

**Loop 375 Border Highway West Extension Project
Q & A Matrix #1**

(August 9, 2013)

| <u>No.</u> | <u>RFQ Section/ Page No.</u> | <u>Question/Comment</u> | <u>Response</u> |
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| 1. | General | I am requesting a set of electronic documents for Loop 375 Border Highway West Extension Project. Please let me know what you need in order to process. | Please send a written request to the address provided in Section 1 of the Request for Qualifications along with a certified check payable to the Texas Department of Transportation for \$25.00 and include on the check the following: "Loop 375-BHW RFQ Docs". Provide in the request the name of the individual to whom the documents should be sent, the firm represented by that individual, and the address to which the documents should be shipped. Please note that TxDOT is not responsible for any delivery failures due to misinformation provided by the requestor. In addition, the process could take up to 10 business days from receipt of the written request. As the CD that will be sent to you will include the same documents available on the Project Website and in the same format, you may prefer to download the documents directly from the Project Website. Please note that although the Project Website can be accessed via a link to the |

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| | | | RFQ from the website address set forth in the Introduction to the RFQ, the Project Website may be accessed directly at: http://www.txdot.gov/inside-txdot/projects/studies/el-paso/border-highway-west/bhw-rfq.html . This will be clarified in Addendum #1 to the RFQ. |
| 2. | General – Industry Workshop | The workshop on August 14th is it open to potential subcontractors or just prime contractors? | The Industry Workshop scheduled for August 14th is open to both potential subcontractors and prime contractors. |
| 3. | General – Industry Workshop | Do we need to reserve a spot if we would like to attend? | Reservations are not required for the Industry Workshop scheduled for August 14th. |
| 4. | General – Industry Workshop | I am interested in setting up our office manager for the Industry Workshop scheduled for August 14 at 11:00 AM. We are interested in proposing for the new project Loop 375-Border Highway West Extension. Can you please help me on how to set him up. | Please see response to question no. 3. |
| 5. | Part A, Section 2.2, Page 3 | Do we need to show the financing solution in the Technical Approach for how the Developer will carry construction cost “for a period of time, currently projected to five years or more”? | The RFQ does not require that a financial solution be described in the Technical Approach. |
| 6. | Part A, Section 2.2 & Section 2.7, Pages 3 & 5 | Part A, Section 2.2 and Page 3: Section 2.2, Description of Proposed Contracting Opportunity, 2nd paragraph, last sentence states, "It is anticipated that Developer may be asked to carry construction costs for a period of time, currently projected to be | The Developer will not be responsible for the long-term financing of the Project. The Developer may be required to carry its own construction costs, as progress payments will be |

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| | | five years or more, after substantial completion." This statement conflicts with Section 2.7 that states, "No funding will be required from the Developer. TxDOT has identified various potential sources of these public funds and will provide additional detail with respect to the availability of public funds in the RFP." Question: Please advise which statement is correct? | made in accordance with a maximum payment curve that may extend up to five years after substantial completion. |
| 7. | Part A, Sections 1, 2.2 & 2.7, Pages 1 and 5 | Section 1 and 2.2 identify that the Project will be delivered utilizing a Public-Private Partnership (P3A) where the Developer "may be asked to carry construction costs for a period of time, currently projected to be five years or more". However Section 2.7 states that no funding will be required from the Developer. Please clarify. | See response to question no. 6 above. |
| 8. | Part A, Section 4.2 (d), Page 14 | All pages sequentially numbered - Does this include the four bulleted items that are prepared by individual firms that are on team member's letterhead and may be an executed original. | Yes, however, since these pages do not count towards the 75-page limit for Volume 2, the pages should be the number of the last page of the relevant information being transmitted followed by a letter, i.e. 24a, 24b, 24c. The purpose of the page numbering is to use for identification if being referred to elsewhere. |
| 9. | Part A, Section 5.1, Page 16 | Key Personnel may be employed by: (a) The Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm itself ... - What is TxDOT's definition of MAY - later in the RFQ Exhibit B there are prescriptive requirements as to who Key Personnel are employed by | Unless otherwise stated in the documents, the Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm, etc. are acceptable employers of Key Personnel. |
| 10. | Part A, Section 5.1 & | Can the Lead Quality Manager be an employee of the Developer | Yes, the Lead Quality Manager may be an employee of the Developer or of an independent |

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| | Part B, Volume 2 Section H(2) (a), Page 9 | or of an independent firm working for the Developer? | firm working for the Developer, so long as the Lead Quality Manager remains independent of the Lead Contractor's production team and is not an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor. The description of the Lead Quality Manager will be revised in Addendum #1 to the RFQ as follows: "Responsible for the overall design, construction and life cycle quality of the project, implementing quality planning and training, and managing the team's quality management processes. Reports directly to individual at Lead Contractor who is outside the production team and bears no direct immediate profit and loss responsibility for the Project. Independent of Lead Contractor's production team and has the authority to stop work. May also serve as construction quality manager, but not the Design Quality Manager. Shall be co-located and on-site until final acceptance. <u>May be an employee of the Developer or of an independent firm working for the Developer, but may not be an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor.</u> " |
| 11. | Part A, Section 5.1 & Part B, | Key Personnel – Please require the Lead Quality Manager to be employed by a third party independent quality firm to ensure independence for Quality Assurance from the Equity/Non Equity Members. Independent third party quality firms is a standard | See response to question no, 10. TxDOT believes that the revised provisions ensure the independence of the Lead Quality Manager. |

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| | Volume 2 Section H(2), Page 9 | requirement in the industry, having the Developer/Lead Contractor entity provide the Lead Quality Manager dilutes their independence. | |
| 12. | Part A, Section 5.3.1, Pages 19-20 | The RFQ qualification requirements for the Lead Maintenance Firm are more aligned with a Concessionaire delivery of the Project with long term ownership of the facility. However the RFQ references a Comprehensive Maintenance Agreement with a 15 year maintenance period. Please amend the RFQ qualification requirements for the Lead Maintenance Firm to meet those of a CMA structure as used on previous Design-Build projects such as The Horseshoe Project. | No change will be made. As noted in Section 2.2 of the RFQ, TxDOT anticipates that the Developer will be responsible for providing full right-of-way to right-of-way routine maintenance, capital maintenance, preventative maintenance, and incident management for a 15 year period. This maintenance work is mandatory and is not limited to capital maintenance as described in the Horseshoe procurement documents. |
| 13. | Part A, Section 5.3.1 and Part C, Form D-2, D-3, Form E, Page C-21 | Part A Section 5.3.1 required the Lead Contractor to provide three reference projects. However Form D-2 requires a maximum of six projects. Additionally Form D-3 requires three reference projects for the Lead Maintenance Firm; however Form E has fields for six reference projects for the Lead Maintenance and three fields for the Lead Contractor. Please clarify the exact requirements and modify the Forms and Part A so they are consistent. | As stated in Part A Section 5.3.1, only three projects are required. Form D-2 and Form E will be revised in Addendum #1 to the RFQ to correspond to the requirements regarding the minimum/maximum number of references provided for each entity. |
| 14. | Part A, Section 5.3.1, Form D-2 Page C-19 | On Form D-2, it states "a maximum of six (6) projects may be included", but that conflicts with the information stated on page 7, Part B which states, "Form D-2: Technical Experience-Lead Contractor: Provide details for a maximum of three projects." We would like to request TxDOT changes the form to state a maximum of three (3) projects to match Form D-1 for the Lead | See response to question no. 13 above. |

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| | | Engineer and Form D-3 for the Lead Maintenance Firm. | |
| 15. | Part A, Section 5.3.1, Form E- Reference Summary Page C-21 | On Form E, the Lead Maintenance Contractor has a total of six (6) blanks for their project references. We would like to request TxDOT changes the form to show three (3) blanks to match the Lead Contractor and Lead Engineering Firm. | See response to question no. 13 above. |
| 16. | Part A, Section 5.3.1 (b) iii, Page 20 | Is the Lead Quality Manager required to be a professional engineer registered in Texas at the time of the QS submittal? | The Lead Quality Manager is not required to be a professional engineer for the execution of this work. |
| 17. | Part A, Section 5.3.1 (b) iv, Page 20 | Do the Lead Roadway, Bridge and Drainage Engineers and Design Quality Manager - need to be employed by the Lead Engineer or can they be employed by a sub-consultant firm (identified) to the Lead Engineer in the QS as an Identified Major Non-Equity Member and are they required to be a professional engineer registered in Texas at the time of the QS submittal? | The Lead Roadway Design Engineer, Lead Bridge Design Engineer, and Lead Drainage Engineers and the Design Quality Manager do not need to be employed by the Lead Engineering Firm; however the RFQ will be revised in Addendum #1 to require that the individuals filling these positions be professional engineers licensed in Texas or that such individuals become licensed prior to execution of the DBA. |
| 18. | Part A Section 5.3.1 (b) vi, Page 20 | Does the ROW Acquisition Manager need to be employed by (a) The Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm since this is a specialized skill set that Contactors, Designers and Maintenance firms do not usually | The ROW Acquisition Manager does not need to be employed by the Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm. |

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| | | engage in? | |
| 19. | Part B, Volume 2 Section G, Page 7 | The Executive Summary page limit of ten pages for a document that has a Management Structure Section of five pages plus three organizational charts and a Technical Approach Section with a six page limit for a total of 14 pages seems excessive - could the Executive Summary requirement be eliminated and replace by a two page Proposer Overview sheet or reduced to a maximum of three or five pages since it is not scored | The proposer is not required to submit ten pages; the ten-page limit is the maximum. |
| 20. | Part B, Volume 2 Section H (2) (a), Page 9 | Can the Environmental Compliance Manager be an employee of the Developer or of an independent firm working for the Developer, the Lead Engineer or subconsultant firm subcontracted to the Lead Engineer ? | Yes, the Environmental Compliance Manager can be an employee of the Developer or of an independent firm working for the Developer, the Lead Engineer or subconsultant to the Lead Engineer. |
| 21. | Part B, Volume 2, Section [B](2)(a), Technical Key Personnel Qualifications, Page 10 | For the qualifications of the Safety Manager, please clarify that the Safety Manager is allowed to be an employee of the Lead Contractor/Design-Builder? Since safety is the number one priority, we believe it is best managed by the contractor that self-performs these activities in-lieu of consultants. | The Safety Manager description will be revised in Addendum #1 to the RFQ as follows: "Responsible for carrying out the Developer's safety plan and all safety-related activities, including training and enforcement of safety operations. Must have project safety experience. At minimum, must have be designated as a Construction Health and Safety Technician by the Board of Certified Safety Professionals, must have (1) completed the OSHA 30-hour Construction Safety and Health Course, and must have (2) completed training and current |

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| | | | <p>certification for CPR and First Aid <u>and (3) at least one of the following designations/certifications: (a) be designated as a Construction Health and Safety Technician by the Board of Certified Safety Professionals, (b) be designated as a Certified Safety & Health Official, or (c) certification of Associate in Risk Management.</u> Reports directly to the Project Manager and has the authority to stop work. May be an employee of the Developer or of an independent firm working for the Developer, but may not be an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor."</p> |
| 22. | Part B, Volume 2 Section H(2) (a), Page 10 | Safety Manager requires that he may be employed by the Developer but not the Lead Contractor or a firm subcontracting to the Lead Contractor - How is this addressed when the Developer and Lead Contractor are one in the same entity? | See response to question no. 21. |
| 23. | Part B, Volume 2, Section [B](2)(a), Technical Key Personnel Qualifications, p. 10 | The RFQ requirements for the Safety Manager states that they may be an employee of the Developer or an independent firm reporting to the Developer, but may not be employed by the Lead Contractor. The contracting methodology for this procurement may lead to the Developer and Lead Contractor being the same entity. Please remove restriction, so as to allow the Safety Manager to be an employee of the Lead Contractor or Equity Member of the Lead Contractor, to allow for effective safety management throughout the Project. | See response to question no. 21. |

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| 24. | Part B, Volume 2 Section H(2) (a), Page 10 | Is the Safety Manager required to be a Construction Health and Safety Technician at the time the QS is submitted? | See response to question no. 21. |
| 25. | Part B- Technical Key Personnel, Page 9 | The requirements of the Lead Quality Manager currently states, "reports directly to individual at Lead Contractor who is outside production team and bears no direct immediate profit and loss responsibility for the Project." Will TxDOT allow the Lead Quality Manager to report directly to the JV Committee that consists of more than one individual? | The intent is for the Lead Quality Manager to be able to report on quality to an individual who will be in responsible charge of managing the project and who can make decisions that impact the ability to perform the work. Reporting to the JV Committee would not meet these requirements. |
| 26. | Part B, Volume 3 Section A, Page 15 | Can the Financial Statement and Credit Ratings be replace or supplemented with language that states If the Proposer, the Equity Member(s) of the Proposer responsible for construction and maintenance, or Guarantor(s) have been prequalified by TxDOT pursuant to Section 9.12 of Title 43, Texas Administrative Code, in lieu of completing this Section A, a letter shall be completed indicating the entity, or its members, is prequalified by TxDOT and is listed as such on TxDOT's list of prequalified contractors qualified by confidential questionnaire and still be required to furnish the information in Section B Material Changes in Financial Condition and Section C Off-Balance Sheet Liabilities that have occurred since the entity applied for Prequalification | No, the prequalification process provided for in Section 9.12 of Title 43, Texas Administrative Code, is not sufficient to demonstrate that the Proposer has the financial capability to carry out the responsibilities potentially allocated to it for this Project as required by Part A, Section 5.2(d) of the RFQ. |
| 27. | Part C, Exhibit B, List of Project | I have viewed and downloaded the Request for Qualifications for the above referenced project from your txdot.gov website, however was unable to download and/or view project documents for item 15 Utilities (see below) under Part C, Exhibits and Forms, | TxDOT was experiencing issues with the Project Website. The issues have been resolved and access to the documents should now be |

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| | Documents, p. C-8 | <p>Exhibit B, List of Project Documents, Table of Contents, Table of Contents - Detail. Would it be possible to get the link to these documents from you?</p> <p>EXHIBIT B</p> <p>LIST OF PROJECT DOCUMENTS</p> <p>TABLE OF CONTENTS - SUMMARY</p> <p>July 26, 2013</p> <p>TABLE OF CONTENTS - DETAIL</p> <p>15. Utilities</p> <ul style="list-style-type: none"> o 15.a EPEC Alignment Exhibit Proposed Relocation, 1 sheet, 19 Mar 2013 o 15.b EPEC Proposed Relocation CEMEX, 1 sheet, 19 Mar 2013 o 15.c BPS Towers – Meeting Handout, 22 pages, 24 Jan 2013 o 15.d Border Camera Views Reduced File, 16 pages | <p>available on the Project Website at http://www.txdot.gov/inside-txdot/projects/studies/el-paso/border-highway-west/bhw-rfq.html .</p> |

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| | | Texas Department of Transportation Page C-8 PART C Request for Qualifications Exhibit B Loop 375 – Border Highway West Extension July 26, 2013 | |
| 28. | Page iii and Part C, Forms, Pages C-9 to C-24 | When Does TxDOT propose to release the seven forms in their native format ? | Forms in native format will be posted with an Addendum to the RFQ. |
| 29. | Part C - Exhibits and Forms, Pages C-9 to C-21 and Pages C-22 to C-24 | If TxDOT should issue additional addenda prior to the QS due date of September 12, please consider accepting forms with footers referencing prior addenda provided that the content of the forms have not changed. For those companies whose personnel that are authorized to sign for a given entity are overseas, it sometimes takes a week or more to get original signatures and have them transmitted for inclusion in the proposal, per TxDOT's assignment. If nothing changed except the change in Addendum number in the footer, the previous signature page should still be good. | Regarding forms that require an original signature: if addenda are issued after the forms are provided in native format and the only change on the form is the addendum number in the footer, TxDOT will accept the forms with a footer referencing a prior addendum. |
| 30. | Part C, Form F, Pages 22 and 23 | Form F requires the reporting period in Part A, Table 1 for years 2009, 2010 and 2011. However Table 2 requires reporting years 2010, 2011 and 2012. For consistency we request that Table 1 is changed to be consistent with Table 2 reporting years 2010, 2011 and 2012. As is Industry Standard each member of the Lead Contractor maintains up-to-date HSE statistics for each calendar | No change will be made. |

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| | | year and can submit for years 2010, 2011 and 2012. | |