3**

**AUTHORIZATION TO PROVIDE PROFESSIONAL SERVICES IN NEW YORK STATE**

<table>
<thead>
<tr>
<th>NAME OF PROPOSER</th>
<th>NAME OF FIRM PROVIDING DESIGN AND/OR ENGINEERING SERVICES</th>
</tr>
</thead>
</table>

**EITHER**

(1) Copy of current Certificate of Authorization to provide Engineering Services issued by the New York State Education Department is attached;

- Yes (copy attached)
- No (Item (2) applies)

**OR**

(2) Documentation is attached to this Form L-3 demonstrating the ability to obtain Certificate of Authorization to provide Engineering Services from the New York State Education Department in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.

- Yes, documentation attached and further details are given below

If (2) applies, give details of attached documentation demonstrating ability to obtain the relevant certification / license:

(Add additional lines if required.)
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FORM DBE
RECORD OF DBE PROGRAM EXPERIENCE

By completing the following tables, describe your firm’s/team’s experience in making good faith efforts to meet or exceed DBE contact goals for past contracts. The Design-Builder’s past DBE experience will be evaluated based on a demonstrated record of compliance with USDOT’s DBE Program regulations for past contracts. Describe your firm’s experience in promoting opportunities for DBEs by completing Tables 1-5. This information should include:

- Demonstrated good faith efforts in having met or exceeded DBE participation goals on contracts of similar size and complexity.
- Demonstrated success in conducting outreach efforts/events including collaborating with local resources to allow for increased participation of small businesses including DBEs.
- Documented system of tracking and reporting good faith efforts to solicit DBEs proactively and ensure opportunities are communicated effectively.
- Experience coordinating and or facilitating training or mentor-protégé programs for subcontractors including DBEs.
- Demonstrated experience utilizing a broad spectrum of DBEs for work items and as material suppliers in operations that traditionally have been self-performed by contractors.
- A satisfactory record of integrity and business ethics as it relates in administering DBE program regulations.

A copy of this Form DBE shall be completed for each Principal Participant of the contract. The term “firm” includes any Affiliate including parent companies and subsidiary companies.

<table>
<thead>
<tr>
<th>NAME OF PROPOSER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF FIRM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ROLE OF FIRM</th>
<th>Principal Participant:</th>
<th>Designer:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Construction Inspection:</td>
<td>Constructor:</td>
</tr>
<tr>
<td></td>
<td>Other (describe):</td>
<td></td>
</tr>
</tbody>
</table>

Form DBE - Table 1 RECORD OF DBE OUTREACH

Briefly provide examples of outreach efforts or events that your firm organized/developed which were used to expand the pool of available and interested DBEs to work on contracts under your direction. Outreach examples should relate to specific highway/bridge contracts which have occurred during the most recent 3 years.

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
### Form DBE - Table 2  RECORD OF DBE SOLICITATION

Briefly provide examples of effective techniques used by your firm to creatively and proactively solicit DBEs for specific contracts under your direction. Solicitation examples should relate to highway/bridge projects which have occurred during the most recent 3 years. Include types and frequency of solicitations as well as your follow-up procedures and response expectations.

<table>
<thead>
<tr>
<th>Example</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example 1</td>
<td>Details 1</td>
</tr>
<tr>
<td>Example 2</td>
<td>Details 2</td>
</tr>
<tr>
<td>Example 3</td>
<td>Details 3</td>
</tr>
</tbody>
</table>

### Form DBE - Table 3  RECORD OF DBE PRACTICES

1) Describe your firm’s practice of what constitutes an acceptable proposal from a DBE. Include specific attributes of DBE firms that you evaluate.

2) Describe your firm’s approach on which work items are identified to be performed by DBEs. Provide examples of non-traditional approaches used to find work items for DBEs on highway/bridge projects within the most recent 3 years.

3) Describe your firm’s experience in promoting opportunities for DBEs through good faith efforts on contracts of similar size and complexity, within the most recent 3 years.

4) Explain your firm’s past experience of subcontracting a portion of the “primary work operations” to DBEs that your firm would normally performs with your own workforce, within the most recent 3 years.
Form DBE - Table 4  RECORD OF MEETING DBE CONTRACT GOALS

Provide the information requested below for all federally funded projects completed within the most recent 3 years where the firm was the prime contractor or prime consultant. Insert more rows below if needed. For every contract where the DBE contract goal was not achieved, attach explanations.

<table>
<thead>
<tr>
<th>Contract Name &amp; Contract Number</th>
<th>DBE contract goal (%)</th>
<th>DBE attainment (%)</th>
<th>Customer Contact Information (Name/ Telephone / Email)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td></td>
</tr>
</tbody>
</table>

Form DBE - Table 5  RECORD OF DBE PROGRAM INTEGRITY

List all convictions, charges and/or investigations related to allegations of DBE and MWBE fraud which have been brought against your firm or any subsidiary within the most recent 5 years. For each item listed, describe the precise reasons and circumstances which led to the charges, the outcome (if completed) and your explanation of why this happened and what your firm has done to prevent the situation from occurring again.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>
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**FORM S**

**SAFETY QUESTIONNAIRE**

Form S Table 1 shall be completed by the Proposer for the Key Personnel indicated. Form S Table 2, Items 1-8 must be completed by all firms listed in the SOQ unless the firm is a Designer whereby they shall complete, Forms S Table 2, Items 9 and 10.

<table>
<thead>
<tr>
<th>KEY PERSONNEL</th>
<th>NAME OF MOST RECENT PROJECT</th>
<th>Total hours by all employees on that project (hours)</th>
<th>Number of lost workday cases on that project (number)</th>
<th>Number of restricted workday cases on that project (number)</th>
<th>Number of cases with medical attention only, on that project (number)</th>
<th>Number of fatalities on that project (number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Manager</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident Engineer</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>NAME OF PROPOSER</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>------------------</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF FIRM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM 1</th>
<th>Provide the following information for the past 3 years:</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total number of employee hours worked (hours)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do not include non-work time, even though paid.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of lost workday cases (number)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of restricted workday cases (number)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of cases with medical attention only (number)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of fatalities (number)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Experience Modification Rate (EMR)*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Experience Modification Rate, (number)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM 2</th>
<th>(Insert additional rows if needed)</th>
<th>Are internal accident reports and report summaries sent to management?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>To what levels of management are accident reports/summaries sent, and how frequently?</td>
</tr>
<tr>
<td></td>
<td>Management level</td>
<td>Sent?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* See note on Page 5
<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ITEM 3</strong></td>
<td>Do you hold site meetings for supervisors?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HOW OFTEN DO YOU HOLD SITE MEETINGS FOR SUPERVISORS?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekly:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Twice a month:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monthly:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other (specify):</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ITEM 4</strong></td>
<td>Do you conduct Project Safety Inspections?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HOW OFTEN DO YOU CONDUCT PROJECT SAFETY INSPECTIONS?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekly:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Twice a month:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monthly:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other (specify):</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ITEM 5</strong></td>
<td>Does the firm have a Written Safety Program?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ITEM 6</strong></td>
<td>Does the firm have an Orientation Program for new hires?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>IF YES, WHAT SAFETY ITEMS ARE INCLUDED IN THE ORIENTATION PROGRAM FOR NEW HIRES?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Describe below)
## Form S Table 2  SAFETY QUESTIONNAIRE FOR EACH FIRM

**NAME OF PROPOSER**

**NAME OF FIRM**

### ITEM 7

<table>
<thead>
<tr>
<th>Does the firm have a program for newly hired construction or field services staff and newly promoted staff engaged in construction or field services?</th>
<th>YES:</th>
<th>NO:</th>
</tr>
</thead>
</table>

If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?

<table>
<thead>
<tr>
<th>Safety work practices</th>
<th>YES:</th>
<th>NO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety supervision</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td>On-site meetings</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td>Emergency procedures</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td>Accident investigation</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td>Fire protection and prevention</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td>New worker orientation</td>
<td>YES:</td>
<td>NO:</td>
</tr>
</tbody>
</table>

### ITEM 8

<table>
<thead>
<tr>
<th>Does the firm hold safety meetings that extend to site laborer level?</th>
<th>YES:</th>
<th>NO:</th>
</tr>
</thead>
</table>

If yes, how often do you hold safety meetings that extend to site laborer level?

<table>
<thead>
<tr>
<th>Daily:</th>
<th>Weekly:</th>
<th>Twice a month:</th>
<th>Other (specify):</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF PROPOSER</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF FIRM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM 9</th>
<th>Does the firm have a safety program and training for existing and newly hired staff for general safety and for field services?</th>
<th>YES:</th>
<th>NO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?</td>
<td>Safety work practices</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td></td>
<td>Office Safety meetings</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td></td>
<td>Emergency procedures</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td></td>
<td>Accident investigation</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td></td>
<td>Fire protection and prevention</td>
<td>YES:</td>
<td>NO:</td>
</tr>
<tr>
<td></td>
<td>New worker orientation</td>
<td>YES:</td>
<td>NO:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM 10</th>
<th>Does the firm hold safety meetings prior to engaging in field activities on or near construction sites?</th>
<th>YES:</th>
<th>NO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, how often do you hold safety meetings that extend to field activities level?</td>
<td>Daily:</td>
<td>Weekly:</td>
<td>Twice a month:</td>
</tr>
</tbody>
</table>

**Note:**

EMR 3 year average ('09 + '10 + '11)/3 : _______________________

Each Firm on the Proposer's Team must include, with Section 3 of the SOQ, a copy of the Experience Modification Rate (EMR) as a measure of the Firm's safety record. If the rate exceeds 1.2 for the average of the three year period provided, a written explanation shall be provided. For Firms that do not have an EMR, due to work experience outside the US, a frequency rate table or accident incident rate or similar statistics shall be provided indicating the safety record over the last five years.

An EMR 3 year average greater than or equal to 1.2 without acceptable justification, as determined solely by the Department, shall be deemed FAIL.
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FORM R

SUMMARY OF INDIVIDUAL’S EXPERIENCE

Form R shall be completed by the Proposer for the Key Personnel indicated in Section 4.4.2.5. Under the section titled “Contract Information”, indicate if the project was a Design-Build project. Add additional lines or pages as necessary.

<table>
<thead>
<tr>
<th>Name of Proposer:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Firm:</td>
<td></td>
</tr>
<tr>
<td>Individual’s Name:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is Applicant Licensed as a Professional Engineer in the State of New York?</th>
<th>Yes:</th>
<th>No:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>NYS Professional Engineering License Number</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Title for this Project:</th>
<th></th>
</tr>
</thead>
</table>

Total number of years experience for meeting requirements stated in Section 4.4.2.4 for Title above:

Please complete the information below to confirm the experience stated above

<table>
<thead>
<tr>
<th>Project Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Owner:</td>
<td></td>
</tr>
<tr>
<td>Contact Information:</td>
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NY ROUTE 347
ROUTE 111 TO MOUNT PLEASANT ROAD
DESIGN-BUILD PROJECT

PIN 0054.20, Contract D900012

REQUEST FOR QUALIFICATIONS

APPENDIX D

ABBREVIATIONS AND DEFINITIONS

September 14, 2012
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APPENDIX D TO REQUEST FOR QUALIFICATIONS

This RFQ includes abbreviations and specific defined terms as indicated below.

1.0 ABBREVIATIONS

CM  Construction Manager
CQAE  Construction Quality Assurance Engineer
DB  Design-Build
DBE  Disadvantaged Business Enterprise
DQAE  Design Quality Assurance Engineer
DM  Design Manager
DOT  Department of Transportation
FHWA  Federal Highway Administration
IA  Independent Assurance
ISA  Initial Site Assessment
JV  Joint Venture
LSE  Lead Structural Engineer
M/W/DBE  Minority/Women/Disadvantaged Business Enterprise
N/A  Not Applicable
NEPA  National Environmental Policy Act
PI  Public Information
PM  Project Manager
PSI  Preliminary Site Investigation
QA  Quality Assurance
QC  Quality Control
QM  Quality Manager
RE  Resident Engineer
RFP  Request for Proposals
RFQ  Request for Qualifications
ROD  Record of Decision (State & Federal)
ROW  Right(s)-of-Way
SEQR  State Environmental Quality Review
SOQ  Statement of Qualification

2.0 DEFINITIONS

“Addenda/Addendum” means written supplemental additions, deletions, and modifications to the provisions of the RFQ after the date of Advertisement of the RFQ.

“Advertisement” means a public announcement inviting prospective Proposers to obtain an RFQ or RFP and submit an SOQ or a Proposal. The Advertisement shall include a brief description of the Work proposed to be the subject of the procurement, with an announcement where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters as the Department may deem advisable to include therein.

“Affiliate” means:
A) Any Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer or any Principal Participant.

B) Any Person for which 10% or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:

1) The Proposer;
2) Any Principal Participant; or
3) Any Affiliate under part (A) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

“Clarifications” means a written or oral exchange of information that takes place between a Proposer and the Department after the receipt of all SOQs during the evaluation process. The purpose of Clarifications is to address minor ambiguities, omissions, errors or mistakes and clerical revisions in an SOQ.

“Commissioner” means the Commissioner of the New York State Department of Transportation.

“Conflict of Interest” means that a person or organization has previously formed relationships with persons, engaged in activities, or performed services for NYSDOT or a related governmental entity concerning the project or a related project, that afford such person or organization with a competitive advantage or that might otherwise impair the person or organization’s objectivity or that render such person or organization unable, or potentially unable to render impartial assistance or advice on a project.

“Construction Inspection (CI)” means to inspect all construction operations and to enforce all safety measures (for employees and the traveling public) performed by the DB Contractor to ensure conformance with the contract documents. This includes performing daily inspection and testing activities in accordance with all the requirements set forth in Department policies, manuals, engineering bulletins, and engineering instructions; preparation of applicable MURK forms; preparation of monthly estimates; monitoring compliance to safety procedures, including fall protection and work zone traffic control (WZTC) requirements; monitoring compliance to environmental requirements. Construction Inspection also includes Contract Administration functions including, but not limited to keeping required records, monitoring the DB Contractor’s progress, monitoring certified payroll compliance and processing of payments, monitoring adherence to Equal Opportunity and Labor requirements contained in the contract, taking measurements as required for payment, and maintaining a contemporaneous project diary documenting conformance with the contract documents. The Scope of Work to be performed as part of the Construction Inspection task may be changed after the RFQ Phase.

“Construction Inspection Professional Engineering Firm” means an independent Engineering firm, licensed in New York State to perform Engineering Services and having experience in Construction Inspection as defined herein. This firm shall be included as part of the Proposer’s team during the RFP Phase and shall be hired by the Design-Builder to perform Construction Inspection for the Project. The Construction Inspection Professional Engineering
Firm shall report to the Department and supervise the Materials Testing Firm or Laboratory performing sampling and testing of materials.

“Construction Subcontractor” means a subcontractor on the Proposer’s Team that will be responsible for construction of the Project.

“Constructor” means a Principal Participant or subcontractor retained by the Design-Builder, who is involved in the actual construction of the Project.

“Contract” means the written agreement between the Department and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment. The Contract will include the Contract Documents and any amendments, supplemental agreements and Change Orders that are required to complete the design and construction of the Work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

“Contract Documents” means the documents identified as such in the Contract, including all provisions required by law to be inserted in the Contract whether actually inserted or not.

“Deficiency” means a material failure of an SOQ to meet the Department’s requirements or a combination of significant Weaknesses in an SOQ that increases the risk of unsuccessful Contract performance to an unacceptable level.

“Department” means the New York State Department of Transportation.

“Design-Build (DB)” means a Project delivery methodology by which the Department contracts with a single firm that has responsibility for the design and construction of the Project under a single contract.

“Design-Builder” means the Person selected pursuant to the RFP that enters into the Contract with the Department to design and construct the Project (also referred to as the “Design-Build Team”).

“Designer” means a Principal Participant, specialty Subcontractor or in-house designer, professional engineering firm, licensed in the State of New York, that has the primary responsibility for design services for the Project. Activities including but not limited to; civil engineering, structural engineering, ITS, electrical engineering, mechanical engineering, landscape architecture, architecture, and others, is considered work completed by a Designer.

“Design Quality Assurance Engineer” the Department’s representative with primary responsibility for monitoring and/or auditing the Design-Builder’s design and engineering activities for compliance with the Contract requirements.


“Equity Participant” means any Person holding (directly or indirectly) a 15% or greater interest in the Proposer.
“Independent Assurance (IA)” means activities that are undertaken in accordance with 23 CFR 637.203(a)(2), providing an unbiased and independent evaluation of all the sampling and testing procedures, equipment calibration, and qualifications of personnel (Design-Builder’s or Department’s) used in the Acceptance Program, including the Design-Builder’s QC. The Independent Assurance (IA) agent for the Project will be designated by the Department.

“Landscape Architect” means the Principal Participant, licensed in the State of New York and currently registered, having experience in performing landscape architecture; The practice of the profession of landscape architecture is defined as performing services in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards.

“Lead Principal Participant” means the Principal Participant that is designated by the Proposer as having the lead responsibility for managing the Proposer’s organization.

“Materials Testing Firm or Laboratory” means an independent testing firm or Laboratory having experience in performing Quality Control activities as defined herein. This firm shall be included as part of the Proposer’s team during the RFP Phase and shall be hired by the Design-Builder to perform Quality Control sampling and Testing activities for the Project. Alternatively, the Materials Testing Firm or Laboratory may be a subcontractor to the Construction Inspection Professional Engineering Firm to perform Quality Control sampling and testing activities for the Project. The Materials Testing Firm or Laboratory shall report to the Construction Inspection Professional Engineering firm.

“Person” means any individual or a corporation, sole proprietorship, limited liability company (LLC), joint venture, partnership or other legal entity.

“Principal Participant” means any of the following entities:

A) The Proposer;
B) If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the joint venture or LLC; and/or
C) Any Equity Participant.

“Project” means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

“Proposal” means the proposal submitted by the Proposer in response to the RFP, including any revisions thereto. If the RFP requests submittal of best and final offers, the term ‘Proposal” means the best and final offer submitted by the Proposer, including any revisions thereto.

“Proposer” means a Person submitting a Statement of Qualifications for the Project in response to this RFQ. In the context of responses to the RFP, the term means a firm on the shortlist that submits a Proposal.
“Quality Assurance (QA)” means all planned and systematic oversight actions by the Department necessary to provide confidence that the Design-Builder is performing QC in accordance with the Quality Plan, that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended. QA includes, but is not limited to, monitoring and verification of design through auditing, spot-checking and participation in the review of the design, and monitoring and verification of construction, manufacturing/process facilities and equipment, on site equipment and QC documentation through auditing, spot inspections and Verification Sampling and Testing at production sites and the Project Site. Quality Assurance also includes Independent Assurance, consultation and provision of written comments by the Department, documentation of QA activities, final inspection and final acceptance. The Scope of Work to be performed as part of the Quality Assurance task may be changed after the RFQ Phase.

“Quality Assurance Program” means the overall quality program and associated activities including the Department’s Quality Assurance, Design-Builder Quality Control, the Contract’s quality requirements for design and construction to assure compliance with Department Specifications and procedures.

“Quality Control” means the total of all activities performed by the Designer, Construction Inspection Professional Engineering Firm and the Materials Testing Firm or Laboratory to ensure that the Work performed by the Design-Builder conforms to the requirements of the Contract Documents. For design, Quality Control activities shall include, but not be limited to, procedures for design quality, checking, design review including reviews for constructability, and review and approval of Working Plans. For construction, Quality Control activities shall include, but not be limited to, procedures for materials handling and construction quality, inspection, sampling and testing of materials both on site and at the plant(s), field testing of materials, obtaining and verifying Materials Certifications, record keeping, and equipment monitoring and calibration. The Scope of Work to be performed as part of the Quality Control task may be changed after the RFQ Phase.

“Quality Manager” means the individual employed by the Design-Builder who is responsible for the overall Quality Control program of the Design-Builder, including the quality of management, design and construction.

“Quality Control Plan” means the Design-Builder’s plan for implementing the Design-Builder’s overall quality program and associated activities, including Design-Builder’s QC and procedures to assure and document quality of design and construction activities through reviews, inspections, testing, internal communications, and necessary interfaces with the Department.

“Reference Documents” means the documents provided with and so designated in the RFP. The Reference Documents, including Plans contained therein and/or so designated, are not Contract Documents and were provided to the Design-Builder for informational purposes only and are relied upon at the Design-Builder’s own risk.

“Region” means one of 11 geographical subdivisions of the State used to designate or identify the location of the proposed Work.

“Regional Director” means the director, acting through the Commissioner, who is delegated the authority and responsibility to execute the total Department prescribed Work Plans for his/her respective Region.
“Request For Proposals (RFP)” means a written solicitation issued by the Department seeking Proposals (including quality and price) to be used to identify the Proposer offering the best value to the Department. The RFP will be issued only to Persons who are on the Short-List.

“Request For Qualifications (RFQ)” means the written solicitation issued by the Department seeking SOQs to be used to identify and Short-List the Proposers to receive the RFP for the Project.

“Short-List” means the list of Proposers that have demonstrated the general capacity to perform the Design-Build Contract and have assembled the most highly qualified teams for the Project, as determined by the Department in accordance with the RFQ.

“Specialty Subcontractor” means those consultants or subcontractors identified to perform Work critical to the success of the Project such as design, Construction Inspection, materials testing, demolition, environmental compliance, landscaping, or other specialty work.

“Statement of Qualifications (SOQ)” means the information prepared and submitted by a Proposer in response to this RFQ.

“Verification Sampling and Testing” means sampling and testing performed to validate the quality of the product. The Department, or a firm retained by the Department, will perform Verification Sampling and Testing.

“Weakness” means a flaw in the SOQ that increases the risk of unsuccessful Contract performance. A significant Weakness in the SOQ is a flaw that appreciably increases the risk of unsuccessful Contract performance.

“Work” means all of the administrative, design, engineering, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, documentation, and other duties and services to be furnished and provided by the Design-Builder as required by the Contract Documents, including all efforts necessary or appropriate to achieve final acceptance of the Project and to fulfill the Design-Builder’s warranties. In certain cases, the term is also used to mean the products of the Work.
NY ROUTE 347
ROUTE 111 TO MOUNT PLEASANT ROAD
DESIGN-BUILD PROJECT
PIN 0054.20, Contract D900012

Request for Qualifications

APPENDIX E
SUPPLEMENTAL BRIDGE DATA

September 14, 2012
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APPENDIX E

Project Location

The following documents will be posted to the project website:
https://www.dot.ny.gov/main/business-center/designbuildproject1

1. Final Design Report / Final EIS / Final Section 4(F) Evaluation
3. Contract D261357 Design Drawings Volume 1 – Under construction, NY Route 347 From NY Route 454 Split to NY Route 111
5. As-Built Drawings NY 347
   - D95016, 1975
   - 53-12, 1953 (PDF and TIFF files)
6. Soil Borings
7. SUE Utility Data

Other documents may be posted as they become available. Proposers are advised to check the above web site on a regular basis as the Department will not e-mail any notifications of posted documents.