

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

The following Matrix includes NHDOT's response to questions and comments regarding the Interstate 93 Exit 4A Project RFQ received by February 27, 2019 deadline for questions and request for clarifications.

No.	Doc/Section/Page No.	Question/Comment	Department Response
1	RFQ / Section 2.5 / Page 15-16	Will the Department be periodically answering questions before the 2/27/19 deadline, or accumulating them until 2/27 then issuing 1 set of answers?	It is the intent of NHDOT to respond to questions or clarifications periodically at the Department's discretion. However, as stated in Section 2.5 Questions and Clarifications of RFQ- "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."
2	Appendix A / Section 4.4 / Page A-5 – A-6	Section 4.D describes the role and responsibilities of the Quality Control Administrator (QCA). This section states: "The Quality Control Administrator will be available to the project 100% of the time for the duration of the Project." It further states: "The Quality Control Administrator must not be assigned any other duties or responsibilities on this project or any other project unless approved by NHDOT." A professional engineer of this experience level, dedicated to this specific role for the project duration, will add considerable cost to the project. Please clarify if the QCA must be assigned to and located at the project site office 100% of the time during design and construction, or if they can work from an off-site location for a portion of the time. To fulfill the QCA duties while providing the best value to NHDOT, please also provide some indication of when NHDOT would allow the QCA to be assigned other duties/responsibilities or work on other projects	The qualifications for the Quality Control Administrator will be revised. It is the intent that the QCA shall be 100% committed to the project and be promptly available to the extent needed to perform the Work for the duration of the Project. No inference is made to the location of the QCA. See Addendum # 1 forthcoming for clarifications to the QCA requirements.
3	Appendix B / Form E-1 / Project Description	For the Client contact information, please confirm that it is acceptable to include an e-mail address in lieu of fax number; many firms no longer maintain fax capability.	E-mail is acceptable in lieu of fax number. See Addendum # 1 forthcoming.

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4	Appendix B / Form E-1 / Project Description	Form E-1 is limited to three pages. Please confirm if project photos can be incorporated into Form E-1 as part of the three-page limit	Photographs may be included as part of Form E-1 and will be considered as part of the three page limit.
5	Appendix B / Form L-2 / Principal Participant and Designer Certification	Form L uses a superscript "1" at several locations after the word "firm". Please clarify what this superscript is intended to refer to.	Form L-2 will be revised to include Foot Note 1 that states: "Firm" includes any Affiliate. See Addendum # 1 forthcoming.
6	Appendix A / Section 4 / Page A- 4	Section 4 requires resumes to be submitted for each of the key personnel. Please confirm it is acceptable to submit resumes for other, "value added" positions that are intended to be included in the org chart.	Resumes other than Key Personnel should not be submitted. If additional resumes are submitted they will not be reviewed. D-B teams looking to include descriptions of "value added" positions can do so in Section 5- Project Understanding and Approach narrative.
7	Appendix B / Form E-1	The second text box on Form E-1 asks for "Project Role", "Major Participant", "Designer" and "Other". If Form E-1 is being filled out by a contractor, would the "Designer" entry be the Engineer of Record for that particular project, or should this field be "N/A"?	The second text box in Form E-1 is asking for the proposer to denote the capacity in which they were involved in the specified project. If the proposer served as a "Major Participant" and/or "Designer", as described in RFQ Section 1.1.2 Definitions, the proposer shall indicate as such on the appropriate line. If a proposer did not serve in either of those capacities, they are to fill in "Other", in which case a description is needed. See Appendix A, "Requirements and Information" under Section 2.
8	Appendix B / Form E-1	Does the "Years of Experience" box on Form E-1 refer to the total years of experience for a contractor or design firm?	Years of Experience refers to the firms' total years for the specific project. The Proposer is to highlight their experience for each Major Participant. (See Page A-2 of the RFQ) for the project that they are identifying as a reference. They will need to fill one out for each project. The Proposer shall provide no more than four project descriptions for each Major Participant.

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9	Appendix B / Form E-1	In the bottom text box of Form E-1, if form is being completed by a design firm, would "Contract Value (US\$)" be final project construction value or design fee value?	The "Contract Value (US\$)" is the total project cost including the design fee.
10	Appendix A / Page A-2; Appendix B / Form E-1	Page A-2 includes the following header: "Each project description must include the following information as appropriate:..." The (7) bullets that follow include requests for various information, such as quantity and value of contract modifications, and cost and schedule growth or reduction. There are specific text box entries for some of the information but not all. Can we assume that any requested information for which there is no text box should be addressed within the project narrative?	Appendix A describes the specific information that must be included in the SOQ. Appendix A is not considered a form.  Appendix B includes forms that are to be used in response to this RFQ. Section 3.1 states "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." All forms contain space to provide responses.
11	Appendix A / Section 9 / Page A-10 and Appendix B / Form S	Page A-10, Section 9 states: "Objective: To identify those Design- Build Teams that can demonstrate the ability to develop and implement an effective safety program." Is completion of Form S by each Major Participant the only requirement to demonstrate this ability per the RFQ, or does NHDOT anticipate additional narrative on implementation of safety programs by the design-builder?	Section 9 of Appendix A describes the "Submittal Requirements" and "Minimum Requirements" for the Safety Program. The Proposer may include additional information in the narrative as long as it complies with the requirements of the RFQ.
12	Cover and RFQ / Issuance Letter / Page 1	Two different submission times are given for the SOQ: 2PM on cover and 3PM on issuance letter. Which is correct?	2:00 PM (Eastern Standard Time) is correct. The forthcoming Addendum #1 will modify the Issuance Letter to reflect.
13	RFQ / Section 1.6, Funding / Page 9	If additional funding is required, will this delay the Project or be cause for not awarding the contract? If potentially, can additional funding (25% +/-) be appropriated prior to issuance of the Final RFP?	The proposed project is a priority infrastructure improvement in the approved Ten Year Transportation Improvement Plan. NHDOT has standard procedures in place to address project funding and schedule impacts, if needed, as the project develops.

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14	RFQ / Sections 1.5, 1.6, 1.8 / Pages 8-11	It seems that much of the project timeline advantage offered by the Design-Build contracting method will be lost due to the time required for Right-of- Way acquisition and utility relocations. Of specific concern is the transmission line at the proposed bridge and interchange location. Would the Department consider taking over the utility piece? That would allow 16 months of utility effort to be completed before the anticipated award date to the D-B.	Division of responsibility between the Design-Build Team and the NHDOT for utility relocation and right-of-way requirements will be detailed in the RFP.
15	RFQ / Sections 1.13, Bond Requirements / Page 12	This section states the Design-Builder will be required to submit bonds in the amount of \$50,000,000. Demonstrating capacity for such bonds makes sense, but the actual bonds will be for the bid amount, correct?	Yes, the \$50M is to demonstrate capacity; however actual bonds will be for bid amount.
16	RFQ / Section 1.13, Insurance Requirements / Page 12	Should this section specify that the selected Design-Builder will indemnify NHDOT, etc., for all claims arising out of acts or omissions of the Design-Builder or its consultants, subconsultants, and subcontractors?	Modification of this statement as proposed would limit the liability of the Design-Builder and not conform to federal requirements under FHWA-1273 (revised May 1, 2012). FHWA-1273 will be a component of the RFP that addresses other contract liabilities for federally funded projects on false statements, suspension/debarment, lobbying, bid conclusion, bid rigging, and fraud. Insurance requirements will be detailed in the RFP documents.
17	RFQ / Section 6.1, RFQ Protest / Page 26	In the 4th sentence, would the Department consider removing the word "defend"? This is consistent with contract language revisions that ACEC and NHDOT have been working together on.	RFQ Section 6.1 will be revised to delete the word "defend". See Addendum # 1 forthcoming.
18	RFQ / Section 7, NHDOT Rights / Page 29	<b>In the 5<sup>th</sup> bullet, does this mean that the Department will not provide stipends to the short-listed teams in the RFP stage if the RFP or Project is cancelled?</b>	<p><b>Per Section 1.15, "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."</b></p> <p><b>In addition, see last paragraph in Section 7 on Page 30.</b></p> <p style="text-align: center;">See Response to Question 43 below.</p>

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19	Appendix A / Section 2 / Page A-2	In the last sentence of the 3 <sup>rd</sup> bullet, can the words “design-build” be removed? Since there have not been many DB projects in the State of New Hampshire, this is more favorable for out-of-state firms and it makes it difficult for in-state firms to meet this requirement. It is understood that DB experience may receive a more favorable score in the evaluation of this qualification component, but it allows teams without a lot of DB experience to be evaluated to some degree based on the project experiences that they can exhibit.	No change will be made. The intent of Appendix A, Section 2, is to identify a Design-Build Team with Design-Build and project experience of scope/scale similar to the I-93 Exit 4A Project. The partner arrangements of the D-B Team remains between the contractor, designer, and any other team member as to what role they play. It is important that one or more of the team members have a good understanding of the Design-Build procurement process and expectations and experience working on Design-Build projects.
20	Appendix A / Section 2 / Page A-3	Can the words “design-build” be eliminated from the sentence provided with the bold “Firm Experience and Past Performance Criteria?” Since there have not been many DB projects in the State of New Hampshire, this is more favorable for out-of-state firms and it makes it difficult for in-state firms to meet this requirement. It is understood that DB experience may receive a more favorable score in the evaluation of this qualification component, but it allows teams without a lot of DB experience to be evaluated to some degree based on the project experiences that they can exhibit.	See response to Question #19 above.
21	Appendix A / Section 2 / Page A-3	3 <sup>rd</sup> bullet from the bottom: Can the Department clarify the key attributes of what it considers a “major bridge project”?	A “major bridge project” will consist of being at a minimum, comparable to the same size, type, and scope of the proposed Exit 4A overpass.
22	Appendix A / Section 3 / Page A-4	First bullet: Does the Department mean “...design discipline leaders <b>AND</b> construction superintendent level...?”	Yes, the intent is for the Organizational Chart to show the functional structure, “chain of command”, for both Design and Construction.
23	Appendix A / Section 3 / Page A-4	<b>Other than professional engineering licensure, does the Department have a list that can be provided for the required licenses to meet the requirements of the second bullet on this page?</b>	<b><del>Required Licenses, in addition to professional engineering licensure, refers to the Design-Build Team having necessary licenses or certifications by the NH Secretary of State Office for the planned work of the Project.</del></b>  See Response to Question 44 below.

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24	Appendix A / Section 3 / Page A-4	3 <sup>rd</sup> bullet – Subcontractor Information: Is it the intent to list and provide a one-page write-up on every potential subcontractor or consultant, other than the designer, for the project (guardrail, pavement markings, flaggers, temporary signals etc.)? Please clarify.	Proposer shall complete Form E-2, listing all planned subcontractors and include a maximum of one page summary of their experience. At a minimum, proposer shall include specialized subcontractors except for the Designer as indicated on Form E-2.
25	Appendix A / Section 4 / Pages A-5 and A-6	The word “complex” is used throughout in describing projects. Can this word be removed, or can the definition and attributes of a complex infrastructure project and complex design-build project be clarified or added to Section 1.1.2?	“Complex” means similar in scope and magnitude as the I-93 Exit 4A Project.
26	Appendix A / Section 4 / Page A-5	Can the last bullet under Project Manager be removed or modified to eliminate “design-build” and “with a value in excess of \$50M?”. The only DB project that was completed in NH for more than \$50M was the Memorial Bridge completed 6 years ago. This sentence as written makes it difficult for in-state firms to compete with out-of-state firms.	The qualifications of the Project Manager will be revised. The language that states “with a value in excess of \$50M” will be deleted. See Addendum # 1 forthcoming.
27	Appendix A / Section 7 / Page A-8	Under “Submittal Requirements” the RFQ states that the information requested under 7 – Legal Structure shall be submitted under Section 1. If this is the case, is the intent that Section 7 would be submitted with no contents or is this a typographical error and the Section 7 materials should be submitted under Section 7?	See Addendum #1 forthcoming.
28	Appendix A / Section 7 / Page A-10	Last sentence of third bullet says “...provided in Section 8 (D).”. What is “D”? Is this referring to the 4 <sup>th</sup> bullet under Section 8?	The (D) is in reference to the fourth bullet under Section 8 in Appendix A / Section 8 / Page A-9. See Addendum # 1 forthcoming.
29	Appendix A / Appendix A / Page A-10	Appendix A – Personnel Qualifications, first sentence: Is Section “3” supposed to be Section 4? Also, in first sentence of the following paragraph?	The correct reference is Section 4 of Appendix A. See Addendum #1 forthcoming.

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30	Appendix B / Form A	The Form A Transmittal Letter template includes section numbers and descriptions that do not agree with the body of the RFQ. Which is correct or to be used in the SOQ?	See Addendum #1 forthcoming
31	Appendix B / Form B	Why are there separate sections for “Major Participant(s)” and the “Designer” when the RFP defines the Designer as a Major Participant in Section 1.1.2?	The Department is looking for the Proposer to identify which Major Participants are Designers.
32	Appendix B / Form L-1	Why are there separate sections for “Major Participant(s)” and the “Designer” when the RFP defines the Designer as a Major Participant in Section 1.1.2?	The Department is looking for the Proposer to identify which Major Participants are Designers.
33	Appendix B / Form L-2	What is the “1” superscript referring to in this form? There does not appear to be a footnote included with this form.	See response to Question #5 above.
34	Appendix A / Section 4 / Page A-4 through A-6	The RFQ states that: “ <i>The <b>number of years</b> 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.</i> ” Does this mean that the other criteria (not just # years) e.g. “... <i>complex design-build project management of infrastructure projects with a value in excess of \$50M.</i> is a minimum requirement?	See response to Question #26 above.
35	Appendix A / Section 4 / Page A-5	The RFQ states that: “ <i>The number of years of experience listed for each Key Personnel represents a <b>target goal for evaluation purpose ...</b></i> ” Does this mean that the Project Manager’s target goal and the evaluation of the PM will be based on 5 years of PM experience <b>on Design-Build projects in excess of \$50 million</b> ? Since there has been only one such project in NH, ever, this gives preference and an unfair advantage to out-of-state Contractors/Design-Builders	See response to Question #26 above.
36	Appendix A / Section 4 / Page A-5, A-6	<b>The RFQ states that: <i>The Quality Control Administrator will work directly for the Design-Builder under the direct supervision of the Project Manager.</i></b> <b>Does this mean that the QCA must be an employee of the Design-Builder?</b>	<del>Yes, the Quality Control Administrator must be an employee of any entity of the Design-Build Team.</del>  See Response to Question 45 below.

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37	Appendix A / Section 4 / Page A-5	<p>The RFQ states that: <i>“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.</i></p> <p>Please define:</p> <ol style="list-style-type: none"> <li>1) What “available to the project means”</li> <li>2) What are critical design activities</li> <li>3) If “on site” means the PM must be at the consultant’s design office where the “critical design activity” is taking place</li> <li>4) What are critical construction activities</li> <li>5) If “on site” means the PM must be at the Exit 4A construction trailer/in the field when the “critical construction activity” is taking place.</li> </ol>	<ol style="list-style-type: none"> <li>1. “Available to the project 100% of the time” means the person must be committed to the project and be promptly available to the extent needed to perform the work for the percentages specified in the RFQ.</li> <li>2. Critical design activities are major work packages or submittals. See Addendum # 1 forthcoming for clarification.</li> <li>3. “On-site” means project office or construction site.</li> <li>4. See Addendum # 1 forthcoming for clarification.</li> <li>5. “On-site” means project office or construction site.</li> </ol>
38	Appendix A / Section 4 / Pages A-4 through A-7	<p>For all the Key Personnel the RFQ employs the term: <i>“...available to the Project...”</i></p> <p>Please define this term for each of the six (6) Key Personnel so that all Design-Builders submitting an SOQ are doing so based on the same understanding of the expectations of the Department.</p>	<p>Key personnel must be committed to the project and be promptly available to the extent need to perform the work for the percentages specified in the RFQ.</p>
39	Appendix A / Section 4 / Pages A-4 through A-7	<p>For the following Key Personnel: Project Manager, Construction Manager, Quality Control Administrator, and Environmental Compliance Manager the RFQ employs the term: <i>“...complex...”</i></p> <p>Please define this term for each of these Key Personnel so that all Design-Builders submitting an SOQ are doing so based on the same understanding of the expectations of the Department.</p> <p>The I-93 Exit 4A project includes roadway and bridge construction that does not appear to be “complex, either as components or as a construction project, even with the need for the design- Builder to manage the design process as well.</p> <p>This term has not been used for the Design Manager, so it appears that the design is not considered “complex”.</p>	<p style="text-align: center;">See response to Question #25 above.</p>
40	RFQ / Section 1.3 / Page 6 Item #14	<p>The RFQ states that NHDOT will acquire all full ROW acquisitions. Will NHDOT be responsible for pre-demolition audits and removal of the buildings to be demolished?</p>	<p>The Design-Builder will perform all building demolition work for the acquired ROW, even though NHDOT will perform the full acquisition work. Building demotion will be addressed further within the RFP.</p>



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41	RFQ / Section 1.6 / Page 10, Table 1-1	The State Agencies section appears to contain conflicting information regarding the 401 Water Quality Certification. The status notes <i>'permit will be obtained by NHDOT prior to construction award'</i> but goes on to note that the D-B entity is responsible for this permit. Can NHDOT please clarify expectations for this regulatory approval?	The NHDOT, Town of Londonderry, and Town of Derry will submit the application for the 401 Water Quality Certification based on the design provided by the Design-Build Team.  This will be addressed further within the RFP.
42	Form RFQ-C Released 02/20/2019 / Question 6	In its response to Question 6 on Form RFQ-C, released on 2/20/2019, the NHDOT indicated that it requires resumes for only the 6 Key Personnel defined on page A-5 to A-6. The NHDOT had also indicated in Section 3.5 of the RFQ that appendices shall be placed together in a separate three-ring binder. Since the only allowable appendix is for a maximum of 12 pages of resumes, does the NHDOT still want a separate binder for these pages?	Yes, in accordance with Section 3.5 of the RFQ, the Appendix (resumes) must be in a separate three-ring binder.
43	RFQ / Section 7, NHDOT Rights / Page 29	In the 5 <sup>th</sup> bullet, does this mean that the Department will not provide stipends to the short-listed teams in the RFP stage if the RFP or Project is cancelled?	Should the Department cancel the project in the RFP stage, stipends will be provided to shortlisted teams. Should shortlisted teams withdraw or fail to submit a technical proposal, no stipend will be provided. Further detailing regarding stipend requirements will be provided in the RFP.  This replaces response to Question #18 above.
44	Appendix A / Section 3 / Page A-4	Other than professional engineering licensure, does the Department have a list that can be provided for the required licenses to meet the requirements of the second bullet on this page?	Licenses and/or certification necessary to complete the work includes, but not limited to, engineering licensure, contractor prequalification, wetland scientist certification, hazardous materials, appraisal licenses, etc. All licenses and/or certification shall be current and valid for use in the State of New Hampshire.  This replaces response to Question #23 above.
45	Appendix A / Section 4 / Page A-5, A-6	The RFQ states that: <i>The Quality Control Administrator will work directly for the Design-Builder under the direct supervision of the Project Manager.</i> Does this mean that the QCA must be an employee of the Design-Builder?	The Quality Control Administrator must be an employee of any entity of the Design-Build Team.  This replaces response to Question #36 above.
46	RFQ Title Page, RFQ Page 1, 11, 15,	Adjustment of the SOQ due date	The SOQ due date will be modified to March 27, 2019 at 2:00 pm. See forthcoming Addendum #1.