

**DALLAS HORSESHOE PROJECT RFQ  
Q & A MATRIX #6**

(February 14, 2012)

<u>No.</u>	<u>RFQ Section/ Page No.</u>	<u>Question/Comment</u>	<u>Response</u>
1.	Part A, Section 4.2(a), Page 6	Please confirm that financial requirements are to be provided as hardcopies only, with no electronic version.	As set forth in Part A, Section 4.2, "each responding Proposer shall include one digital copy of its QS in a read-only format on a CD." The read-only CD must include the entire QS, including Volume 2.
2.	Part A, Sections 4.2(b) & 4.2(c)	<p>b) General format requirements: Submittals must be prepared on 8-1/2" x 11" sized, white paper and bound. Double-sided printing is encouraged. 11" x 17" pages are allowed (each 11" x 17" page will be counted as a single page and will be included in the page count contained in Volume 1) for schematics, organizational charts, other drawings or schedules, but not for narrative text. Printed lines may be single-spaced. Insofar as is practical or economical, all paper stock used shall be composed of recycled materials.</p> <p>(c) Volume 1 requirements: Volume 1 (as described in Part B) shall have all pages sequentially numbered and not exceed 40 pages, including any 11" x 17" pages (insofar as they are allowed as stated in Part A, Section 4.2(b)). Each printed side shall be considered one page. The font size in Volume 1 shall be no smaller than twelve-point, other than in tables, diagrams, organization charts and other such graphics, which may be in ten-point.</p>	The page count applies to all components of Volume 1. Further, as set forth in Part A, Section 4.3 of the RFQ, "[i]f a Proposer is compelled to include material in addition to the information specifically requested, the Proposer shall append that material to the end of the most appropriate defined section of the outline. Additional material is subject to the page limitation." A table of contents, title page and cover letter are not specifically requested in the RFQ and will count toward the 40 page limit.

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		Please clarify if items contained in Volume 1 such as a Table of Contents, Title Page, Cover Letter, etc. will count towards the 40 page limit.	
3.	Part A, Section 4.2(c), Page 6	<p>Volume 1 (as described in Part B) shall have all pages sequentially numbered and shall not exceed 40 pages...</p> <p>Does the 40 page limit for Volume 1 include a Table of Contents?</p> <p>A Table of Contents may be included and will not count against the 40 page limit.</p>	Please see response to Q. 2.
4.	Part A, Section 5.2(d), Page 8 and Part B, Vol. 2, Section A(f), Page 8	The financials provided by the proposer are graded as a pass/fail per part A page 8. Part B page 8 states, "...TxDOT may, in its discretion based upon the review of the information provided, specify that an acceptable Guarantor is required as a condition of shortlisting." Is there a minimum dollar amount or other grading criteria to determine if the financials provided by a proposer will meet the pass/fail requirements?	There is no minimum dollar amount or other specific grading criteria for this determination. TxDOT will make the determination, in its sole discretion, based on its review of the information provided in the QS.
5.	<p>Part B, Volume 1, Section B(d) Form D, Reference Summary, Page 5</p> <p>Part B, Volume</p>	<ul style="list-style-type: none"> <li>On <u>Form D – Reference Summary</u> is it permissible to place the reference information for experience and qualifications for projects that have not been provided pursuant to <u>Part B, Volume 1, Section (c)</u>?</li> <li>Included in Part B, Volume 3 – Section E –</li> </ul>	<p>Proposers may include additional project references on Form D. The instructions will be clarified as set forth below:</p> <p>Volume 1, Section B, Subsection (d) "Reference Summary" on page B-5 will be revised in Addendum #3 to the RFQ to read:</p>

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	<p>1, Section B (c) Forms E-1, E-2 and E-3, Relevant Experience, Page 4</p> <p>Part B, Volume 3, Section E, Project Descriptions, Page 13</p>	<p>Project Descriptions to describe their qualifications and experience in performing the role that the Proposer proposes to allocate to them?</p> <ul style="list-style-type: none"> <li>• That are not included as project experience listed on <u>Forms E-1, E-2 and E-3.</u></li> </ul>	<p>For any entity identified in the QS for which experience and qualifications have not been provided pursuant to Part B, Volume 1, Section B(c), the Proposer may, but is not required to, <u>include relevant project references on Form D briefly describe their qualifications and experience in performing the role that Proposer proposes to allocate to them. The description need not be lengthy or go into the level of detail sought in Part B, Volume 1, Section B(c).</u></p>
6.	Part B, Volume 1, Section B(e)(2)	<p><b>Please change the language in the RFQ to reflect the following:</b> Provide a list and a brief description of all instances during the last five years involving transportation projects in which the Proposer (or any other organization that is under common ownership with the Proposer), any equity member or any Major Non-Equity Member was (i) determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding <b><u>between the public owner and such entity</u></b>, to be liable for a material breach of contract, or (ii) terminated for cause. For each instance, identify an owner's representative with a current phone and e-mail address.</p> <p><b>Reasoning:</b> Proposer's team includes large multinational companies with vast numbers of international affiliates in a number of industries</p>	No change will be made.

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		and jurisdictions, and the efforts necessary to diligence such activities would be difficult given the time frame for the prequalification submission. As such, these proposed revisions are intended to provide information to TxDOT that will be necessary for it to perform a fully informed evaluation, while also making it feasible for us to provide the requested information. The requested changes are consistent with changes made by TxDOT in a prior RFQ.	
7.	Part B, Volume 1, Section B(e), Page 5 and Q&A Matrix #4, Answer #4	<p>The following information regarding legal issues affecting the Proposer and its team members shall be submitted:</p> <p>Please clarify that Legal Qualifications are only required for Equity Members and Major Non-Equity Members.</p> <p>The following information regarding legal issues <u>affecting the Proposer and its team members Equity Members and Major Non-Equity Members shall be submitted:</u></p>	The legal qualifications are required for the specific team members identified in clauses (1),(2) and (3) of Part B, Volume 1, Section B(e) of the RFQ. The reference to “team members” in the first sentence of Part B, Volume 1, Section B(e) does not expand on the requirements set forth in those clauses.
8.	Part B, Volume 1, Section B(e)(3), Page	<b>Please change the language in the RFQ to reflect the following:</b> Provide a list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other <b>formal</b> dispute resolution proceeding occurring during the last five years <b>between the public owner and</b> Proposer (or any other	Please see Dallas Horseshoe RFQ Addendum #2 and response to Q. 5 in Q & A Matrix #5. No additional changes will be made.

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		<p>organization that is under common ownership with the Proposer), any Equity Member or any Major Non-Equity Member and involving an amount in excess of \$500,000 related to performance in transportation with a contract value in excess of \$25 million.</p> <p>Include a similar list and description for all projects included in the response to Part B, Volume 1, Section B(c) regardless of whether the dispute occurred during the past five years <b>or involved the same organization that is on the Proposer's team.</b> For each instance, identify an owner's representative with a current phone and e-mail address.</p>	
9.	Part B, Section C(a), Page 11	<p>The RFQ requires references on personnel resumes. Specifically, it states, "Resume shall include...the public owner's contact information (project manager name, phone number, e-mail address). If the owner's project manager is no longer employed by the owner, provide an alternative contact at the owner/agency who played a leadership role for the owner during and is familiar with the project"</p> <p><b>Reasoning:</b> Not every individual on large projects reports directly to the owner, especially in the case of a PPP or Owner's Representative.</p>	No change will be made.

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		<b>Request:</b> Please amend the "Owner" reference requirements to allow inclusion of a reference who can verify the experience claimed from an individual.	
10.	Part C, Exhibit A, Section 1, Page 2	<p>Addendum #2 added work along IH 30 from Hotel Street to west of IH-45.</p> <p>Please provide a drawing outlining the limits of this additional scope for the westbound Collector-Distributor widening, existing ramp and new ramp modifications and any associated bridge modifications.</p>	Please see the updated Preliminary Horseshoe Schematic available in the Reference Information Documents section of the project website.
11.	Part C, Form C, Page 12 & Q # 19 in Q & A Matrix # 4	<p>Q&amp;A #4, Q #19 asked: Question 4 is not bound to a specific time frame like question #1 is. Will TxDOT please confine this question to a relevant period of time as it was on the Grand Parkway RFQ? (i.e. the last 10 years)</p> <p><u>Existing text:</u> Has the firm or any affiliate* ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or other material misrepresentation to a public entity?</p> <p><u>Suggested text:</u> Has the firm or any affiliate* ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or other material misrepresentation to a public entity within the past ten years?</p> <p>TxDOT Response: The requested change will be made in Addendum #2.</p>	The requested change will be made in Addendum #3.

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		<p><i>New Question: No changes to were made in Addendum #2 in Part C, Form C, Page 12. Please confirm that Form C, Question #4 will be updated in a future addendum.</i></p>	
12.	Part C, Form C, Page 14	<p><b>Please change the language in the RFQ to reflect the following:</b> The term Affiliates, as amended by Q&amp;Q Matrix # 4 issued January 13, 2012 includes “parent companies, subsidiary companies, <del>joint venture members</del> and partners in which the entity has more than 15% financial interest.</p> <p><b>Reasoning:</b> Definition of Affiliates: It is common practice for proposers to team up with other parties and form “project specific joint ventures”. In such cases, a joint venture party has no control over the other joint venture members, particularly after the project for which the joint venture was created is completed. The definition of Affiliates, as drafted, requires proposers to request “joint venture members” of all joint ventures to which the proposer is a party, to complete Form C, on order to allow proposer to respond to Form C accurately. This requirement is not realistic as most joint venture partners will not comply with the request for information. Therefore, we request that the words “joint venture members” be deleted from the definition.</p>	<p>No change will be made. As set forth in Part B, Volume 3, Section A of the RFQ, a Form C is required to be completed by the Proposer, each Equity Member of Proposer, each Guarantor and each Major Non-Equity Member. There is no requirement that each affiliate of each such entity complete the form.</p>

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13.	Part C, Form E-2, Note (3), Page 17,	<p>In regards to Q &amp; A Matrix #4, Question No. 23, the response states,</p> <p>“No changes will be made. Proposers are to include only the projects in which the Joint Venture Member held at least 30% of the joint venture that had ultimate responsibility for construction of the project and only if such Joint Venture Member is the entity that will perform at least 30% of the Lead Contractor’s construction work for the Project.” (Emphasis added).</p> <p>Does this mean that a 20% Joint Venture Member who is ultimately responsible for at least 30% of the Lead Contractor’s construction work for the Project is eligible to list projects on Form E2?</p> <p>We request that all Joint Venture Members who are ultimately responsible for at least 30% of the Lead Contractor’s construction work be eligible to list projects on Form E2. By not allowing all Joint Venture Members as noted to be included, the relevant experience of our dedicated resources cannot be fully demonstrated in the SOQ phase. If required, please revise the RFQ language and Note 3 on Form E2 to allow for projects performed by all Joint Venture Members to be included on</p>	No change will be made.



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		Forms E-2.	
14.	Part B, Volume 3, Section C, Page 11	<p>In the Description of Position column located in the table on Page 11, the Design Quality Assurance Manager is required to work "for an independent quality assurance firm hired by the Design-Build Contractor."</p> <p>Can the "Design Quality Assurance Manager" work for the Lead Engineering Firm, provided that it is not an Equity Member?</p> <p>In the Description of Position column located in the table on Page 11, the Design Quality Assurance Manager: "Works for an independent quality assurance firm hired by the Design-Build Contractor. <u>The firm may be the Lead Engineering Firm if the Lead Engineering Firm is not an Equity Member.</u>"</p>	No change will be made.
15.	General	Q&A #4 issued 1/13/12 refers to "Addendum #2". What is the anticipated release date for Addendum #2, as it is critical for our SOQ development.	Dallas Horseshoe RFQ Addendum #2 was posted on the Project Website on February 3, 2012.
16.	General	Will TxDOT be providing forms in native format? If not, does TxDOT grant permission to the Proposers to alter forms?	Please see response to Q. 7 in Q & A Matrix #5.
17.	General	I would like to know if there is a Buy American Steel clause on this project.	As set forth in Part A, Section 3.7 of the RFQ, as amended, and in response to Q. 30 in Q & A Matrix #4 and Q. 1 in Q & A Matrix #5, due to anticipated federal funding, Buy America requirements will apply. This means that the Design-Build Contractor will be required to comply with the Federal

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			Highway Administration (FHWA) Buy America Requirement in 23 CFR 635.410, which permits FHWA participation in the contract only if domestic steel and iron will be used on the Project, unless such compliance is waived by the Secretary of Transportation after publication and a public comment period on the waiver request.