# NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

# REQUEST FOR QUALIFICATIONS (RFQ)
# DESIGN – BUILD

## DERRY-LONDONDERRY, NH
## NHDOT Project Number: 13065
## Federal Project Number: IM-093(201)
## Interstate 93 Exit 4A


**New Hampshire Department of Transportation**
**7 Hazen Drive**
**Concord, NH 03302**
**Mailing address: P.O. Box 483**
**Concord, NH 03302-0483**


**January 16, 2019**

**Key RFQ Dates:**

| | |
|---|---|
| Issue Request for Qualifications | January 16, 2019 |
| Final Date for Receipt of Design-Build Teams' Questions | February 27, 2019 |
| Statement of Qualifications Due Date | March 20, 2019 (by 2:00 PM EST) |

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**SUBJECT: NOTICE OF REQUEST FOR QUALIFICATIONS FOR A DESIGN-BUILD CONTRACT FOR THE I-93 EXIT 4A PROJECT**

Gentlemen/Ladies:

The New Hampshire Department of Transportation ("NHDOT") invites Statements of Qualifications ("SOQs") from entities ("Design-Build Teams") wishing to submit proposals to design and construct the I-93 Exit 4A Project ("Project") through a design-build contract. NHDOT is issuing this Request for Qualifications ("RFQ") pursuant to RSA 228:1 and RSA 228:4. NHDOT plans to request proposals from short-listed firms to perform design-build services. Pre-qualification will be based on the SOQs provided by responding firms, as set forth herein.

Design-Build Teams are advised that the Design-Builder will be required to hold all necessary licensure in the State of New Hampshire – as described in Appendix A, Section 3 to the RFQ.

**SOQs must be submitted no later than 3:00 p.m. (Eastern Standard Time) on March 20, 2019.** The Design-Build Team's SOQ will have certain page limitations. See the attached RFQ Section 3 and Appendix A for further details regarding format and organization of the submission of SOQs.

SOQs delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

New Hampshire Department of Transportation
7 Hazen Drive
Concord, NH 03302
Attention: Mr. William J. Oldenburg, P.E.
Assistant Director of Project Development

SOQs delivered using the U.S. Postal Service shall be addressed as follows:

New Hampshire Department of Transportation
P. O. Box 483
Concord, NH 03302-0483
Attention: Mr. William J. Oldenburg, P.E.
Assistant Director of Project Development

SOQs and amendments to the SOQs received after the date and time specified above will be returned to the Design-Build Teams unopened. Faxed or electronically submitted SOQs will not be accepted.

NHDOT's intent is that all firms obtain the full content of this Request for Qualifications, Attachments, Appendices, Response to Questions, and all Addenda via NHDOT's website located at:

https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm.

The RFQ contains specific protocols relating to discussion and other communications regarding this RFQ. Any violation of these provisions may result in immediate disqualification of a Design-Build Team's SOQ.

Prospective firms are encouraged to promptly notify NHDOT of any apparent inconsistencies, problems, or ambiguities in the RFQ.

# 1 INTRODUCTION AND GENERAL INSTRUCTIONS

New Hampshire Department of Transportation ("NHDOT") hereby requests Statements of Qualifications ("SOQs") from entities ("Design-Build Teams") interested in submitting proposals for the design, and construction of the I-93 Exit 4A Project ("Project") through a design-build contract. NHDOT is issuing this Request for Qualifications ("RFQ") pursuant to RSA 228:1 and RSA 228:4.

The Project will consist of design, right-of-way acquisition, and construction of the Project, as further described in Section 1.3, which will be funded with Federal-aid dollars, thereby requiring that the successful Design-Build Team adhere to all pertinent Federal requirements.

The purpose of this document is to solicit information, in the form of SOQs, which NHDOT will evaluate to short-list the Design-Build Teams.

**Only the short-listed Design-Build Teams will be eligible to submit proposals for the DESIGN-BUILD SERVICES FOR THE Project.**

## 1.1 Abbreviations and Definitions

### 1.1.1 Abbreviations

The following abbreviations are used in this document and are defined as shown below:

| | |
|---|---|
| BTC | Base Technical Concept |
| DBE | Disadvantaged Business Enterprise |
| EEO | Equal Employment Opportunity |
| FHWA | Federal Highway Administration |
| IA | Independent Assurance |
| OJT | On the Job Training |
| QA | Quality Assurance |
| QC | Quality Control |
| NHDOT | New Hampshire Department of Transportation |
| RFP | Request for Proposals |
| RFQ | Request for Qualifications |
| SOQ | Statement of Qualifications |
| TRC | Technical Review Committee |

### 1.1.2 Definitions

The following terms are used in this document and are defined as shown below:

| Term | Definition |
|---|---|
| Acceptance | All factors used by NHDOT to evaluate the degree of compliance with contract requirements and to determine the corresponding value for a given product. Acceptance activities for Design include reviews of plans, specifications, and other documents prepared by the Design-Builder. Construction Acceptance activities include sampling, testing, and inspection of Design-Builder's Work |
| Addenda/Addendum | Supplemental additions, deletions, and modifications to the provisions of the RFQ issued after the advertisement date of the RFQ. |

| Term | Definition |
|---|---|
| Affiliate | Includes parent companies, subsidiary companies and partners (in the reporting entity), and other financially liable parties for that entity. |
| Base Technical Concept (BTC) | The Base Technical Concept is a compilation of the Technical Requirements contained in the RFP. The BTC is inclusive of the components found in the preliminary design plans, project configuration, environmental document, environmental permitting, and any requirements of the Design-Build Contract. |
| Contract | The written agreement between NHDOT 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. |
| Conflict of Interest | Shall mean a circumstance arising out of a Design-Build Team member's existing or past activities, including past activities as a consultant to or employee of NHDOT, business interests, familial relationships, contractual relationships, and/or organizational structure (i.e., Affiliates, etc.) wherein (i) the Design-Build Team member is or may be unable to render impartial assistance or advice to NHDOT, (ii) the Design-Build Team member's objectivity in performing the scope of work sought by NHDOT is or might be otherwise impaired, (iii) the Design-Build Team member has, or is perceived to have, an unfair competitive advantage; (iv) the Design-Build Team member's performance of services on behalf of NHDOT does or may provide an unfair competitive advantage to a third party; or (v) regardless of whether accurate, there is a perception or appearance of impropriety or unfair competitive advantage benefiting the Design-Build Team member or a third party as a result of the Design-Build Team member's participation on the Project. |
| Design-Build Team | The entity comprised of an individual, person, proprietorship, firm, partnership, limited liability partnership, professional corporation, limited liability company, business association, corporation, joint venture, combination thereof, or other legal entity however organized, participating in the procurement process for the Project and that if successful, will enter into the Contract with NHDOT to design and construct the Project. |
| Design-Builder | The team, if any, which is selected pursuant to the RFP by NHDOT to design and construct the Project. |
| Designer | The Major Participant or in-house designer of the contractor that has primary responsibility for design services for the Project. The designer is the engineering firm of record who will have primary responsibility for design work under the contract. "Firm" shall mean the firm that employs the Design Manager. |
| Disadvantaged Business Enterprise (DBE) | A for-profit small business concern as defined in 49 CFR Part 26. |
| Final Acceptance (FA) | Written confirmation by NHDOT that the Project has been completed in accordance with the Contract, with the exception of latent defects and warranty obligations, if any, and has been accepted. |

| Term | Definition |
|---|---|
| Independent Assurance (IA) | Activities that are an unbiased and independent evaluation of all the sampling and testing/inspection procedures used in the Quality Assurance program. Independent Assurance provides an independent verification of the reliability of the Acceptance (or Verification) data obtained by the NHDOT and the Quality Control data obtained by the Design-Builder. The results of Independent Assurance testing or inspection are not to be used as a basis of acceptance. Independent Assurance provides information for Quality System management. The Independent Assurance for the Project will be performed by NHDOT or NHDOT's representative. |
| Key Personnel | Individuals from the Design-Build Team's organization, as identified in the Design-Build Team's SOQ, to fill the positions specified in Appendix A, Section 4 of the RFQ. Additional key personnel positions for the Project may be identified in the RFP. |
| Major Participant | Each of the following entities on the Design-Build Team's team:<br>All partners or joint venture members;<br>All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 15% or greater equity interest in the Design-Build Team; and/or<br>The lead engineering/design firm(s) (firms, partnerships, or joint venture members) and each engineering/design sub-consultant that will perform 20% or more of the design work. |
| Project | The I-93 Exit 4A Project. |
| Proposal | The proposal submitted by the Design-Build Team in response to the RFP, including any revisions thereto. |
| Quality Assurance (QA) | All those planned and systematic actions necessary to provide confidence that a product or facility will perform satisfactorily in service; or making sure the quality of a product is what it should be. Quality Assurance includes Quality Control performed by the Design-Builder, Acceptance activities performed by NHDOT, Independent Assurance, Dispute Resolution, Laboratory Accreditation and Qualification, and Personnel Qualification/Certification. |
| Quality Assurance Program | The core programmatic elements required for Design Quality Assurance implementation and Construction Quality Assurance implementation. |
| Quality Control (QC) | The system used by the Design-Builder to monitor, assess and adjust their production or placement processes to ensure that the final product will meet the specified level of quality. Quality Control includes review and checking of design and construction documents, sampling, testing, inspection, evaluation, and corrective action (where required) to maintain continuous control of a production or placement process. |
| Request for Proposals (RFP) | A written solicitation issued by NHDOT seeking Proposals to undertake the Project to be used to identify the Design-Build Team offering the best value to NHDOT. The RFP will be issued only to short-listed Design-Build Teams. |
| Request for Qualifications (RFQ) | The written solicitation issued by NHDOT to identify short-listed Design-Build Teams eligible to receive the RFP for the Project. |

| Term | Definition |
|---|---|
| Statement of Qualifications (SOQ) | The information prepared and submitted by a Design-Build Team in response to this RFQ. |
| Technical Evaluation Committee (TEC) | The Technical Evaluation Committee is the NHDOT committee formed to review, evaluate, score, and rank the Proposer's SOQ submittals and Technical Proposals. The TEC scoring members may be assisted by the advisors or support groups during the evaluation process. |
| Work | The furnishing of labor, materials, equipment, and other incidentals necessary to, or convenient for the successful completion of, the design-build services for the Project and the carrying out of the duties and obligations imposed by the Contract. |

## 1.2 Project Goals

NHDOT's goals for the Project are:

- Minimize impact on the traveling public during Project construction;
- Minimize impacts to the surrounding environment during all construction activities;
- Minimize future maintenance costs;
- Development of a constructability schedule that will allow for early release of design for the I-93 bridge and access road toward Madden Road connection;
- Initiate Phase 1 (I-93 to Folsom Road) of the project by November 1, 2021;
- Complete all phases of the Project by October 31, 2023;
- Design and construct a high-quality Project with improved roadway safety that accommodates today's and future traffic volumes, and pedestrians/bicyclists as defined within the Project scope;
- Maintain good public relations with all project shareholders during construction through an effective public information program and efficient maintenance of traffic;
- Implement an effective safety program; and
- Acquisition of needed Right-of-Way along project limits, excluding complete acquisitions.

## 1.3 Project Description

The Towns of Derry and Londonderry (the Towns) and the New Hampshire Department of Transportation (NHDOT), in cooperation with the Federal Highway Administration (FHWA), are contracting design and construction services for the I-93 Exit 4A Project. The Project consists of a new diamond interchange on I-93 in the Town of Londonderry, approximately one mile north of Exit 4. The new diamond interchange would only provide access to the east side of I-93. A 1-mile connector roadway would be built on new alignment from the interchange to Folsom Road, near the intersection of North High Street and Madden Road, in the Town of Derry. Folsom Road, and subsequently Tsienneto Road, would be upgraded, and the intersections would be improved. In total, the Proposed Project corridor from I-93 to the intersection of Tsienneto Road and NH Route 102/Chester Road would be approximately 3.2 miles. Refer to Figure 1-1 for the Project Location Map.

The purpose of the Project is to reduce congestion to improve safety along NH 102, from I-93 easterly through downtown Derry and to promote economic vitality in the Derry/Londonderry area.

The scope of work includes the following primary elements:

1. A new diamond or diverging-diamond interchange on I-93, including a new bridge over I-93. The interchange shall be designed to accommodate an ultimate 8-lane cross section on I-93. Widening I-93 to an 8-lane cross section will be done by a separate project.
2. Soundwalls along both sides of I-93 in the interchange area.
3. New 5 or 6-lane connector roadway on new location from the interchange to Folsom Road. Approximately 1 mile in length.
4. Underpass bridge for the rail-trail corridor near the North High Street intersection.
5. Widening and reconstruction of Folsom Road on a shifted alignment to a 6 or 7-lane cross section between Franklin Street and NH 28 (Crystal Avenue/Manchester Road). Approximately 0.3 miles in length.
6. Widening and reconstruction of Tsienneto Road on existing alignment to a 3-lane or 5-lane cross section between NH 28 (Crystal Avenue/Manchester Road) and NH 28 Bypass (North Main Street). Approximately 0.7 miles in length.
7. Widening and reconstruction of Tsienneto Road to a 2-lane or 5-lane cross section from NH 28 Bypass (North Main Street) to NH 102 (Chester Road). Approximately 1.1 miles in length with minimal changes in alignment and profile.
8. Widening and reconstruction of NH 102 (Chester Road) to a 3 or 4-lane cross section near the Tsienneto Road intersection. Approximately 0.4 miles in length.
9. New bridges at connector road over Shields Brook and Tsienneto Road over Tributary E.
10. New traffic signals at 7 intersections. Traffic signal upgrades at 2 existing signalized intersections with interconnected communications and traffic coordination.
11. Stormwater treatment throughout the project area to meet MS4 requirements.
12. Identification and relocation of all impacted utilities, including an electric transmission line in the interchange area.
13. Design and construction of Intelligent Transportation Systems (ITS) infrastructure;
14. Acquire necessary Right-of-Way (ROW) and easements for all non-full acquisition parcels. Full acquisitions will be acquired by the NHDOT.

Overall project expectations will be further defined in the RFP.

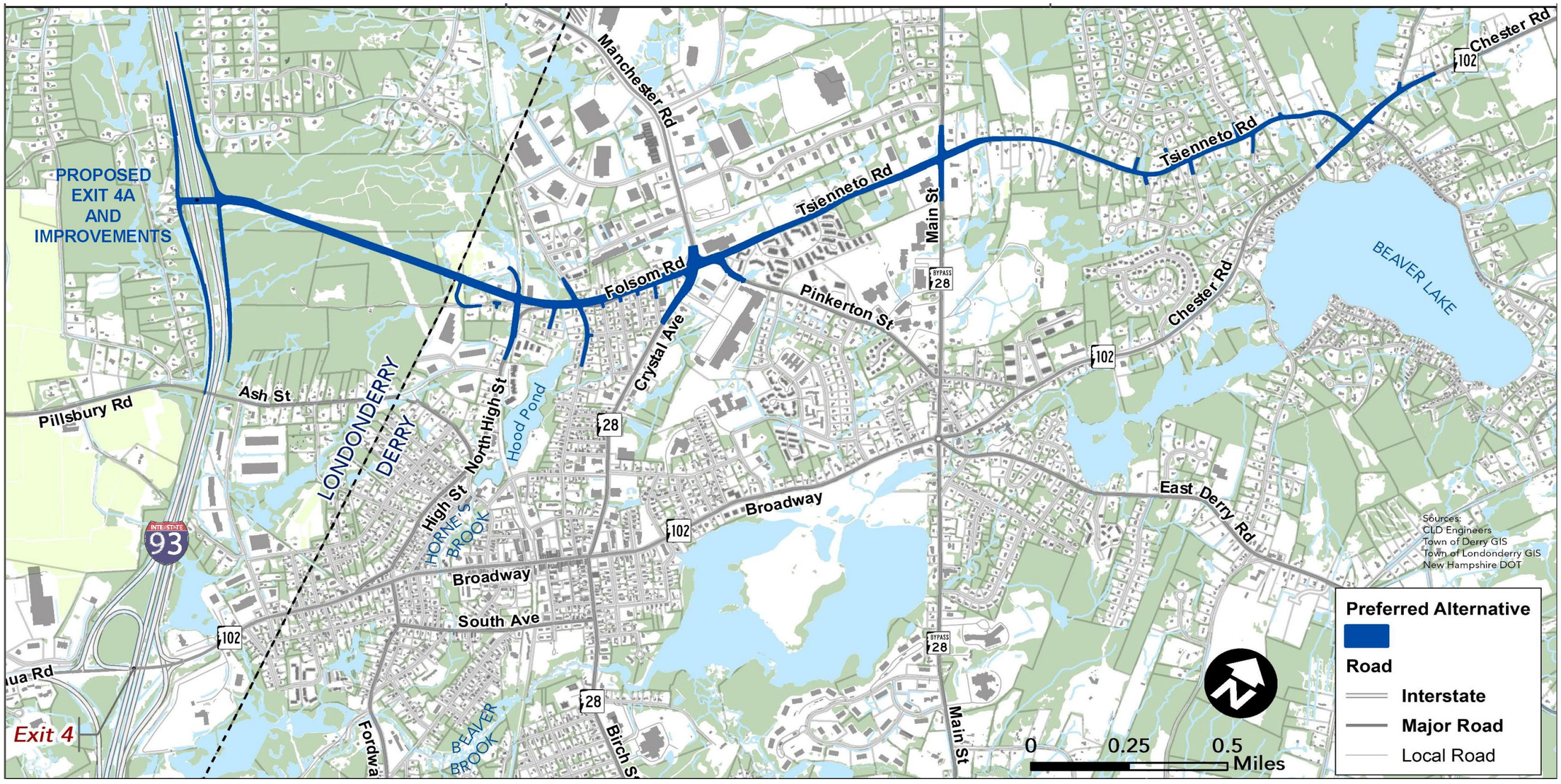


**Figure 1-1: Project Location Map**

## 1.4 Design and Construction Requirements

***Design:*** The Project shall be designed to current NHDOT Standards, AASHTO design standards, and good industry practice. The Design-Builder will have as much flexibility in the design of the Project as applicable standards and environmental requirements allow. If any of the above items conflict, the Design Builder shall comply with the most stringent code unless approved otherwise by NHDOT.

***Construction:*** The Project is anticipated to be constructed within the planned right-of-way, as depicted on the December 5, 2018 public hearing plan. Further requirements and details will be provided within the RFP.

## 1.5 Design-Builder Responsibilities

The successful Design-Builder will be responsible for furnishing all labor, material, plant, equipment, services, and support facilities for the following project elements. Specific Design-Builder responsibilities will be described in more detail during the RFP procurement process, general description of responsibilities may include but is not limited to:

- Design and construction of all Project components;
- Management of the project, design, right-of-way acquisition, and construction;
- Survey and right-of-way establishment by a licensed land surveyor;
- Support NHDOT Project-related public involvement activities;
- Coordination with Project stakeholders;
- Design Quality Control;
- Construction Quality Control;
- Environmental mitigation and compliance monitoring within the contract timeframe;
- Securing necessary environmental and construction permits, beyond those obtained by NHDOT;
- Perform additional environmental investigations, monitoring, and investigation associated with or resulting from Design-Builder's activities;
- Maintenance and protection of traffic, including both temporary and permanent access to properties;
- Project safety and security;
- Perform investigations, such as surveys and geotechnical investigations, and engineering studies or analyses to supplement data provided by NHDOT during the RFP process;
- Remediation of harmful and hazardous materials encountered as part of the work for the Project and/or caused by the Design-Builder during means and methods during design and construction;
- Installation and maintenance of drainage, stormwater treatment, and erosion/sediment control measures during construction;
- Construction waste disposal and handling;
- Required clearances, licenses, construction easements, and permits for Design-Builder Work, Work sites, storage areas, etc., both on- and off-site;

- Ancillary works, such as temporary fencing, relocation of drainage, Work sites, and temporary works;
- Material location and storage, acquisition, permits, and transportation;
- Utility coordination including verification, protection, and relocation (as required) of existing utilities;
- Design and construction of Intelligent Transportation Systems (ITS) infrastructure;
- Staging and construction site clearance; and
- Maintenance of the Project during the Contract period;

## 1.6 Project Status

The status of the Work being completed for the Project is summarized below. To date, all preliminary engineering has been performed by Fuss & O'Neil (formerly CLD) under contract with the two towns. NHDOT began an active oversight/administrative role starting around Fall of 2015.

***Survey:*** A topographic survey of the Project corridor from North High Street to NH 102 has been performed by Fuss & O'Neil in 2017 and 2018. Additional survey by the Design-Build team will be necessary. The RFP will include survey information collected by Fuss & O'Neil in an electronic format. Additional miscellaneous survey information may also be provided in the RFP.

***Right-of-Way:*** Existing right-of-way from North High Street to NH 102 has been established by Fuss & O'Neil's licensed land surveyor. Existing right-of-way along I-93 was developed by NHDOT staff as part of the overall Salem-Manchester I-93 widening project. The Design-Build team will be required to formally establish the I-93 right-of-way, and any critical property lines, such as in the new connector road area and the stormwater treatment areas, using a licensed land surveyor.

***Preliminary Engineering:*** Fuss & O'Neil is currently preparing preliminary engineering documentation for the Project, including a Base Technical Concept (BTC). The RFP will include these preliminary engineering documents for Design-Build Teams' information.

***Utilities:*** Fuss & O'Neil has collected existing utility information. A conceptual relocation corridor was shown on the public hearing plan for the impacted electric transmission line near the interchange. Relocation concepts for other impacted utilities have not been identified.

***Funding:*** Approximately $49.2 million is allocated to this project in the current Ten Year Plan.

***National Environmental Policy Act (NEPA):*** The Project is currently undergoing NEPA environmental review by NHDOT and FHWA. At the time of this solicitation, the proposed Project remains in the environmental process and that NEPA approval has not been obtained. A Supplemental Draft Environmental Impact Statement (SDEIS) was published in October 2018 to supplement the July, 2007 DEIS, considering updated information to confirm underlying conditions and assumptions supporting the purpose and need and to assess the environmental effects of the Project. NHDOT anticipates completing the NEPA environmental review process by issuing a Combined FEIS and Record of Decision in April, 2019.

***Permitting:*** The Project will require several environmental and utility permits/approvals. NHDOT is responsible for obtaining the environmental permits described in the table below (unless noted otherwise) and the Utility permits.

Though NHDOT may not have received final environmental permits when the RFP is issued, NHDOT expects to have permit conditions reasonably well defined by that time. NHDOT expects to have the NEPA process completed and to have acquired all of the necessary environmental permits before the commencement of construction.

If the Design-Builder varies from the conceptual plans to a degree that would necessitate additional permits or permit amendments, any delay and associated costs caused by procuring the permits, will be the responsibility of the Design-Builder. Additional permits or permit amendments may affect the Project design and schedule. Table 1-1, Anticipated Permits and Approvals Needed, summarizes the anticipated required permits/approvals to be acquired by NHDOT and their associated status:

**Table 1-1: Anticipated Permits and Approvals Needed**

| Agency | Permit/Approval | Status | Responsible Party |
|---|---|---|---|
| **Federal Agencies** | | | |
| Federal Highway Administration | Final Environmental Impact Statement / Record of Decision | A Draft Supplemental EIS was published in October, 2018. A Public Hearing was held on December 4, 2018. The Final EIS/ROD is anticipated to be completed in April, 2019 | NHDOT |
| Environmental Protection Agency | NPDES | NPDES construction site permit is the responsibility of the contractor. | D/B |
| Environmental Protection Agency | Municipal Separate Storm Sewer System (MS4) NH General Permit | The final design developed by the contractor for the project shall be compliant with the MS4 permit. | D/B |
| US Fish and Wildlife Service | Section 7 of the Endangered Species Act | No Federally endangered species are known to be present within the project area. The status of potentially present species, such as the Northern Long-eared Bat, will be confirmed by NHDOT with the USFWS prior to construction award. Special Conditions may apply. | NHDOT |
| U.S. Army Corps of Engineers | Section 404 permit | An Individual Section 404 permit will be obtained by NHDOT prior to construction award. Special Conditions will apply. | NHDOT |
| **State Agencies** | | | |
| New Hampshire Department of Environmental Services - Wetlands Bureau | Standard Dredge and Fill Wetland Permit | A Major Impact wetlands permit will be obtained by NHDOT prior to construction award. Special Conditions will apply. | NHDOT |
| New Hampshire Department of Environmental Services – Watershed Management Bureau | Section 401 Water Quality Certification | A Section 401 Water Quality Certification will be obtained by NHDOT prior to construction award. Special Conditions will apply. | D-B |
| New Hampshire Department of Environmental Services – Shoreland Program | Shoreland Permit | A Shoreland permit will be obtained by NHDOT prior to construction award. | NHDOT |
| New Hampshire Department of Environmental Services – Alteration of Terrain Bureau | Alteration of Terrain Permit (AoT) | The final design developed by the contractor for the project shall be compliant with AoT Rules and Regulations. | D-B |
| New Hampshire Fish and Game Department | State Endangered or Threatened fish or wildlife species. | Coordination with the NHFGD on reducing potential impacts to state-listed threatened or endangered species, such as the black racer snake, during construction is the responsibility of the contractor. | NHDOT |
| New Hampshire Natural Heritage Bureau | State Endangered or Threatened plant species. | No State endangered or threatened plant species are known to be present within the project area. The status of potentially present species will be confirmed by NHDOT prior to construction award. | NHDOT |

The NHDOT-responsible permits/approvals permit applications and plans will be uploaded to the web page for review by the Design-Build Teams.

***Plans:*** Construction plans for the projects currently under construction on I-93 are available from NHDOT. Record plans of town roads may be available from the towns.

***Geotechnical:*** Soil boring information collected by NHDOT will be provided during the RFP procurement process.

## 1.7 Project Value

The estimated cost of this Design-Build project (in 2018 U.S. dollars) is **$42,000,000.**

## 1.8 Project Schedule

The anticipated project schedule is as follows:

**Table 1-2: Project Schedule**

| | |
|---|---|
| Issue RFQ | January 16, 2019 |
| SOQ Due Date | March 20, 2019 |
| Anticipated Shortlist Determination | April, 2019 |
| Anticipated Issuance of Draft RFP | May 2019 |
| Anticipated Issuance of Final RFP | June, 2019 |
| Anticipated Proposal Due Date | February, 2020 |
| Anticipate Public Bid Opening | March, 2020 |
| Anticipated Award & Notice to Proceed | June, 2020 |
| Final Acceptance | November 2023 |

## 1.9 Federal Requirements

Design-Build Teams are advised that the RFP will be drafted based on the assumption that the Project's plan of finance will remain eligible for Federal-aid funds. Therefore, the procurement documents and any agreements thereunder must conform to requirements of applicable Federal law, regulations, and policies. These include Equal Employment Opportunity (Title VI of the Civil Rights Act of 1964, as amended), Disadvantaged Business Enterprises ("DBE") (Title 49 Code of Federal Regulations Part 26, as amended), Small Business requirements (United States Code sections 631 *et seq*.), Buy America requirements (49 Code of Federal Regulations Part 661), and Davis-Bacon wage rates. Details as to the extent and applicability of Federal requirements to the entire Project will be set forth in the RFP. NHDOT reserves the right to modify the procurement process described in this RFQ to address any concerns, conditions, or requirements of Federal agencies, including, but not limited to FHWA.

## 1.10 Equal Employment Opportunity

In connection with this RFQ and the Contract, Design-Build Teams shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, marital status, sexual orientation, or being physically challenged. Design-Build Teams shall take affirmative action to ensure that all applicants are treated during employment without regard to their race, color, religion, sex, national origin, age, marital status, or being physically challenged. Such action shall include, but not be limited to, the following: layoff or termination; rates of pay or other forms of compensation; employment; job assignment; upgrading; demotion; transfer recruitment/recruitment advertising; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training. Davis-Bacon wage rates are required.

## 1.11 DBE Goal

***Policy:*** NHDOT 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. For Federal-aid contracts, projects are subject to U.S. DOT 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 Design-Build Teams 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 this Project.

As a part of the SOQ submission, Design-Build Teams responding to this RFQ must include with their submission a signed affidavit acknowledging the Firm's commitment to comply fully with U.S. DOT 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) and the Overall Project DBE Goal requirements as further defined in the RFP, when issued. Design-Build Teams shall complete and return Appendix B, Form T as part of the SOQ.

***DBE Participation Goal:*** The "Provisional" Overall Project DBE Goal has been established at **2%**. NHDOT is currently in the process of securing required approvals of the proposed Overall Project DBE goal from U.S. Department of Transportation (U.S. DOT).

## 1.12 Labor Policies

***Prevailing Wages:*** State prevailing wages will apply to this contract. For Federal-aid contracts, Federal prevailing wages will also apply. The applicable prevailing wages will be specified in the RFP.

***On the Job Training (OJT) Policy:*** For Federal-aid contracts, projects are subject to Federal OJT participation provisions as set forth under the FHWA-1273 Required Contract Provisions Federal-Aid Construction Contracts. Firms responding to this RFQ acknowledge such requirements and commit to fully comply with the Design-Build program provisions and Federal OJT trainee participation goal.

***OJT Participation Goal:*** The Federal OJT participation goal for this Design-Build project will be established in the RFP.

***Labor Compliance Program:*** NHDOT has a labor compliance program. The Design-Builder will need to comply with applicable requirements of the program. Further information regarding the labor compliance program will be included in the RFP.

## 1.13 Insurance, Bonds, and Guarantees

***Bond Requirements:*** The selected Design-Build Team will be required to submit payment and performance bonds upon execution of the Contract, each in the amount of **$50,000,000**. Design-Build Teams will be required to demonstrate their capacity to obtain the required bonds.

Design-Build Teams shall attach a notarized statement from an admitted surety insurer authorized to issue bonds in the States of New Hampshire that states:

- Design-Build Team's current bonding capacity is sufficient for the Project and referenced payment and performance bonds; and
- Design-Build Team's current available bonding capacity.

***Insurance Requirements:*** Design-Build Teams shall provide evidence of capability to provide insurance as provided in Appendix A, Section 8. In addition, the selected Design-Builder will be required to indemnify NHDOT, its Consultants and others with respect to claims arising out of the Contract or Work.

***Guarantees:*** Design-Build Teams are advised that if any Major Participant of the selected Design-Build Team's team does not have audited financial statements as described in Appendix A, Section8, if the Design-Build Team is a newly formed entity or a limited liability entity, or if it fails to meet the minimum financial requirements stated in this RFQ and/or the RFP, NHDOT may require the Design-Build Team to provide a guarantee covering performance and financial obligations by a separate entity acceptable to NHDOT. Design-Build Teams shall also note that NHDOT may, in its discretion based upon the review of the information provided under Appendix A, Section 8, also specify that an acceptable guarantor is required as a condition of a determination of short-listing. Requirements for additional financial security will be included in the RFP.

## 1.14 Project Documentation

Available Project documents are provided in the link to NHDOT procurement website noted below. Additional Project documents may be made available to prospective Design-build Teams upon issuance of the RFP.

https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm

## 1.15 Pre-Contractual Expenses and Stipend

Design-Build Teams are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending briefing(s) and providing supplemental information.

Subject to NHDOT Governor and Executive Council approval, NHDOT intends to establish a stipend for the Project during the RFP phase of the procurement process. Specific details regarding the maximum stipend amount to be paid out by the NHDOT during the RFP procurement phase, a Design-Build Team's eligibility to receive a stipend, the timing of stipend release to eligible Design-Build Teams, and the terms of stipend acceptance will be described in the forthcoming RFP documentation.

# 2 DESCRIPTION OF PROCUREMENT PROCESS

The procurement process for the Project consists of two steps. Step one starts with issuance of this RFQ and will result in the short-listing of potential Design-Build Teams eligible to receive the RFP. The second step includes issuance of an RFP to the short-listed Design-Build Teams requesting Proposals for the Project and commencing with NHDOT's evaluation and selection of the apparent "best value" Design-Build Team for award of a Contract to the Design-Build Team, or with termination of the procurement.

For the RFP phase, NHDOT intends to score the technical portion of the proposals based on criteria established in the RFP and use this score for the calculation of "best value". The method for determining "best value" will be clearly defined in the RFP.

NHDOT, in its sole discretion, reserves the right, among others, to suspend, modify, or terminate this procurement at any time.

## 2.1 Contract Type

The Contract will be a fixed-price, lump-sum, design-build contract.

## 2.2 NHDOT Project Representative

NHDOT's primary point of contact during the RFQ procurement phase is the Project Representative identified below. Only written inquiries will be accepted:

| | |
|---|---|
| Mail: | Mr. Keith A. Cota, P.E.<br>NHDOT: Chief Project Manager<br>Bureau of Highway Design<br>P.O. Box 483<br>Concord, New Hampshire 03302-0483 |
| E-mail: | Keith.Cota@dot.nh.gov |
| Phone: | 603-271-1615 |
| Fax: | 603.271.7025 |

All email communications shall additionally include the following person, who may provide support in the Project Representative's absence.

| | |
|---|---|
| cc: | Mr. Robert Landry |
| E-mail: | Robert.Landry@dot.nh.gov |

All questions and requests for clarifications requiring formal response shall be submitted in writing.

## 2.3 Procurement Schedule

NHDOT anticipates the following dates as Project milestones leading to Contract award. This schedule is subject to revision, at the sole discretion of NHDOT, by the RFP and Addenda.

**Table 2-1: Procurement Schedule**

| Event | Date |
|---|---|
| Issue RFQ | January 16, 2019 |
| Final Date for Receipt of Design-Build Teams' Questions | February 27, 2019 |
| SOQ Due Date | March 20, 2019 by 2:00 PM EST |
| Anticipated Shortlist Determination | April, 2019 |
| Anticipated Issuance of Draft RFP | May 2019 |
| Anticipated Issuance of Final RFP | June, 2019 |
| Anticipated Proposal Due Date | February, 2020 |
| Anticipate Public Bid Opening | March, 2020 |
| Anticipated Award & Notice to Proceed | June, 2020 |

*All times are local New Hampshire time unless otherwise indicated.*

The schedule is subject to modifications at the sole discretion of NHDOT. Proposers will be notified of any changes by an addendum to this RFQ.

## 2.4 Addenda

NHDOT reserves the right to revise this RFQ by issuing addenda to this RFQ at any time before the SOQ due date specified in Section 2.3. All addenda will be considered part of this RFQ. NHDOT will post any addenda to this RFQ on the following website:

https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm

Design-Build Teams are responsible for monitoring the website identified above for information concerning this procurement as teams responding to this RFQ will be required to acknowledge in the transmittal letter (Appendix B, Form A) that they have reviewed all materials posted thereon.

## 2.5 Questions and Clarifications

NHDOT will consider questions regarding the RFQ submitted by Design-Build Teams in writing, including requests for clarification and requests to correct errors. All such requests must be submitted in writing in the format shown on Appendix C, Form RFQ-C to NHDOT's Project Representative identified in Section 2.2. Only written requests will be considered. No oral requests or questions by phone will be accepted or considered. No requests for additional information or clarification to any other NHDOT office, consultant, employee, or the FHWA or other agency will be considered.

Include an electronic copy of the questions on Appendix C, Form RFQ-C by electronic mail (e-mail) with the written request. Questions must include the requestor's name, address, e-mail address, telephone and fax numbers, and the Design-Build Team he/she represents.

Design-Build Teams are responsible for ensuring that any written communications clearly indicate on the first page or

in the subject line, as applicable, that the material relates to the Project. NHDOT reserves the right to respond or not respond to questions and requests submitted. To the extent that a response is merited, any response, including an interpretation or revision, will be posted as an addendum on the following procurement website (the "Website"): NHDOT will provide responses to Design-Build Team clarification requests within a reasonable time following receipt, subject to the cut-off dates set forth in Section 2.3. NHDOT will post responses to those questions of general application and requests for clarifications on the following website:

https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm

All proposers are warned that oral and other clarifications not issued through an addendum will be without legal effect.

## 2.6 Design-Build Team Requirements

***Completion Capability:*** Only prospective Design-Build Teams that have demonstrated the capability to complete this Project in its entirety will be eligible for short-list determination.

***Organizational and Personnel Changes:*** Design-Build Teams are advised that, in order for a Design-Build Team to remain qualified to submit a Proposal after they have been short-listed, their organization, including all Major Participants, specialty subcontractors, and key management personnel identified in the SOQ, must remain intact for the duration of the procurement process and thereafter throughout the term of the Contract. A Design-Build Team may propose substitutions for participants after the SOQ submittal; however, such changes will require prior written approval by NHDOT, which may be granted or withheld at NHDOT's sole discretion. Requests for changes must be made in writing no later than 30 days prior to the due date for submittal of Proposals. The Design-Build Team should carefully consider the make-up of its team prior to submittal of the SOQ. Changes to the Design-Build Team's organization will be justification for NHDOT to revoke a previous determination of a short-listed Design-Build Team.

***Minimum Requirements:*** In order to be short-listed, the Design-Build Team must meet all SOQ requirements as set forth in Section 4.3.1, meet the minimum passing criteria for legal, financial, and safety requirements as set forth in Section 4.3.2 for non-scored elements of the SOQ, and obtain a passing score on each of the scored elements of the SOQ as set forth in Section 4.3.3.

***Non-Disclosure Requirement:*** The Design-Build Team may be given access to records, which are confidential under State laws, solely for the purpose of performing the required services under the Contract. The Design-Build Team shall be required to sign a non-disclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Design-Build Team not to make inappropriate use of or improperly disclose any of the contents of such documents.

## 2.7 Challenges

The decision of NHDOT as to Design-Build Team 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 6. Parties participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and all other requirements of this RFQ.

# 3 SOQ SUBMITTAL REQUIREMENTS

This section describes submittal requirements that all Design-Build Teams must satisfy in submitting SOQs. Failure of any Design-Build Team to submit its SOQ as required in this RFQ may, at NHDOT's sole discretion; result in rejection of its SOQ. All rejected SOQs will be returned to the contact person identified in the SOQ.

## 3.1 General Requirements

Required forms for the SOQ are contained in Appendix B. Any material modification to the forms may result in the SOQ being declared non-responsive.

Design-Build Teams shall provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.3. Lengthy narratives containing extraneous information are discouraged.

If the Design-Build Team submits information in its SOQ that it believes to be protected records under the New Hampshire Right to Know Law (RSA 91A) and that it wishes to protect from disclosure, the Design-Build Team shall mark such information as provided in Section 6.2.

## 3.2 Due Date, Time, and Location

All SOQs must be received by the day and time specified in Section 2.3 and delivered to the following:

SOQs delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

New Hampshire Department of Transportation
7 Hazen Drive
Concord, NH 03302
Attention: Mr. William J. Oldenburg, P.E.
Assistant Director of Project Development

SOQs delivered using the U.S. Postal Service shall be addressed as follows:

New Hampshire Department of Transportation
P. O. Box 483
Concord, NH 03302-0483
Attention: Mr. William J. Oldenburg, P.E.
Assistant Director of Project Development

Any SOQ that fails to meet the deadline will be rejected without opening, consideration, or evaluation and will be returned, unopened, to the sender.

## 3.3 Format Requirements

A Design-Build Team's SOQ format must adhere to the requirements outlined in Appendix A.

The front cover of each SOQ must be labeled with:

- I-93 Exit 4A Project,
- Statement of Qualifications, and
- date of submittal.

## 3.4 Quantities

Each Design-Build Team must provide NHDOT with one original SOQ and 10 copies of the SOQ and appendices. Each copy must be identified on its front cover, in the upper right-hand corner, as "Copy ___ Of 10 Copies."

All binders (original and 10 copies) must be packed together in one sealed package. The outside of the sealed package must be clearly identified, labeled, and addressed as follows:

- Return address: Design-Build Team's name, contact person's name, mailing address;
- Contents labeled as "I-93 Exit 4A Project" and "Statement of Qualifications", and
- Date of submittal;

## 3.5 Pages and Binders

The sections and appendix shall consist of loose-leaf pages that are 8 ½" by 11" and white, except for charts, exhibits, and other illustrative and graphical information, which may be submitted on 11" by 17" paper and folded to 8 ½" by 11". 11" by 17" pages will count as one page. For the Design-Build Team's SOQ package, there is **no limit** of total pages for **Sections 1 through 4**, a limit of **10 pages** total for **Sections 5 and 6 combined**. The cover letter and each section shall be combined in one three-ring binder, and the complete appendices shall be placed together in a separate three-ring binder. The sections (and, optionally, subsections) shall be separated with lettered or numbered dividers. Color photographs, renderings, and brochures, if any, shall be adequately bound and suitably protected for handling and circulation during review and evaluation.

## 3.6 Page Format

Text shall be in a standard font that is a minimum of eleven points in size, single-spaced, and printed single-sided. Each page shall be numbered consecutively within each section (i.e., 1-1, 1-2…; 2-1, 2-2…; 3-1, 3-2…, etc.), and the page numbers shall be centered at the bottom of each page.

## 3.7 Clarity and Conciseness

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

## 3.8 Reproducibility

All SOQ pages shall be easily reproducible and be legible in black and white by standard photocopying machines.

# 4 EVALUATION PROCESS

Section 4 outlines the SOQ evaluation process for the RFQ phase of the procurement.

## 4.1 SOQ Evaluation

***Evaluation Process:*** NHDOT will evaluate the SOQs based on the rating and scoring information outlined in this Section 4. As a result, each Design-Build Team submitting a responsive SOQ will be eligible to receive an overall rating of either "short-listed" or "not short-listed." In order to be short-listed, the Design-Build Team must meet or exceed the evaluation and scoring criteria as established in Section 4.4. A "fail" or "not short-listed" rating in any of the categories identified in Section 4.3 will result in an overall rating of not short-listed. Only those Design-Build Teams that are short-listed will be allowed to participate in the RFP 'best-value' procurement process.

***Interviews:*** NHDOT reserves the right to conduct oral interviews with all potential Design-Build Teams prior to short-listing determination. The Technical Review Committee (TRC) as part of its evaluation may complete these interviews during the overall SOQ submittal process and scoring. If interviews are elected, the chairperson following receipt of the SOQs will determine the exact schedule for oral interviews.

## 4.2 Evaluation Objective

The objective of the RFQ step of the procurement is to pre-qualify Design-Build Teams having the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake and complete the Work. 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. NHDOT has set high responsibility standards for the Design-Builder, which is reflected in the evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

## 4.3 SOQ Evaluation Factors

The information submitted in accordance with Section 3 will be evaluated by the Technical Review Committee (TRC) in accordance with the initial responsiveness review as defined in Section 4.3.1, the non-scored categories listed in Section 4.3.2, and the scored categories as set forth in Section 4.3.3.

### 4.3.1 Responsiveness Review

Each SOQ will initially be reviewed on a pass/fail basis for:

(i) the responsiveness of the Design-Build Team to the requirements set forth in the RFQ.
(ii) conformance to the RFQ instructions regarding organization and format; and
(iii) minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the SOQ;

NHDOT may allow certain deficiencies in the SOQs relating to the above factors to be corrected through clarifications, but shall have no obligation to do so. Design-Build Teams shall correct the deficiencies in the timeframe set forth by NHDOT or risk being excluded from further consideration. NHDOT may also exclude from consideration any SOQ that contains a material misrepresentation.

### 4.3.2 Non-Scored SOQ Categories

Each non-scored category of a responsive SOQ will be evaluated on a non-scored pass/fail basis. For an SOQ to achieve a passing rating, each of the following categories shall meet the minimum requirements as set forth below:

- Legal: The SOQ complies with and meets or exceeds the minimum requirements listed in Appendix A, Section 7.

- Financial: The SOQ complies with and meets or exceeds the minimum requirements listed in Appendix A, Section 8.
- Safety: The SOQ complies with and meets or exceeds the minimum requirements listed in Appendix A, Section 9.

A Proposer must obtain a "pass" on all pass/fail items in order for its SOQ to be evaluated qualitatively.

### 4.3.3 Scored SOQ Categories

Each responsive SOQ passing all of the "pass/fail" qualification requirements set forth above will be evaluated and scored by the TRC according to the criteria identified in Table 4-1. The order in which the evaluation subcriteria appear within each category is not an indication of weighting or importance. Refer to RFQ Appendix A for a description of the submittal requirements.

**Table 4-1: Points and Weighting of RFQ Components**

| SOQ EVALUATION CATEGORIES | Max. Available Points |
|---|---|
| **1. DESIGN-BUILD TEAM EXPERIENCE** | **60** |
| 1. DB Team Experience and Past Performance | 20 |
| a. Experience in successfully managing, designing, and constructing projects of similar size and complexity. | 4 |
| b. Experience in successfully constructing structures in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project; | 2 |
| c. Managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration; | 2 |
| d. Technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project; | 2 |
| e. Ability to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with NHDOT in a cohesive and seamless manner. | 2 |
| f. A design firm that has completed one or more contracts for design of a major project comparable to the Project. | 2 |
| g. Demonstrate experience with the Departments Right-of-Way procurement process on major projects. | 4 |
| h. Experience managing public outreach on major projects | 2 |
| 2. Key Personnel Qualifications | 40 |
| a. Project Manager | 10 |
| b. Design Manager | 6 |
| c. Construction Manager | 6 |
| d. Quality Control Administrator | 6 |
| e. Environmental Compliance Manager | 6 |
| f. ROW Specialist | 6 |

**Table 4-1: Points and Weighting of RFQ Components**

| SOQ EVALUATION CATEGORIES | Max. Available Points |
|---|---|
| **2. Project Understanding, Approach and Quality Management Program** | **40** |
| 1. Project Understanding and Approach | 20 |
| a. Management and organization approach | 16 |
| b. Understanding of the risk sharing and the teaming relationship between the Design-Builder and NHDOT | 4 |
| 2. Approach in implementing a D-B Quality Assurance Program | 20 |
| a. Design Quality Control | 5 |
| b. Construction Quality Control | 5 |
| c. Coordination between NHDOT and Design-Builder | 5 |
| d. Coordination with other agencies | 5 |
| **TOTAL POINTS** | **100** |

## 4.4 Evaluation and Scoring Process

The TRC will evaluate the non-scored SOQ categories as defined under Section 4.3.2. The TRC will evaluate the scored categories as defined under Section 4.3.3 based on the scoring outline in Table 4-1.

To short-list, a Design-Build Team will be required to meet the following standards:

- For each of the non-scored SOQ categories, meets or exceeds the minimum passing requirements as set forth under Section 4.3.2; and
- For each of the scored SOQ categories, obtains a passing grade based on the following minimum scoring criteria:

1) For the *Design-Build Team Organization and Key Personnel* and *Firm Experience and Past Performance* categories, achieves a passing score of 39 or greater. The maximum score under this category is 60.
2) For the *Project Understanding and Approach* and *Quality Management Program* categories, achieves a passing score of 26 or greater. The maximum score under this category is 40.

Once scoring of all SOQs has concluded, the TRC rank the SOQs from highest to lowest scores. NHDOT intends to short-list between three and five Design-Build Teams for continuation in the RFP 'best-value' procurement process. If only one Design-Build Team responds to the RFQ or attains short-list status, NHDOT may re-advertise or cancel the Project as it deems necessary.

## 4.5 Notification of Short Listing

Upon completion of the SOQ evaluation and scoring process, NHDOT will notify each Design-Build Team in writing whether or not it has obtained short-list status. NHDOT will also publish the list of Design-Build Teams attaining short-list status on its website: https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm.

Announcement of short-listing may be expected not later than the date specified in Section 2.3.

## 4.6 Debriefing

Proposers not selected for shortlisting or award of contract may request a debriefing. Once NHDOT awards the Contract to a Design-Builder, NHDOT will arrange meetings with each of the Design-Build Team organizations, if requested.

The debriefing shall be conducted by a procurement official familiar with the rationale for the determination of the most qualified Proposers and selection decision.

Debriefings shall:

- Be limited to discussion of the unsuccessful Proposer's SOQ and may not include specific discussion of a competing SOQ;
- Be factual and consistent with the evaluation of the unsuccessful Proposer's SOQ; and
- Provide information on areas in which the unsuccessful Proposer's SOQ had weaknesses or deficiencies.

Debriefing may not include discussion or dissemination of the thoughts, notes, or rankings of individual members of the Selection Committee, but may include a summary of the rationale for the selection decision.

## 4.7 RFP Procedure and Evaluation

NHDOT will specify the Design-Builder selection process in the RFP. Design-Build Teams are advised that the evaluation methodology, criteria and/or weightings for the evaluation of the Proposals may differ from that set forth herein to evaluate SOQs. In addition, the rankings, scores and evaluations of the SOQs shall not carry over or be used in any way in the evaluation of the Proposals.

# 5 COMMUNICATIONS, PUBLIC INFORMATION, AND ORGANIZATIONAL CONFLICTS OF INTEREST

## 5.1 Rules of Contact

The following rules of contact shall apply during the procurement for the Project. These rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, e-mail, or formal written communication.

NHDOT's primary point of contact during the RFQ procurement phase is the NHDOT's Project Representative identified in Section 2.2. A core team of engineering, operations, contracts, and public relations staff members and advisors will support the Project Representative, including those groups listed in Section 5.3 below. As the NHDOT point of contact, Mr. Cota is NHDOT's sole contact person and addressee for receiving all communications about the Project during the RFQ procurement process, and Design-Build Teams are prohibited from contacting any NHDOT employee or any of the groups listed in Section 5.3, regarding the Project or this RFQ. Submit any and all inquiries and comments regarding the Project by fax, e-mail, or letter as follows. Only written inquiries will be accepted:

The NHDOT Project Representative is the only individual allowed to discuss this RFQ with any interested parties, including Design-Build Teams. Any information from other sources may not be accurate, and use of such information is at the sole risk of the Design-Build Team(s).

### 5.1.1 Communication Process

NHDOT is the single source of information regarding the Contract procurement. The procurement process begins on the date of issuance of this RFQ, and is anticipated to be completed with the award of the Contract. The following rules of contact are now in effect:

- Contact between the Design-Build Teams and NHDOT (questions and responses to questions) shall only be through NHDOT's and Design-Build Team's designated representative. NHDOT's designated representative is identified in Section 2.2;
- The Design-Build Teams shall not contact NHDOT employees or advisors, including members of the evaluation committee(s) and any official who will evaluate SOQs, regarding the Project;
- The Design-Build Teams cannot contact employees of NHDOT, Derry and Londonderry, NH, and those parties identified under Section 5.3 regarding the Project;
- Any contact determined to be improper, at the sole discretion of NHDOT, may result in disqualification;
- Any official contact regarding the Project will be disseminated in writing from NHDOT on NHDOT letterhead and signed by NHDOT's Project Representative identified in Section 2.2; and
- NHDOT will not be responsible for any oral communication or any other information or contact that occurs outside the official communication process specified herein.

## 5.2 Conflict of Interest

NHDOT has established a Conflict of Interest requirement for the Project. This requirement specifies that no Design-Build Team member that is currently providing services to NHDOT with respect to the Project may participate as an equity owner, team member, consultant, or subconsultant of or to a Design-Build Team for the Project, or have a financial interest in any of the foregoing entities with respect to the Project (see Section 5.3 for a list of consultants

meeting this criteria).

Design-Build Team member participating in the Project shall arrange their affairs so as to prevent Conflicts of Interest from arising. Any Design-Build Team member having an actual, potential or perceived Conflict of Interest shall disclose the matter to NHDOT in writing. A private entity's failure to comply with this requirement may result in potential liability to NHDOT and to the private entity's preclusion from participation in the Project.

## 5.3 NHDOT Advisors/Consultant Support

NHDOT has engaged several advisors to assist and participate in the Project development stages, as well as assist NHDOT during the procurement process for the Project. Any advisory team member is prohibited from participating in any of the Design-Build Team organizations relating to this Project; providing technical, legal, or financial advice to Design-Build Teams; or directly discussing any aspect of the RFQ or RFP with any Design-Build Team.

The advisory team consists of the following:

- HDR, Inc.
- Fuss & O'Neil (formerly CLD)
- FHWA

# 6 PROTEST PROCEDURES AND PUBLIC RECORDS ACT

## 6.1 RFQ Protest

Section 6.1 sets forth the exclusive protest remedies available with respect to this RFQ. Each Design-Build Team, 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 as consideration for such waiver and agreement by the Design-Build Teams. If a Design-Build Team disregards, disputes, or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend, and hold harmless NHDOT, its directors, officers, officials, employees, agents, representatives, and consultants from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of such Design-Build Team's actions. The submission of an SOQ by a Design-Build Team shall be deemed the Design-Build Team's irrevocable and unconditional agreement with such indemnification obligation.

### 6.1.1 Written Protest Only

All protests must be in writing. Protests shall be submitted to:

Mail: Mr. William J. Oldenburg, P.E.
NHDOT: Assistant Director of Project Development
Executive Office
P.O. Box 483
Concord, NH 03302-0483

Fax: 603.271.7025

E-mail: William.Oldenburg@dot.nh.gov

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered.

The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but the NHDOT designee, whose decision shall be final and conclusive, shall decide it, on the basis of the written submissions. The NHDOT designee shall issue a written decision regarding any protest to each Design-Build Team.

### 6.1.2 Protest Contents

- All protests must include the following:

1) The name and address of the Design-Build Team;
2) The Project name and Project number;
3) A detailed statement of the nature of the protest and the grounds on which the protest is made; and
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.

- The protestor must demonstrate or establish a clear violation of a specific law or regulation.
- NHDOT will not be obligated to postpone the SOQ due date specified in Section 2.3 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.

- If the protest is denied, the protestor shall be liable for NHDOT'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 NHDOT as a consequence of the protest. If the protest is granted, NHDOT shall not be liable for payment of the protestor's costs.

### 6.1.3 Protest Regarding RFQ or Procurement Process

- All protests regarding this RFQ or the related procurement process shall be filed with NHDOT not less than seven calendar days prior to the SOQ due date specified in Section 2.3.
- NHDOT 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 specified in Section 2.3.
- If NHDOT determines that the scheduled SOQ due date specified in Section 2.3 should be delayed, all Design-Build Teams will be notified by written addendum of the delay and the reason thereof.
- If all or any portion of the protest is determined to be valid, the NHDOT designee will respond in writing to each material issue determined to be valid raised in the protest in a timely manner prior to NHDOT proceeding further with the RFQ.
- The failure of a Design-Build Team to file a basis for a protest regarding this RFQ shall preclude consideration of that ground in any protest regarding the short-list determination, unless such ground was not and could not have been known to the Design-Build Team in time to protest prior to the final date for such protests.

### 6.1.4 Protest Regarding Shortlist Decision

- If the short-list decision is being protested, a protestor shall protest in writing to the NHDOT designee as soon as practical, but not later than seven calendar days after the protestor knew or should have known it had not attained short-list status. If the protest has been filed in a timely manner, the NHDOT designee 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 status should be considered for revision.
- If the procurement is delayed, all Design-Build Teams will be notified of the delay. The NHDOT designee will respond in writing to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement.
- Should a protestor wish to appeal the decision of the NHDOT designee concerning short-listing decision, a protestor shall follow the procedures in Section 6.1.5.

### 6.1.5 Right of Appeal

- In the event that a protestor receives an unfavorable decision from the NHDOT designee to its protest, the protestor shall have the right to appeal the decision of the NHDOT designee by submitting a written appeal to NHDOT's Commissioner or his/her designee within seven calendar days after receipt of the decision of the NHDOT designee.
- The Commissioner or his/her designee will notify the protester in writing in a prompt manner of its decision regarding the protest and the appeal. The decision of the Commissioner or his/her designee shall be final and not appealable.

## 6.2 Public Records Act

All written correspondence, exhibits, photographs, reports, printed material, tapes, electronic disks, and other graphic and visual aids submitted to NHDOT during this procurement short-listing process, including as part of the response to this RFQ, are, upon their receipt by NHDOT, the property of NHDOT and are subject to the New Hampshire Right to Know Law (RSA 91A). None of the aforementioned materials will be returned to the submitting parties. Design-Build Teams should familiarize themselves with the provisions of the New Hampshire Right to Know Law (RSA 91A). In no event shall NHDOT, or any of its agents, representatives, consultants, directors, officers, or employees be liable to a Design-Build Team for the disclosure of all or a portion of an SOQ submitted under this RFQ.

If a Design-Build Team has special concerns about information that it desires to make available to NHDOT but which it believes constitutes a trade secret, proprietary information, or other information exempt from disclosure, such Design-Build Team should specifically and conspicuously designate that information as “TRADE SECRET” or “CONFIDENTIAL” in its filed response to this RFQ. Blanket, all-inclusive identifications by designation of whole pages or sections as containing proprietary information, trade secrets, or confidential commercial or financial information shall not be permitted and shall be deemed invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such. NHDOT will endeavor to advise the Design-Build Team of any request pursuant to the New Hampshire Right to Know Law (RSA 91A) and any other applicable laws for the disclosure of any material properly labeled as proprietary, trade secret, or confidential so as to allow the Design-Build Team the opportunity to seek a court order to protect such materials from disclosure. Under no circumstances, however, will NHDOT be responsible or liable to the Design-Build Team or any other party for the disclosure of any such labeled materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of NHDOT or its officers, employees, contractors, or consultants.

NHDOT will not advise a submitting party as to the nature or content of documents entitled to protection from disclosure under the New Hampshire Right to Know Law (RSA 91A) or other applicable laws, as to the interpretation of the New Hampshire Right to Know Law (RSA 91A) or as to the definition of trade secret. The submitting party shall be solely responsible for all determinations made by it under applicable laws and for clearly and prominently marking each and every page or sheet of materials with "TRADE SECRET" or "CONFIDENTIAL" as it determines to be appropriate. Each submitting party is advised to contact its own legal counsel concerning the New Hampshire Right to Know Law (RSA 91A) and other applicable laws and their application to the submitting party's own circumstances.

In the event of litigation concerning the disclosure of any material submitted by the submitting party, NHDOT’s sole involvement will be as a stakeholder retaining the material until otherwise ordered by a court, and the submitting party shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk. The submitting party shall reimburse NHDOT for any expenses it incurs in connection with any such litigation.

# 7 NHDOT RESERVED RIGHTS

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

- Accept or reject any and all submittals, responses and proposals, or any parts thereof, received at any time.
- Waive any informalities, irregularities, and omissions in the information contained in the SOQs, or permit corrections to data submitted with any response to this RFQ until such time as NHDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
- Modify all dates set or projected in this RFQ.
- Terminate evaluations of responses received at any time.
- Withdraw or cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by NHDOT of a design-build contract, without incurring any cost obligations or liabilities.
- Permit submittal of addenda and supplements to data previously provided with any response to this RFQ until such time as NHDOT declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
- Adjust, increase, limit, suspend, or rescind the short-list rating based on subsequently learned information.
- Permit Design-Build Entities to add or delete firms and/or key personnel until such time as NHDOT declares in writing that a particular stage or phase of its review has been completed and closed.
- Add or delete Design-Builder responsibilities from the information contained in this RFQ or the subsequent RFP.
- Waive deficiencies in an SOQ, accept and review a non-conforming SOQ, or seek clarifications or supplements to an SOQ.
- Disqualify any Design-Builder that changes its submittal without NHDOT approval.
- Add or modify its reserved rights in the subsequent RFP.
- Make all final determinations.
- Appoint a selection committee and evaluation teams to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation.
- Disallow the use of particular subcontractors and/or substitutions and/or changes in SOQs.
- Hold meetings and conduct discussions and correspondence with one or more of the Design-Builders responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.

- Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.

The RFQ does not commit NHDOT to enter into a Contract, nor does it obligate NHDOT to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Design-Build Team 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 on sufficient appropriations and authorizations being made by the Legislatures of New Hampshire, or the Congress of the United States, for performance of a Contract between the successful Design-Build Team and NHDOT.

In no event shall NHDOT 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 NHDOT, has been executed and authorized by NHDOT and approved by all required parties, and then only to the extent set forth therein.

## 7.1 NHDOT Disclaimers

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

- Any obligation to award or execute a Contract pursuant to this RFQ or the RFP or to issue an RFP; and
- Subject to Section 1.15, any obligation to reimburse a Design-Build Team for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Design-Build Team is specifically acknowledging these disclaimers.

# APPENDIX A:

# STATEMENT OF QUALIFICATION (SOQ) SUBMISSION REQUIREMENTS

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Section 1 - General

Section 2 – Design-Build Team Experience and Past Performance

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Section 8– Financial Capacity

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Appendix A – Personnel Qualifications (Resumes)

# 1 GENERAL

*This Appendix A describes specific information that must be included in the SOQ. Design-Build Teams shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ. Proposers are required to assemble their SOQs in the order prescribed and following the outline form contained in this appendix.*

*Italics indicate explanations or instructions to the Proposer as opposed to a request for information.*

A. **Design-Build Team's Transmittal Letter:** A duly authorized official of the Proposer or lead firm must execute the transmittal letter in blue ink. Refer to Form A of Appendix B for a template. For Proposers that are joint ventures, partnerships, limited liability companies or other associations, the transmittal shall have appended to it letters on the letterhead stationery of each entity holding an equity interest in the Proposer, executed by authorized officials of each entity, stating that representations, statements and commitments made by the lead firm on behalf of the entity have been authorized by, are correct, and accurately represent the role of the entity in the Proposer team.

The transmittal letter shall contain the entity's primary contact information, including:

Name,
Title,
Entity Name,
Contact Address,
Contact Email Address,
Contact Telephone Number,
Contact Facsimile Number

The Design-Build Team shall complete Appendix B, Form U (Design-Build Team SOQ Certification), verifying the accuracy of the information submitted as part of the SOQ. For Design-Build Teams that are joint ventures, partnerships, limited liability companies, or other associations, authorized representatives of all equity members of the Design-Build Team shall sign the Design-Build Team SOQ Certification.

B. **Executive Summary:** An Executive Summary, not exceeding 4 pages. The Executive Summary shall be written in a non-technical style and shall contain sufficient information for reviewers with both technical and non-technical backgrounds to become familiar with the Proposer's SOQ and its ability to satisfy the financial and technical requirements of the Project.

C. **Confidential Contents Index:** A page executed by the Proposer that sets forth the specific items (and the section and page numbers within the SOQ at which such items are located) that the Proposer deems confidential, trade secret or proprietary information protected by the New Hampshire Right to Know Law (RSA 91A), as described in Section 6.2 of the RFQ. Blanket designations that do not identify the specific information shall not be acceptable and may be cause for NHDOT to treat the entire SOQ as public information. Notwithstanding the foregoing, the list required under this Subsection (c) is intended to provide input to NHDOT as to the confidential nature of a Proposer's SOQ, but in no event shall such list be binding on NHDOT, determinative of any issue relating to confidentiality or a request under the New Hampshire Right to Know Law or override or modify the provisions of RSA 91A or NHDOT's responsibilities thereunder. NHDOT will treat the identified information as confidential to the extent practicable under the law.

# 2 DESIGN-BUILD TEAM EXPERIENCE AND PAST PERFORMANCE

***Objective:*** To identify design and construction firms with demonstrated design-build experience or expertise, competence, capability, and capacity in, and record of producing quality work on projects similar to the I-93 Exit 4A Project.

***Requirements and Information:*** The following shall be submitted under Section 2 of the SOQ:

- Provide a brief narrative summary of the capability and capacity of each Major Participant and the design firm. Summaries shall be a maximum of two pages for each firm; the format is at the discretion of the Design-Build Team;

- Design-Build Team shall use and complete Appendix B, Form PP-1 and Appendix B, Form PP-2 for each Major Participant, based on experience over the past 5 years.

- Firm Experience: Using Appendix B, Form E-1 (Project Description), show the firm's experience by providing no more than four project descriptions for each Major Participant. Highlight experience in the past 15 years on completed projects having a scope comparable to that anticipated for the Project. The Designer is considered a key part of the Design-Builder's organization, and the Designer's experience must be identified in the SOQ. If Designer is a joint venture or partnership, each member or partner shall submit an independent Form E-1. For the projects in which several of the proposed Major Participants were involved, Design-Build Teams may provide a single project description. Descriptions of design-build projects should highlight experience relevant to this Project that Major Participants have gained in the last 15 years. Describe design-build projects with levels of scope comparable to that anticipated for this Project. Describe the experiences that Major Participants could apply to this Project. In particular, demonstrate design-build experiences in each of the following areas:

- Designer's transportation facility experience;
- Highway and bridge structures;
- Urban reconstruction;
- Construction/reconstruction using innovative designs, methods, and materials;
- Construction in environmentally sensitive areas;
- Design and construction activity interaction or integration;
- Design and construction of Intelligent Transportation Systems (ITS) infrastructure;
- Management of Right-of-Way acquisitions, and
- Community relations (including website development and maintenance).

Each project description must include the following information as appropriate:

- Name of the project and the owner's contract number;
- Owner's name, address, contact person, and current telephone and fax numbers;
- Dates of design, construction, management, and/or warranty periods;
- Description of the work or services provided and percentage of the overall project actually performed by (each of) the Principal/Major Participant(s);
- Description of how, if any, the Principal/Major Participants have worked together in the past and the experience such Principal/Major Participants have in conventional design-bid-build and design-build projects of comparable size;
- Initial construction bid price and final construction contract price for the project, including the quantity and dollar value of contract modifications and claims, and an explanation of the causes for construction contract change(s), whether upward or downward; and

- Record of cost and schedule growth or reduction, including experience with techniques to achieve goals of avoiding delays and minimizing claims.

- Penalties, Claims/Litigation, and Termination: Design-Build Team shall use and complete Appendix B, Form PP-1 for each Major Participant to address the following issues as appropriate for the past 5 years.

- Describe any project that resulted in assessment of liquidated damages against any Major Participant within the last five years. Describe the delays and the amounts assessed.
- Describe any outstanding damage claims for projects in which any of the Major Participants were involved within the last five years.
- Describe the conditions surrounding any contract (or portion thereof) entered into by any Major Participant within the last five years that has been terminated for cause or that required completion by another party. Describe the reasons for termination and the amounts involved.
- For each instance of litigation, liquidated damages, or termination for cause, identify the project owner's representative and his or her current phone number.

***Firm Experience and Past Performance Evaluation Criteria:*** Successful Design-Build Teams will have demonstrated design-build experience in the following:

- Experience in successfully managing, designing, and constructing projects of the size and complexity of this Project;

- A record of completing contracts on time and within the fixed price;

- Experience in successfully constructing major structures in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project;

- A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;

- The technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project;

- The ability to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with NHDOT in a cohesive and seamless manner;

- A design firm that has completed one or more contracts for design of a major bridge project comparable to the Project;

- Collectively demonstrate experience with the Departments Right-of-Way procurement process on transportation projects; and

- Experience managing public outreach on complex infrastructure projects

## 3 DESIGN-BUILD TEAM ORGANIZATION

***Objectives:*** To identify the qualified personnel for key positions with demonstrated experience and expertise and a record of producing quality work on projects of a similar nature to this Project. The key positions for the purposes of

this RFQ are identified in Section 4.

***Requirements and Information:*** The following information shall be submitted under Section 3 of the SOQ:

- **Organizational Chart(s)**: Provide an organizational chart(s) showing the "chain of command," with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Key Personnel will be committed to the Project. Identify all Major Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance, and subcontractor administration. For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team. Changes to the Design-Build Team's SOQ organization chart shall abide by the requirements identified in Section 2.6 and Section 4.1;

- **Required Licenses**: Evidence that the Design-Build Team and all Major Participants have, or at the time of Contract award will have, all licenses, registration, and credentials required to design and construct the Project. Such information shall include any information on the revocation or suspension of any license, credential, or registration. At the time the Contract is awarded, the Design-Builder shall be properly licensed in accordance with the laws of this State. Failure of the Design-Build Team to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the Contract and shall result in the forfeiture of the security of the Design-Build Team; and

- **Subcontractor Information**: Using Appendix B, Form E-2 (Subcontractor Information), identify subcontractors, except for the designated Designer (which is included on Appendix B, Form L-1 and Appendix B, Form L-2), that the Design-Build Team plans to use, including Major Participants, specialty subcontractors, and subconsultants. Indicate what portion of the Work each subcontractor is anticipated to undertake. Submit maximum one-page summaries of experience for each listed subcontractor and subconsultant.

## 4 PREFERRED QUALIFICATIONS OF KEY PERSONNEL

***Objectives:*** To identify personnel for key positions, personnel should demonstrate experience/expertise and a record of producing quality work on projects of a similar nature to this Project. The key positions for the purposes of this RFQ are identified below.

***Requirements and Information:*** The following information shall be submitted under Section 4 of the SOQ:

- **Key Personnel**: Using Appendix B, Form E-3 (Proposed Key Personnel Information), list appropriate information on each Key Personnel position described below;

- **Required Resumes**: Resumes of Key Personnel, limited to two pages each will not be counted towards the overall SOQ page limit. The listing below describes the minimum Key Personnel for the Project. Personnel to staff these key functions, listed below, shall be identified in the required Organizational Chart;

The following provides a brief job description and duties of the Key Personnel assigned to the Project. All Key Personnel will be required to be on-site during activities that involve their areas of responsibility or as indicated

below. The Design-Build Team shall provide three references for each of the Key Personnel positions identified in this RFQ. The number of years of experience listed for each Key Personnel represents a target goal for evaluation purpose and should not be considered as a mandatory minimum requirement for that position.

A. Project Manager:

- The Project Manager shall be the individual responsible for the overall design, construction, quality, and contract administration for the Project. The Project Manager shall be available to the Project 100% of the time and will be required to be on-site during critical design and construction activities for the duration of the Project.
- Twenty total years of experience managing complex infrastructure projects including roadway and bridges.
- Ten years of which involve managing the design and construction of urban roadway and bridge projects.
- Five years of which involve complex design-build project management of infrastructure projects with a value in excess of $50M.

B. Construction Manager:

- The Construction Manager will be available to the Project 100% of the time during construction and will be required to be on-site during critical construction activities for the duration of the Project.
- Fifteen total years of experience managing complex infrastructure projects.
- Ten years of which involve managing the construction of urban roadway and bridge projects.

C. Design Manager:

- The Design Manager will work directly for the Design-Builder under the direct supervision of the Project Manager. The Design Manager will be the individual responsible for coordinating the design of the individual design disciplines and will be responsible for ensuring that the overall Project design is completed and design criteria requirements are met. The Design Manager will be available to the Project minimum of 50% of the time until the design is 100% complete and as required during the construction phase of the Project. The Design Manager will be responsible for design quality management. The Design Manager is the Engineer of Record who will have primary responsibility for design work under the contract.
- Fifteen total years of experience managing roadway and bridge design projects.
- Five years of which involve in the design of urban roadway and bridge rehabilitation and/or new construction projects.
- Must be a registered professional engineer in the State of New Hampshire now or by the time the initial notice to proceed is issued.

D. Quality Control Administrator:

- The Quality Control Administrator shall be responsible for overall management of the Quality Control System as established in the Quality System Manual. The Quality Control Administrator will work directly for the Design-Builder under the direct supervision of the Project Manager. The Quality Control Administrator will be available to the Project 100% of the time for the duration of the Project.
- Fifteen total years of experience managing complex transportation/infrastructure projects.
- Five years of which involve complex design-build construction management of transportation projects.

- Must be a registered professional engineer in the State of New Hampshire now or by the time the initial notice to proceed is issued.
- The Quality Control Administrator must not be assigned any other duties or responsibilities on this Project or any other projects unless approved by NHDOT.
- The Quality Control Administrator shall have the authority to stop any and all work, including construction that does not meet the standards, specifications, or criteria established for the Project.

E. Environmental Compliance Manager:

- The Environmental Compliance Manager will work directly for the Design-Builder under the direct supervision of the Project Manager. The Environmental Compliance Manager will be available to the Project a minimum of 50% of the time and will be required to be on-site during critical activities for the duration of the Project.
- Ten total years of experience implementing environmental programs on complex transportation/infrastructure projects.
- Five years of which involve securing environmental permits.
- The Environmental Compliance Manager must not be assigned any other duties or responsibilities on this Project unless approved by NHDOT.

F. ROW Project Administrator:

- The ROW Project Administrator is responsible for coordinating ROW surveying and boundary monumentation, the ROW acquisition services and ROW relocation activities of Design-Builder and for ensuring that the ROW issues are resolved before Construction Work begins. This individual must be available to the Project 100% of the time during acquisition and relocation activities on the Project.
- Ten total years of experience on infrastructure projects.
- Five years of which involve coordinating ROW acquisitions and ROW relocations for roadway projects.
- The individual must be familiar with the NHDOT acquisition and relocation process.
- The individual must be professionally competent with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act.
- The individual must report to the Project Manager.

## 4.1 Changes in Design-Build Team Organization and Key Personnel

NHDOT wants to ensure that Design-Build Teams are able to develop and attract the greatest range and depth of expertise as may be necessary to participate in the procurement, design, and construction of the Project in an innovative, effective, and efficient manner. Accordingly, NHDOT shall permit Design-Build Teams to add team members and reorganize the Design-Build Team entity through the procurement process until submittal of the Proposals as described herein, except in the event of potential organizational conflicts of interest and/or deficiencies in qualifications and experience for the proposed role. Notwithstanding the foregoing, and subject to Section 2.6, following submittal of the SOQs, the following actions may not be undertaken without NHDOT's prior written consent, in its sole discretion:

- Deletion or substitution of a Design-Build team member identified in its SOQ (i.e., Major Participants, Designer);
- Deletion or substitution of Key Personnel identified in Section 4 of this RFQ and Appendix B, Form E-3 of its SOQ;
- Deletion or substitution of an equity owner of Design-Build Team or Major Participant, or any other entity that will bear financial responsibility or liability for the performance of the Design-Build Team; and
- Other changes in the equity ownership or team membership of a Design-Build Team.

Should a Design-Build Team wish to make such a change, they shall notify and request NHDOT's consent in writing and shall provide, for any new or substitute entity, the same information required under this RFQ for such entity had it been part of the Design-Build Team as of the SOQ submission (including, without limitation, legal, financial, qualifications/experience, and other). If a Design-Build Team wishes to delete an entity, they shall provide NHDOT with information establishing that the Design-Build Team remains qualified as contemplated under this RFQ. Failure to secure the consent of NHDOT may, at NHDOT's sole discretion, result in the Design-Build Team being disqualified from the short-listing process.

## 5 Project Understanding and Approach

***Objective:*** To identify those Design-Build Teams that demonstrate the following: (i) an understanding of and approach to the management, technical aspects, and maintenance of traffic issues and risks associated with the Project; (ii) an understanding of and approach to how the design-build process and the Design-Build Team's organization will contribute to the success of the Project and meet the Project goals; and (iii) an understanding of the risk sharing and the teaming relationship between the Design-Builder and NHDOT.

***Submittal Requirements:*** Requirements and information to be submitted under Section 5 of the SOQ include:

- Narrative description of the Design-Builder's management and organizational approach for accomplishing the design-build Project. The narrative should describe the methodology for integrating the design-build entity and the different areas of expertise within the team into an efficient and effective organization. The management approach must reflect an understanding of the use of the design-build project delivery methodology for transportation infrastructure projects. The narrative shall also provide a brief description of the significant functional relationships among participants outlined in the organization chart as described in Section 3 and how the proposed organization will function as an integrated design-build entity and how it will work effectively with NHDOT; and

- Brief description of how the Design-Build Team will use its organization and the design-build process to ensure a successful Project, considering the Project goals listed in Section 1.2.

## 6 Quality Assurance Program

***Objective:*** To identify those Design-Build Teams that can demonstrate the best approach in implementing a Quality Assurance Program under a design-build project in which NHDOT will manage and perform construction the Design Acceptance and Construction Acceptance functions, while the Design-Build Team is responsible for implementing a Quality Control System that addresses Design Quality Control and Construction Quality Control.

***Submittal Requirements:*** NHDOT has established overall Quality Assurance (QA) requirements for Design-Build projects. This includes a Design QA Program to address quality in the design process and a Construction QA Project to ensure the quality of construction. Requirements and information to be submitted under Section 6 of the SOQ include a written approach with respect to Quality Assurance. The Design-Build Team's approach should demonstrate an understanding of the following attributes:

- Design Quality Control;
- Construction Quality Control;
- Coordination between NHDOT and the Design-Builder organization; and
- Coordination with other agencies.

A preliminary Quality System Manual (QSM) is not required under the RFQ submittal process but will be a requirement of the short-listed Design-Build Teams during the RFP phase.

## 7 LEGAL STRUCTURE

***Objective:*** To select Design-Build Teams whose organization, legal structure, team members, and history demonstrate the Design-Build Teams ability to remain stable and viable for the duration of the Project, and be contractually bound to NHDOT.

***Submittal Requirements:*** Design-Build Teams shall address the following and submit it under Section 1 of the SOQ:

- Legal structure of the Design-Build Team and its organization. If the Design-Build Team organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of Contract award, the Major Participants to conduct business in the States of New Hampshire. If the Design-Build Team organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements. In the event that final agreements between Major Participants have not been finalized at the time of the SOQ submittal, Major Participants shall submit letters of agreement signed by an authorized officer of each Major Participant noting the type of relationship to be entered into prior to the Proposal (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents prior to the Proposal submittal. If Design-Build Team is a partnership, joint venture, or other association, the SOQ must identify the percentage equity interest of each member;
- If the Design-Build Team is a partnership, limited partnership, joint venture, or other association, all members of the Design-Build Team must agree to be fully liable for the performance under the design-build Contract by executing the transmittal letter appearing in Appendix B, Form A;
- Name and describe all Major Participants as defined in this RFQ;
- A statement from the Design-Build Team identifying any actual and/or potential conflicts of interests the firm may have with other clients they represent (refer to Section 5.2);
- In cases where Major Participants on different Design-Build Team organizations belong to the same parent company, each Design-Build Team must describe how conflicts of interest would be avoided by the participants through the qualification and proposal phases of the Project. NHDOT may disqualify a Design-Build Team if any of its Major Participants belong to more than one Design-Build Team organization;
- Major Participants or if Design-Build Team is a partnership, joint venture, or other association, all equity members of Design-Build Team shall complete Appendix B, Form L-1 and Appendix B, Form L-2; and

- Major Participants or if Design-Build Team is a partnership, joint venture, or other association, all equity members of Design-Build Team shall complete Appendix B, Form T.

***Minimum Requirement for Legal Structure:*** A Design-Build Team must demonstrate the following:

- The Design-Build Team has the legal capability in State of New Hampshire to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in Section 1 of the SOQ;
- Each of the equity members of the Design-Build Team have agreed to be fully and jointly and severally liable for performance under the Contract, as reflected in the executed Transmittal Letter, Appendix B, Form A;
- The Design-Build Team has agreed to adhere to the Project's DBE requirements as provided in Appendix B, Form T; and
- The information disclosed in the SOQ (including Form L-1, and Form L-2) does not materially adversely affect the Design-Build Team's ability to carry out the Project responsibilities potentially allocated to it.

## 8 FINANCIAL CAPACITY

***Objective:*** To select Design-Build Teams whose team members possess the financial capacity to enter into a contract with NHDOT and the resources to successfully complete the Project.

***Submittal Requirements:*** Design-Build Team shall address the following:

- Provide a letter or other written documentation from a surety or insurance company stating that the Design-Build Team is capable of obtaining a Performance Bond and Payment Bond (refer to Section 1.13 for bond amounts) covering the Project and any warranty periods. Letters indicating "unlimited" bonding capability are not acceptable;
- Major Participants or if Design-Build Team is a partnership, joint venture, or other association, all equity members of Design-Build Team shall complete Appendix B, Form B (Backlog and Financial Information);
- Major Participants or if Design-Build Team is a partnership, joint venture, or other association, all equity members of Design-Build Team shall complete Appendix B, Form R (Past Revenue); and
- Design-Build Teams shall provide insurance certifications, either a certificate of insurance evidencing current policies of, or written evidence from an insurance company or broker indicating that the Design-Build Team is capable of obtaining the following types of insurance: Commercial General Liability, Errors and Omissions, Auto Liability, Workers' Compensation/Employers Liability, Pollution Liability, and Professional Liability insurance. Policy limit requirements will be specified in the RFP.

***Minimum Requirement for Financial Capacity:*** A Design-Build Team must demonstrate its financial capability to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in Section 2 of the SOQ, including but not limited to the following:

- The surety or insurance company shall be admitted to do business in the State of New Hampshire;

- The surety or insurance company must be rated in the top two categories by two nationally recognized rating agencies, or have a "Best's Credit Rating" of at least "A minus" and "Class VIII" or better by A.M. Best Company;
- Design-Build Team shall demonstrate its ability to comply with the Project's bonding requirements, as provided in Section 1.13; and
- Design-Build Team's Major Participants shall provide evidence of capability to provide insurance as provided in Section 8 (D).

## 9 SAFETY PROGRAM

***Objective:*** To identify those Design-Build Teams that can demonstrate the ability to develop and implement an effective safety program.

***Submittal Requirements:*** Complete Form S in Appendix B for each Major Participant.

***Minimum Requirement for Safety Program:***

- Satisfactory safety records. Design-Build Team's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury/illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standard for its business category.
- Design-Build Team demonstrates an understanding of an effective safety program.

## APPENDIX A - PERSONNEL QUALIFICATIONS

Provide resumes for each of the Key Personnel noted in Appendix A, Section 3.

Proposer shall include an express, written commitment that the individuals designated in the SOQ for the positions or roles described in Appendix A, Section 3 shall be available to serve the role so identified in connection with the Project. While NHDOT recognizes personnel availability and scheduling issues impact the Proposers, Proposers are urged only to identify and proffer personnel that they believe will be available for, and intend to assign to work on, the Project for the positions identified. Procedures concerning changes of such personnel will be set forth in the RFP; however, requests to implement such changes will be reviewed very carefully by NHDOT and shall be subject to prior NHDOT approval. Failure to obtain NHDOT approval for such changes may result in disqualification of the Proposer by NHDOT.

# APPENDIX B:
# FORMS

## List of Forms


Form A Transmittal Letter

Form B Backlog and Financial Information

Form E-1 Project Description

Form E-2 Subcontractor Information

Form E-3 Proposed Key Personnel Information

Form L-1 Design-Build Team's Organization Information

Form L-2 Principal Participant and Designer Certification

Form PP-1 Past Performance

Form PP-2 Environmental Past Performance

Form R Past Revenue

Form S Safety Questionnaire

Form T Design-Build Team's Provisional Overall DBE Project Goal Declaration Affidavit

Form U Design-Build Team SOQ Certification

# Form A
# TRANSMITTAL LETTER

**DESIGN-BUILD TEAM**: _____

SOQ Date: [Insert Date]

New Hampshire Department of Transportation
P.O. Box 483
Concord, New Hampshire 03302-0483

Attn: Mr. Keith A. Cota, P.E.

The undersigned ("Design-Build Team") submits this proposal and statement of qualification submittal (this "SOQ") in response to that certain Request for Qualifications dated as of January 16, 2019 (as amended, the "RFQ"), issued by the New Hampshire Department of Transportation ("NHDOT") to design and construct I-93 Exit 4A Project, as described in the RFQ.

Enclosed, and by this reference incorporated herein and made a part of this SOQ, are the following:

Transmittal Letter (this Form A)

Form U, Design-Build Team's SOQ Certification

Section 4: Firm Experience and Past Performance

Section 5: Key Personnel

Section 6: Project Understanding and Approach

Section 7: Quality Assurance Program

Section 8: Legal Structure

Section 9: Financial Capacity

Section 10: Safety Program

Appendices A: Personnel Qualifications (Resumes)

Design-Build Team acknowledges receipt, understanding, and full consideration of all materials posted on NHDOT's website (https://www.nh.gov/dot/projects/derrylondonderry13065/index.htm) as set forth in Section 1.14, and the following addenda and sets of questions and answers to the RFQ:

*[Design-Build Team to list any addenda to this RFQ and sets of questions and answers by dates and numbers prior to executing Form A.]*

# Form A
# TRANSMITTAL LETTER

Design-Build Team represents and warrants that it has read the RFQ and agrees to abide by the contents and terms of the RFQ and the SOQ.

If the Design-Build Team consists of more than one entity, all members of the Design-Build Team entity agree to accept joint and several liabilities for performance under the Contract.

Design-Build Team understands that NHDOT is not bound to pre-qualify any Design-Build Team and may reject each SOQ NHDOT may receive.

Design-Build Team further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Design-Build Team, except, to the extent of any payment made by NHDOT following short-list determination, as described in Section 1.15 of the RFQ.

Design-Build Team agrees that NHDOT will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in this SOQ.

This SOQ shall be governed by and construed in all respects according to the laws of the States of New Hampshire.

Design-Build Team's business address:

_____

(No.) (Street) (Floor or Suite)

_____

(City) (State or Province) (ZIP or Postal Code) (Country)

State or Country of Incorporation/Formation/Organization: _____

*[insert appropriate signature block from following pages]*

# Form A
# TRANSMITTAL LETTER

1. Sample signature block for corporation or Limited Liability Company:

*[Insert Design-Build Team's name]*

By: _____

Print Name: _____

Title: _____

2. Sample signature block for partnership or joint venture:

*[Insert Design-Build Team's name]*

By: *[Insert general partner's or equity member's name]*

By: _____

Print Name: _____

Title: _____

*[Add signatures of additional general partners or equity members as appropriate]*

3. Sample signature block for attorney in fact:

*[Insert Design-Build Team's name]*

By: _____

Print Name: _____
Attorney in Fact

# Form B
# BACKLOG AND FINANCIAL INFORMATION

**Name of Design-Build Team:**

**Instructions for Form completion:** Responses shall be addressed within the table below, should additional space be needed to adequately respond, Design-Build Teams are advised to increase the number of lines within the table as appropriate. Form B shall have no SOQ page limitation.

| Design-Build Team Entities and Firm Names | Contracts in Force (Number) | Total Contract Value (US$ millions) | Value of Work Remaining by Year (US$ millions) | | |
|---|---|---|---|---|---|
| | | | 2019 | 2020 | 2021 |
| **Major Participant(s):** | | | | | |
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| **Designer:** | | | | | |
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# Form E-1
# PROJECT DESCRIPTION

**Name of Design-Build Team:**

**Instructions for Form completion:** Form E-1 is limited to a maximum of 3 pages for each completed project.

**Name of Firm:**

**Project Role:** _____

**Major Participant**: _____ **Designer:** _____

**Other (Describe):** _____

**Years of Experience:** _____

**Project Name, Location, Description, and Nature of Work for Which Company Was Responsible:**

*(Use additional lines within this section as necessary to response to this questions)*

**Provide Project Description and Describe Site Conditions:**

*(Use additional lines within this section as necessary to describe project and site conditions)*

**List Any Awards, Citations, and/or Commendations Received for the Project:**

**Name of Client** (Owner/Agency, Contractor, etc.):

_____

Address: _____

_____

Contact Name: _____ Telephone: _____

Owner's Project or Contract No.: _____ Fax No: _____

Contract Value (US$): _____ Final Value (US$): _____

Percent of Total Work Performed by Company: _____ Commencement Date: _____

Planned Completion Date: _____ Actual Completion Date: _____

Amount of Claims: _____ Any Litigation? Yes ____ No ____

# Form E-2
# SUBCONTRACTOR INFORMATION
**(Including Consultants)**

**Name of Design-Build Team:**

**Instructions for Form completion:** Responses shall be addressed within the table below, should additional space be needed to adequately respond, Design-Build Teams are advised to increase the number of lines within the table as appropriate. Form E-2 has no SOQ page limitation.

| Subcontractor Name [1,2] | Address and Telephone Number | Work Planned for the Project |
|---|---|---|
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(1) At a minimum, list specialized subcontractors except for the Designer.

(2) Attach a maximum one-page summary of subcontractor experience for each subcontractor listed, including consultants.

# Form E-3
# PROPOSED KEY PERSONNEL INFORMATION

**Name of Design-Build Team:**

***Instructions for Form completion:*** *Responses shall be addressed within the table below, should additional space be needed to adequately respond, Design-Build Teams are advised to increase the number of lines within the table as appropriate. Form E-3 has no SOQ page limitation.*

| Position | Name | Years of Experience | Education and Registrations | Parent Firm Name | Reference Name and Telephone & Fax Numbers [1] |
|---|---|---|---|---|---|
| **Project Manager** | | | | | |
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| **Construction Manager** | | | | | |
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| **Design Manager** | | | | | |
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| **Quality Control Administrator** | | | | | |
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[1] Provide three references for each position identified on Form E-3.

# Form E-3
# PROPOSED KEY PERSONNEL INFORMATION

**Name of Design-Build Team:**

***Instructions for Form completion:*** *Responses shall be addressed within the table below, should additional space be needed to adequately respond, Design-Build Teams are advised to increase the number of lines within the table as appropriate. Form E-3 has no SOQ page limitation.*

| Position | Name | Years of Experience | Education and Registrations | Parent Firm Name | Reference Name and Telephone & Fax Numbers [1] |
|---|---|---|---|---|---|
| **Environmental Compliance Manager** | | | | | |
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| **ROW Project Administrator** | | | | | |
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# Form L-1
# DESIGN-BUILD TEAM'S ORGANIZATION INFORMATION

**Name of Design-Build Team:**

**Instructions for Form completion:** Responses to each subject area shall be addressed within the table below, should additional space be needed, Design-Build Teams are advised to increase space following question as appropriate. Form L-1 shall have no SOQ page limitation.

**Design-Build Team (Individual Firm / Joint Venture / Partnership / LLC)**

**Name of Entity:** _____

Address: _____

_____

Contact Name: _____ Title: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

**Local / Regional Contact**

**Name:** _____

Address: _____

_____

Telephone No.: _____ Fax No.: _____ E-mail: _____

**Name(s) of Design-Build Team Entity(ies)**

| **Company Name** | **Address and Telephone & Fax Numbers** | State of Incor-poration: | Lead Participant? Yes | No |
|---|---|---|---|---|
| **Major Participant(s)** | | | | |
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| **Designer** | | | | |
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# Form L-2
# PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

**Name of Design-Build Team:**

**Firm Name:**

**Instructions for Form completion:** Responses to each question shall be addressed within the table below, should additional space be needed, Design-Build Teams are advised to increase space following question. Form L-2 shall have no SOQ page limitation.

| *Complete for each Major Participant and the Designer: Design-Build Teams are advised that responses to questions contained within Form L-2 shall be governed by past performance conducted within the United States.* |
|---|
| 1. Has the firm[1] or its owners, officers, or managing employees ever failed to complete any work it agreed to perform, or had a contract terminated because it was in default? If yes, describe. |
| 2. Has the firm[1] or any officer thereof been indicted or convicted of bid or other contract-related crimes or violations or any felony or misdemeanor related to performance under a contract within the past five years? If yes, describe. |
| 3. Has the firm[1] ever sought protection under any provision of any bankruptcy act or been subject to a receivership or involuntary bankruptcy proceeding? If yes, describe and provide information concerning any work completed by a surety as a result of the bankruptcy or receivership. |
| 4. Has the firm[1] ever been debarred, disqualified, removed, or suspended from performing work for the Federal government or any State or local government in the last five years? If yes, describe. |
| 5. Has any serious or willful violation of Part 1 (commencing with section 6300 of Division 5 of the Labor Code or the Federal Occupational Safety and Health Act of 1970 (Public Law 91-596), settled against the firm[1]? If yes, describe. |

# Form L-2
# PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

| |
|---|
| 6. Has the firm[1], or its owners, officers, or managing employees, submitted a bid on a public works project and found to be nonresponsive, or found by an awarding body not to be a responsible bidder in the last five years? If yes, describe. |
| 7. Has any violation of the Contractors' State License Law, including alleged violations of Federal or State law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding or Federal Insurance Contribution Act (FICA) withholding requirements, settled against the firm[1]? If yes, describe. |
| 8. Have any adverse claims, disputes, or lawsuits between the owner of a public works project and the firm[1], in which the claim, settlement, or judgment exceeds $50,000, settled during the past five years? If yes, describe. Provide any information concerning any work completed by a surety during the past five years. |
| 9. Has the New Hampshire Labor Commissioner found the firm[1] to be in willful violation of New Hampshire Labor Code? If yes, describe. |
| 10. Has the firm[1] been convicted of violating a State or Federal law relating to the employment of undocumented aliens in the past five years? If yes, describe. |
| 11. Has the firm[1] or its agent made any contribution of more than $250 to any officer/commission member of NHDOT within the preceding 12 months? If yes, describe. |
| 12. List up to five financial institutions with which the firm[1] has done the most business during the past five years and identify the individual at each institution who was in charge of the firm's[1] accounts. Indicate the address, telephone, and fax numbers of each individual. |

# Form L-2
# PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

| |
|---|
| 13. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder? |
| 14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner? |
| 15. Has a surety firm completed a contract on your behalf or paid for completion because your firm was in default or terminated by the project owner within the last five years? |

*(Must be signed by an officer of the firm)*

**Firm:** _____

**By:** _____

**Title:** _____

**Name of Design-Build Team:** _____

# Form PP-1
# PAST PERFORMANCE

**Name of Design-Build Team:**

**Name of Major Participant:**

***Instructions for Form completion:*** *Should additional lines be needed by Design-Build Teams to address subject areas identified in the table below, Design-Build Team shall add additional lines within each subject area as appropriate. Form PP-1 has no SOQ page limitation.*

**Awards, Citations, and/or Commendations:**

| Name of Award, etc. | Year Received | Project and Location | Work for Which Award, etc. Was Received |
|---|---|---|---|
| | | | |
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**Litigation, Claims, Dispute Proceedings, and Arbitration:**

| Project/Issue | Owner/Agency That Initiated Action | Resolution/Outcome | Is Unresolved or Action Outstanding? | Current Owner Contact Name and Telephone & Fax Numbers. |
|---|---|---|---|---|
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# Form PP-1
# PAST PERFORMANCE

**Liquidated Damages:**

| Project Name | Cause of Delay(s) | Amount Assessed | Describe Outstanding Damage Claims by Any Owner | Current Owner Contact Name, and Telephone & Fax Nos. |
|---|---|---|---|---|
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**Termination for Cause:**

| Project Name | Describe Reason for Termination | $ Amount Involved | Current Owner Contact Name, Telephone & Fax Nos. |
|---|---|---|---|
| | | | |
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**Disciplinary Action:**

| Project Name | Describe Action Taken | Current Owner Contact Name, Telephone & Fax Nos. |
|---|---|---|
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# Form PP-2
# ENVIRONMENTAL PAST PERFORMANCE

**Name of Design-Build Team:**

**Name of Major Participant:**

***Instructions for Form completion:*** *Should additional lines be needed by Design-Build Teams to address subject areas identified in the table below, Design-Build Team shall add additional lines within each subject area as appropriate. Form PP-2 has no SOQ page limitation.*

**Environmental Awards and/or Commendations:**

| Name of Award | Year Received | Project and Location | Work for Which Award Received |
|---|---|---|---|
| | | | |
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**Environmental Citations:**

| Name of Citations | Year Received | Project and Location | Work for Which Citation Received |
|---|---|---|---|
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# Form R
# PAST REVENUE

**Name of Design-Build Team:**

| Firm Name (Design-Build Team Entities) | Total Revenue ($US in Millions) | | |
|---|---|---|---|
| | 2015 | 2016 | 2017 |
| **Major Participant(s):** | | | |
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| **Designer:** | | | |
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# Form S
# SAFETY QUESTIONNAIRE

**Name of Design-Build Team:** _____

**Name of Major Participant:** _____

**Instructions for Form completion:** Should additional lines or space be needed by Design-Build Teams to address subject areas identified in the tables and questions below, Design-Build Team shall add additional lines within each subject area as appropriate. Form S has no SOQ page limitation.

1. Provide the following information for the past three years:

| Item | 2015 | 2016 | 2017 |
|---|---|---|---|
| **Experience Modification Rate** | | | |
| **Lost Work Rate** | | | |
| **Employee hours worked**<br>(Do not include non-work time, even though paid) | | | |
| **Number of lost workday cases** | | | |
| **Number of restricted workday cases** | | | |
| **Number of cases with medical attention only** | | | |
| **Number of fatalities** | | | |

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

| Position | No | Yes | Monthly | Quarterly | Annually |
|---|---|---|---|---|---|
| | | | | | |
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3. Do you hold site meetings for supervisors? Yes _____ No _____

   How Often? Weekly___ Biweekly___ Monthly___ Less often, as needed____

4. Do you conduct Project Safety Inspections? Yes _____ No _____

   By Whom? _____

   _____

   How Often? Weekly___ Biweekly___ Monthly___

5. Does the firm have a written Safety Program? Yes _____ No _____

# Form S
# SAFETY QUESTIONNAIRE

6. Does the firm have an orientation program for new hires? Yes _____ No _____

   If yes, what safety items are included? _____

   _____

   _____

7. Does the firm have a program for newly hired or promoted foremen?

   Yes _____ No _____ If yes, does it include instruction of the following?

| Topic | Yes | No |
|---|---|---|
| **Safety Work Practices** | | |
| **Safety Supervision** | | |
| **On-site Meetings** | | |
| **Emergency Procedures** | | |
| **Accident Investigation** | | |
| **Fire Protection and Prevention** | | |
| **New Worker Orientation** | | |

8. Does the firm hold safety meetings, which extend to the laborer level?

   Yes _____ No _____

   How often? Daily ____ Weekly ____ Bi-Weekly ____ Less often, as needed ____

9. (For Design-Build Team only) Indicate the safety record on the last Project to which the indicated key personnel were assigned:

| Key Person | Total Hours Worked by All Employees on Project | Number of Lost Workday Cases on Project | Number of Restricted Workday Cases on Project | Number of Cases with Medical Attention Only on Project | Number of Fatalities on Project |
|---|---|---|---|---|---|
| **Project Manager** | | | | | |
| **Construction Manager** | | | | | |

# Form S
# SAFETY QUESTIONNAIRE

10. Has New Hampshire OSHA cited and assessed penalties against your firm for any "serious," "willful," or "repeat" violations of its safety or health regulations in the past five years?

    Yes _____ No _____

    (If yes, attach a separate signed page describing the citations, including information about the dates of the citations, nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.)

11. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

    Yes _____ No _____

    (If yes, attach a separate signed page describing each citation.)

# Form T
# DESIGN-BUILD TEAM'S PROVISIONAL OVERALL DBE PROJECT GOAL DECLARATION AFFIDAVIT

**Name of Design-Build Team:** _____

It is understood and agreed by the Design-Build Team that it has carefully examined all documents that form this Request for Qualifications (RFQ) and acknowledges that New Hampshire Department of Transportation (NHDOT) has established a proposed Overall Project DBE goal of **2%** based on the total project value for this Design-Build Project. This affidavit further serves to confirm that (***INSERT DESIGN-BUILD TEAM NAME HERE***) will aggressively exercise good faith efforts to the satisfaction of NHDOT to meet the proposed Overall Project DBE goal in accordance with DBE Design-Build Program requirements defined in the Request for Proposal (RFP) documents, when issued. The proposed Overall Project DBE goal is considered "Provisional" at this time, as NHDOT is currently in the process of securing required approvals of the proposed Overall Project DBE goal from U.S. Department of Transportation (U.S. DOT).

It is further understood by the Design-Build Team that in the event the Design-Build Team commits to exceed the established provisional overall DBE project goal, the DBE goal of record will be that committed to by the Design-Build Team. In fulfilling the Design-Build Team's commitment to meet or exceed the established overall DBE project goal, the Design-Build Team will adhere to all DBE provisions set forth in the Authority's DBE Program, this solicitation, regulatory requirements, and any contract which results there from.

# Form T
# DESIGN-BUILD TEAM'S PROVISIONAL OVERALL DBE PROJECT GOAL DECLARATION AFFIDAVIT

STATE OF _____)
)
COUNTY OF _____)

Each of the undersigned, being first duly sworn, deposes and says that _____
(Contact Name)

is the _____ of _____ and _____ is the _____
(Title) (Company) (Contact Name) (Title)

of _____, which entity(ies) are the _____
(Company) (Joint Venture/Partnership, Other)

of_____, the entity making the foregoing Proposal.
(Joint Venture Company)

The Design-Build Team hereby affirms that it will either meet the DBE goals described in this solicitation or exercise and provide demonstrable evidence to the satisfaction of the New Hampshire Department of Transportation (NHDOT) that it has aggressively exercised Good Faith Efforts to do so in accordance with defined program requirements, including contractual and regulatory provisions set forth under Title 49, Code of Federal Regulations (CFR), Part 26 and subsequently published Design-Build DBE Federal Registrars.

| | |
|---|---|
| _____ | _____ |
| (Signature) | (Signature) |
| _____ | _____ |
| (Name Printed) | (Name Printed) |
| _____ | _____ |
| (Title) | (Title) |

Subscribed and sworn to before me this _____ day of _____, 20_____.

**Notary Public in and for said County and State**

[Seal]

**My commission expires: _____.**

*[Duplicate or modify this form as necessary so that it accurately describes the entity making the proposal and so that it is signed on behalf of all partners/members of the proposing firm.]*

# Form U
# DESIGN BUILD TEAM SOQ CERTIFICATION

*A COPY OF THIS CERTIFICATION MUST BE COMPLETED AND SIGNED BY DESIGN-BUILD TEAM AND, IF A DESIGN-BUILD TEAM IS A PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE OR OTHER ASSOCIATION, THEN A SEPARATE CERTIFICATION MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF EACH MEMBER AND SUBMITTED WITH THE STATEMENT OF QUALIFICATIONS.*

**DECLARATION**

STATE OF _____)
)SS:
COUNTY OF _____)

I, (printed name) _____, being first duly sworn, state that I am the (title) _____ of the Design-Build Team.

I certify that I have read and understood the information contained in the Request for Qualifications issued by the New Hampshire Department of Transportation for the I-93 Exit 4A Project and the attached Statement of Qualifications (SOQ), and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this SOQ is complete, current, and true. I further acknowledge that any false, deceptive, or fraudulent statements in the SOQ will result in denial of short-list status.

_____
(Signature)

_____
(Name Printed)

**ACKNOWLEDGMENT**

On this _____ (date) before me, _____ (name and title of officer) personally appeared, _____ (name of signer above) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New Hampshire that the foregoing paragraph is true and correct.

Witness my hand and official seal.

_____
Notary Public in and for
said County and State

[Seal]

My commission expires: _____.

NOTICE TO APPLICANTS:

A material false statement, omission, or fraudulent inducement made in connection with this Statement of Qualifications is sufficient cause for denial of the application. In addition, such false submission may subject the person or entity making the false statement to criminal charges.

# APPENDIX C

# FORM RFQ-C
## Design Build Team's Clarification Request

**Name of Major Participant:**

| RFQ Section No. or Appendix | Question | Reserved for Department Response |
|---|---|---|
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