

**TxDOT SH 288 Toll Lanes Project in Harris County
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6			What is the construction cost for the 610 and Beltway 8 DCs?	The estimated construction cost for the IH 610 interchange is \$160M, and the estimated construction cost for the Beltway 8 DCs is \$86M.
7			Which General Purpose lanes (on 288, 610 and Beltway 8) are included with the Developer O&M responsibilities?	Developer O&M responsibilities are from Right-of-Way to Right-of-Way throughout the corridor, with the exception of the existing Beltway 8 mainlanes. All Developer construction, including any reconstruction of existing roadways, is generally the Developer's O&M responsibility.
8			Will TxDOT be providing the prelim T&R study?	T&R study information will be posted on the TxDOT Project Website in the Project Documents when Addendum 1 is posted.
9			Will Workshop presentation and sign-in sheet be posted online?	Yes. They have already been posted on the TxDOT Project Website.
10			Please clarify if TMC environmental evaluation is an EA or CE?	FHWA has not made a determination regarding the TMC environmental evaluation at this time.
11			Is lane availability payment model under consideration or will revenue risk remain with the developer?	There are no plans to consider a lane availability payment model on this project. The financial feasibility studies indicate a successful concession opportunity is available. Additional information regarding the financial feasibility studies that have been conducted can be found in the SB 1420 Committee presentation at http://www.txdot.gov/inside-txdot/projects/studies/houston/sh288-toll-lanes/sb1420.html .
12			Has TxDOT performed a SH 288 Toll project-specific geotechnical study? If yes, when will the Wincore boring logs be available, and can they be made available in electronic format?	No, an SH 288 Toll project-specific geotechnical study has not been performed. Available geotechnical data is in the existing as-built plans provided with the project documents.
13			Can TxDOT make the Wincore boring logs for the various TxDOT Bridge and MSE Wall structures along the alignment available? If yes, when? If yes, can they make available the electronic Wincore files?	Wincore boring log data does not exist.

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14	RFQ	Part A / Section 4.2(a) (<i>QS Content and Submittal Requirements – Format – Number of Copies</i>), Page A-15	<p>In the spirit of environmental stewardship, we respectfully request a reduction in the number of hard copies required, as follows:</p> <p>Each responding Proposer shall submit one original and 15 9 copies (for a total of 16 10) of its QS, plus one digital copy in a read-only format on a CD contained in sealed packages, except for the financial statements required under Volume 3, Section A, which should be submitted electronically only.</p>	No change will be made. Stated number of copies is necessary for QS Evaluation Committees and members to perform concurrent reviews. As requested in the Part A Section 4.2 (b) of the RFQ, proposers shall use recycled material insofar as is practical or economical.
15	RFQ	Part A / Section 4.2(a) (<i>QS Content and Submittal Requirements – Format – Number of Copies</i>), Page A-15	Please confirm that electronic signatures in blue ink will be acceptable as originals if included in the QS.	No. Please provide original signatures as indicated in the RFQ.
16	RFQ	Part A / Section 4.2(c) (<i>QS Content and Submittal Requirements – Format – Volume 1 Requirements</i>), Page A-15	As Volume 1 is comprised of forms and letters, including executed documents, which will be organized by tab separation, please eliminate the requirement to sequentially number all pages of Volume 1.	No change will be made. This requirement is necessary for the QS evaluation process.
17	RFQ	Part A / Section 4.2(d) (<i>QS Content and Submittal Requirements – Format – Volume 2 Requirements</i>), Page A-15	As Form G (<i>Safety Questionnaire</i>) has no QS page limitation, please exclude Part B / Volume 2 / Section D from the Volume 2 page limitations.	See Addendum 1.
18	RFQ	<p>Part A / Section 4.2(d) (<i>QS Content and Submittal Requirements – Format – Volume 2 Requirements</i>), Page A-15</p> <p>Part A / Section 4.2(f) (<i>QS Content and Submittal Requirements – Format – Volume 4 Requirements</i>), Page A-16</p>	Please indicate whether or not a table of contents and glossary of terms would be counted towards the page limits of Part A / Section 4.2(d) and Part A / Section 4.2(f), respectively.	Table of contents and glossary of terms are not required. But if provided, they would count towards the page limits.

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19	RFQ	Part A / Section 5.1 (Evaluation Process and Criteria – Responsiveness), Page A-18	<p>We request that TxDOT modify the language in Section 5.1 of Part A of the RFQ, as set forth below, in order to permit us to include the relevant experience and resources of sister companies of the Equity Members that are under common control or management with the Equity Members. While this section permits the experience of parent companies of the Equity Members, given that members of our group are large multinational infrastructure development companies, the parent companies themselves perform most of their relevant activities through subsidiary companies, which would be sister companies of the Equity Members. As such, the experience of our sister companies would technically be more relevant to the procurement process for the Project than the experience of our parent companies.</p> <p>Proposed Modification of Language in Section 5.1: “In order for project experience provided in any QS to be considered responsive, Forms D-1, D-2 and D-3 shall list only projects for which the corporate entity (company, joint-venture, partnership or consortium) providing the equity investment, engineering, construction, operations and maintenance experience is respectively the Equity Member, Lead Engineering Firm, Lead Contractor or Lead Operations & Maintenance Firm itself, or a controlled subsidiary of such Equity Member, Lead Engineering Firm, Lead Contractor or Lead Operations & Maintenance Firm or a parent company of, <u>or a subsidiary of an Equity Member’s parent company under common management or control with,</u> an Equity Member . . .</p> <p>Key Personnel may be employed by: (a) the Equity Member, Lead Engineering Firm, Lead Contractor or Lead Operations & Maintenance Firm itself; (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm, Lead Contractor or Lead Operations & Maintenance Firm or a parent company of, <u>or a subsidiary of an Equity Member’s parent company under common management or control with,</u> an Equity Member . . .”</p>	See Addendum 1, which includes changes permitting inclusion of experience of subsidiaries of a Equity Member’s parent company.

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20	RFQ	Part A / Section 5.3.1(a)(i)(1)(A) (Technical Qualifications and Capability – Lead Contractor), Page A-20	<p>The RFQ states in Section 2.5 Development Cost Estimate for the Preliminary Schematic is approximately \$535 million and the cost estimate for the TMC Connector (option) is \$50 million. Since the aggregate estimated cost of the project is less than \$600 Million –</p> <p>Will TxDOT revise the language that states: At least two Transportation projects, each with a value greater than \$400 million, completed or substantially completed in the last seven years; -</p> <p>Proposed language: At least two Transportation projects that utilized the design-build method of delivery for design and major construction, each with a value greater than \$250 million, completed or substantially completed in the last ten years</p>	See Addendum 1, which changes this requirement to at least two transportation projects, each with a value greater than \$200 million, completed or substantially completed in the last ten years.
21	RFQ	Part A / Section 5.3.1(a)(i)(1)(B) (Technical Qualifications and Capability – Lead Contractor), Page A-20	<p>The RFQ states in Section 2.5 Development Cost Estimate for the Preliminary Schematic is approximately \$535 million and the cost estimate for the TMC Connector (option) is \$50 million. Since the aggregate estimated cost of the project is less than \$600 Million –</p> <p>Will TxDOT revise the language that states: At least one transportation project with a value greater than \$250 million that has received a “Notice to Proceed with major construction” in the last seven years.</p> <p>Proposed language: At least one transportation project with a value greater than \$150 million that has received a “Notice to Proceed and has reached a minimum of 50% completion with major construction” in the last ten years.</p>	See Addendum 1, which changes this requirement to at least one transportation projects with a value greater than \$100 million that has received a “Notice to Proceed with major construction” in the last seven years.
22	RFQ	<p>Part A / Section 5.3.1(b)(i) (Experience of the Technical Key Personnel), Page A-22</p> <p>Part B / Volume 2 / Section B (2) (a) (Technical Key Personnel Qualifications), Page B-8</p>	<p>Part A / Section 5.3.1(b)(i) (Experience of the Technical Key Personnel) refers to the “Developer’s Project Manager,” while Part B / Volume 2 / Section B (2) (a) (Technical Key Personnel Qualifications) describes the “Project Manager” as “Shall lead the Developer’s efforts and be responsible for overall design, construction, operation, maintenance and contract administration on behalf of the Developer...”</p> <p>Please clarify whether these references refer to the Proposer’s Project Manager or the Lead Contractor’s Project Manager.</p>	"Project Manager" refers to the Developer's Project Manager. " Superintendent" refers to the Lead Contractor's person responsible for the Project's construction.

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23	RFQ	Part A / Section 5.3.1(a)(iii) (Technical Qualifications and Capability – Lead Operations and Maintenance Firm), Page A-22	<p>It is common in P3 toll projects that the operations and maintenance of the highway and the toll collection and O&M of the tolling systems are undertaken by separate firms within a consortium because they call for different expertise. US asset management firms’ experience lies in the performance of pure operations and maintenance of the highway itself, with no responsibilities for the tolling systems. To enable proposers to consider partnering with an asset management firm, we recommend separating the experience qualifications into two categories: experience in tolling operations and maintenance and experience in highway operations and maintenance. We suggest below changes to the RFQ to authorize that approach.</p> <p>“(iii) Lead Operations and Maintenance Firm (1) The extent to which the Lead Operations and Maintenance Firm satisfies or exceeds the requirements (as evidenced in submission of completed Forms D-3 and E; and Part B, Volume 2, Section B(1)(b)) for relevant technical capability as follows: roadway operations and maintenance experience on similar roadways.</p>	See Addendum 1, which includes language permitting the inclusion of an optional Tolling Operator.

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			<p>[...]</p> <p>(2) Experience with design-build-finance-operate-maintain contracting.</p> <p>(3) Experience in toll operations.</p> <p>(4) Experience in managing operations and maintenance interfaces with operators of adjacent roadways/facilities.</p> <p><u>(vi) Tolling Operator</u></p> <p><u>(1) The extent to which the Tolling Operator satisfies or exceeds the requirements (as evidenced in submission of completed Forms D-4 and E; and Part B, Volume 2, Section B(1)(b)) for relevant technical capability as follows: roadway operations and maintenance experience on similar roadways.</u></p> <p><u>(2) Experience with design-build-finance-operate-maintain contracting.</u></p> <p><u>(3) Experience in toll operations.</u></p> <p><u>(4) Experience in managing operations and maintenance interfaces with operators of adjacent roadways/facilities."</u></p>	

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		Part B / Section 1 (Definitions), Page B-1	<p>This change includes added specificity in the definition of the Lead Operations and Maintenance Firm and creation of a separately defined Tolling Operator role as follows:</p> <p>“Lead Operations and Maintenance Firm – The member of the Proposer team, whether a single entity or joint venture, primarily responsible for the maintenance and operation of the Project, <u>except for tolling operations</u> .</p> <p>Major Non-Equity Member – Any or all of a Proposer team’s Lead Engineering Firm, Lead Contractor, Financial Advisor, Lead Operations and Maintenance Firm, <u>Tolling Operator</u> , legal advisor and Construction Team Members, except in each case where these entities qualify as Equity Member, and any other member of Proposer’s team identified as a Major Non-Equity Member.</p> <p><u>Tolling Operator – The member of the Proposer team, whether a single entity or joint venture, primarily responsible for maintenance and operation of the tolling systems of the Project.</u>”</p>	

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		Part B / Section B (Technical Qualifications), Page B-7	<p>Add to Volume 2 / Section B / (1) Project Technical Experience</p> <p>“(a) Relevant Experience (Forms D-1, D-2, <u>D-3 and D-4</u>) [...]</p> <p><u>4. Form D-4: Technical Experience – Tolling Operator: Provide details for a maximum of three projects (the same projects for which references are provided in Volume 2, Section B(5) in compliance with the requirements set forth in Form D-4 listing experience for the Tolling Operator and best meeting the evaluation criteria set forth in Part A, Section 5.</u></p> <p>(b) Project Descriptions</p> <p>The QS shall include project descriptions for each project listed on Forms <u>D-1, D-2, D-3, D-4</u> and E. These shall be a maximum two-page narrative description for each project on separate 8-1/2” x 11” sized white paper. The description should, at a minimum, give an overview of the project and explain why the experience gained on the project is relevant to the evaluation criteria provided in Part A, Section 5. The project descriptions should be provided in the following order:</p> <ol style="list-style-type: none"> 1. Lead Engineering Firm 2. Lead Contractor 3. Lead Operations and Maintenance Firm <u>4. Tolling Operator ”</u> 	

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24	RFQ	Part A / Section 5.3.1(a)(iii) (Technical Qualifications and Capability – Lead Operations and Maintenance Firm), Page A-22 Part C / Form D-3 (Technical Experience – Operations and Maintenance), Page C-21	<p>It is common in P3 projects that the responsibility for the operation and maintenance remains with the equity partners (project sponsors), acting through either the project entity or a special purpose O&M vehicle established by the project sponsors for a specific project. Accordingly, the participation interests of the project sponsors at the O&M-level usually correspond to their participation interests at the equity-level.</p> <p>Due to the significant size of many toll road projects, which require significant amounts of equity and large equity teams, is it often the case that the participation interest of each project sponsor at both equity and O&M levels is lower than 50%.</p> <p>Therefore, we kindly request that TxDOT will allow relevant experience to be demonstrated on projects where the Lead Operation and Maintenance Firm (or a member thereof) held a minimum of thirty percent (30%) in the entity that was directly responsible for the listed operation and maintenance experience, and that if the Lead Operation and Maintenance Firm is a joint venture, the experience may be demonstrated by one or more joint venture member(s) that will perform at least thirty percent (30%) of the Lead Operation and Maintenance Firm's potential operations and maintenance work for the Project.</p>	See Addendum 1, which changes this requirement from 50% to 30%.

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25	RFQ	Part B / Volume 1 / Section C(2) (Legal Qualifications / Legal Liabilities), Page B-4	<p>Our consortium includes large multinational companies with vast numbers of international affiliates in a number of industries and jurisdictions, and the efforts necessary to diligence such activities to comply with the disclosure requirements as currently set forth in these sections would be quite difficult and onerous. Further, we note that as currently drafted, much of the information requested would cover projects in foreign jurisdictions that are ultimately irrelevant to the SH 288 procurement. 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.</p> <p>Part B / Volume 1 / Section C(2):</p> <p>Provide a list and a brief description of all instances during the last five years involving transportation projects <u>in North America or those projects included in the response to Part B / Volume 2 / Section B(1)</u> 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, <u>in each case, between the public owner and such entity,</u> 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>	No change will be made.

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		Part B / Volume 1 / Section C(3) (Legal Qualifications / Legal Proceedings), Page B-5	<p>Part B / Volume 1 / Section C(3):</p> <p>Provide a list and a brief description (including the resolution) of each arbitration, litigation, <u>formal</u> dispute review board and other dispute resolution proceeding occurring during the last five years between the public owner and the Proposer (or any other 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 projects <u>in North America or those projects included in the response to Part B / Volume 2 / Section B(1)</u> with a contract value in excess of \$25 million.</p>	
26	RFQ	Part B / Volume 1 / Section A (Transmittal Letter), Page B-4	<p>The Proposer will comprise multiple Equity Members, none of which individually will act as a “lead firm.” Rather, the team members will appoint an authorized representative of the Proposer, who will be authorized to sign the required forms on behalf of the Proposer as a whole, as the preparation of the QS will be a collaborative effort amongst all of the members. In light of the foregoing, we would request that the RFQ be revised as set forth below. We also note that each of the Equity Members will individually certify as to the representations, statements and commitments made with respect to such Equity Member in the letters that will be appended to Form A (Transmittal Letter) as required in Part B / Volume 1 / Section A. We note that this is consistent with the approach taken in recent TxDOT procurements in respect of similar projects.</p>	See Addendum 1, which includes changes eliminating the requirement of naming a “lead firm”.

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		Form A (Transmittal Letter), Page C-12	<p>Part B / Volume 1 / Section A:</p> <p>A duly authorized official of the Proposer or lead firm must execute the transmittal letter in blue ink. For Proposers that are (or are expected to be) joint ventures, partnerships, limited liability companies or other associations, the transmittal shall have appended to it letters on the letterhead stationery of each Equity Member, executed in blue ink by authorized officials of each Equity Member, stating that representations, statements and commitments <u>made in the QS by the lead firm</u> on behalf of the Equity Member's firm have been authorized by, are correct, and accurately represent the role of the Equity Member's firm in the Proposer team.</p> <p>Form A (Transmittal Letter):</p> <p>The relevant signature block for a Proposer that is not formed as a legal entity should be revised as set forth below to be consistent with the foregoing.</p> <p>[Insert <u>Proposer name</u>] <u>lead team member entity name</u>, on behalf of itself and the other team members expected to be a part of [Insert Proposer's expected name]</p> <p>By: _____ Print Name: _____ Title: _____</p>	

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27	RFQ	Part B / Volume 3 / Section A (Financial Statements and Credit Ratings), Page B-14	<p>Please do not require that the original language financial statements be provided in the QS submission if the original financial statement information is in a language other than English, so long as audited translations are provided in English. We respectfully request the following change to the requirement language:</p> <p>“If audited financial statements are prepared in a language other than English, translations of all financial statement information, including footnotes must be provided with the original financial statement information.”</p>	See Addendum 1, which deletes the reference to “original financial statement information” in this circumstance.
28	RFQ	Part B / Volume 3 / Section C (<i>Off-Balance Sheet Liabilities</i>), Page B-16	<p>For a large international firm with a global portfolio, the request to provide the detail of the associated dollar amount and explanation for off-balance sheet treatment for each off-balance sheet liability is cumbersome and may not provide the most relevant information for TxDOT to evaluate the QS. We respectfully suggest the following change in the requirement language:</p> <p>A letter from the CFO or treasurer of the entity or the certified public accountant for each entity for which financial information is submitted, identifying <u>(1) the number of as-applicable each</u> off-balance sheet liability ies exceeding \$10 million and <u>(2) the aggregate -its associated</u> dollar amount thereof and providing explanation for off-balance sheet treatment.</p>	No change will be made.

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29	RFQ	Part C / Form C (Certification), Page C-18	<p>As currently drafted, the definition of the term “Affiliates” is overly broad and would require a level of diligence and disclosure that would be unpractical, as the members of the Proposer providing Form C are often engaged in many joint ventures with otherwise unrelated third parties and the individual activities of such third parties that are unrelated to the joint venture or partnership in which they are involved with the entity providing Form C should be irrelevant to TxDOT. As such, we suggest the following revisions to this provision, which requires disclosure of activities that are relevant to the members of the Proposer and thus will provide TxDOT with information that is relevant in its evaluation of the Proposers’ qualifications.</p> <p>“The term ‘Affiliates’ includes parent companies, subsidiary companies, joint ventures s <u>members of which the entity completing Form C is a member</u> and partners <u>partnerships of which the entity completing Form C is a partner</u>, in each case, in which the entity <u>completing Form C</u> has more than a 15% financial interest <u>(and, with respect to joint ventures and partnerships, the disclosure required hereunder shall not include activities of joint venture members or partners not involving the Proposer, Equity Members or Major Non-Equity Members).</u>”</p>	See Addendum 1, which includes clarifying changes with respect to the reference to “Affiliates”.
30	RFQ	Part A. Section 4.2.(d); Page A-15	As the number of Forms G to include depends on the number of team members, please consider Form G to be exempt from page count.	See Addendum 1, which includes changes exempting Form G from the page count.

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31	RFQ	Part A. Section 5.3.1.(b).(i) Page A-22	<p>Please clarify, should the Project Manager be an employee of the Developer or the Lead Contractor. The following two sections are contradictory.</p> <p>5.3.1 Technical Qualifications and Capability (35% Weighting) Experience of the Technical Key Personnel: The experience of technical Key Personnel will be scored according to the following criteria: (i) Developer’s Project Manager and Superintendent for Lead Contractor</p> <p>Volume 2 - Section B Technical Qualifications (2) Technical Key Personnel (a) Technical Key Personnel Qualifications Project Manager - Shall lead the Developer’s efforts and be responsible for overall design, construction, operation, maintenance and contract administration on behalf of the Developer including safety and environmental compliance for the Project, assigned to the Project full time and co-located/on-site until the completion of the startup period for toll operations.</p>	See Addendum 1, which includes clarifying changes regarding the description of the Project Manager.
32	RFQ	Part B. Volume 2. Section B.(2)(a) Page B-8	<p>Volume 2 - Section B Technical Qualifications (2) Technical Key Personnel (a) Technical Key Personnel Qualifications Superintendent - Responsible for ensuring that the Project is constructed in accordance with the Project requirements, assigned to the Project full time and co-located/onsite until substantial completion.</p> <p>Please clarify, should the Superintendent be the Design-Build Project Manager or just the Construction Manager.</p>	Superintendent is the construction manager employed by the Lead Contractor.

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33	RFQ	Part B. Volume 2. Section B.(2)(a) Page B-8	<p>Volume 2 - Section B Technical Qualifications (2) Technical Key Personnel (a) Technical Key Personnel Qualifications Environmental Compliance Manager (ECM) - Responsible for ensuring compliance of all on-site activities with the requirements of all environmental permits and regulatory requirements. Reports directly to Project Manager. Independent of Lead Contractor's production team and has the authority to stop work.</p> <p>Please clarify, should the ECM be an employee of the Developer reporting to the Developer Project Manager or an employee of the Lead Contractor reporting to the Design-Build Project manager.</p>	ECM may be an employee of the Developer or an independent firm working for the Developer but cannot be an employee of the Lead Contractor or a firm subcontracting to the Lead Contractor
34	RFQ	Part B. Volume 2. Section B.(2)(a) Page B-8	<p>Volume 2 - Section B Technical Qualifications (2) Technical Key Personnel (a) Technical Key Personnel Qualifications Lead Quality Manager (QM) - 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 Project Manager. Independent of Lead Contractor's production team and has the authority to stop work. Shall be co-located and on-site until final acceptance.</p> <p>Please clarify, should the QM be an employee of the Developer reporting to the Developer Project Manager or an employee of the Lead Contractor reporting to the Design-Build Project manager.</p>	QM may be an employee of the Developer or an independent firm working for the Developer but cannot be an employee of the Lead Contractor or a firm subcontracting to the Lead Contractor

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35	RFQ	Part B, Volume 2, Section B.(2)(a) Page B-8	<p>Volume 2 - Section B Technical Qualifications (2) Technical Key Personnel (a) Technical Key Personnel Qualifications Safety Manager (SM) - 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. Reports directly to the Project Manager and has the authority to stop work.</p> <p>Please clarify, should the SM be an employee of the Developer reporting to the Developer Project Manager or an employee of the Lead Contractor reporting to the Design-Build Project manager.</p>	SM may be an employee of the Developer or an independent firm working for the Developer but cannot be an employee of the Lead Contractor or a firm subcontracting to the Lead Contractor
36	RFQ	Part B, Volume 3, Volume 4	For the documents requiring certification or signatures by Equity Members or Key Team Members, please confirm if scanned copies including blue ink signatures will be acceptable in lieu of originals.	No. Please provide original signatures as indicated in the RFQ.
37	RFQ	Part B, Volume 4, Section A (1) (b)	<p>Form F calls for, "a minimum of three and a maximum of five projects...", however, the Case Studies that describe the projects in Form F are limited to three projects.</p> <p>Please confirm if bidders are allowed to include case studies for each project referenced in Form F, even if that amount is 5 projects?</p>	No. Please limit the number of Case Studies to three.
38	RFQ	Part A, section 5.4, QS Evaluation Procedure, Page A-26	<p>Please kindly provide visibility about the committees that will be formed to evaluate the QS and identity of the committee members. For instance:</p> <ul style="list-style-type: none"> - Overall evaluation <ul style="list-style-type: none"> o Project Selection Committee - Technical Evaluation: <ul style="list-style-type: none"> o Technical Scorers o Technical Expert Panel - Financial Evaluation <ul style="list-style-type: none"> o Financial Scorers 	No additional information beyond what is in the RFQ will be provided.

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39	RFQ	Part B, Qualification Submittal, Definitions, Page B-1	<p>The RFQ defines Construction Team Member – Any member of the Proposer’s team, other than the Lead Contractor, that will be responsible for 20% or more of the construction work on the Project.</p> <p>and</p> <p>Lead Contractor – The member of the Proposer team, whether a single entity or joint venture, primarily responsible for the construction of the Project.</p> <p>In the scenario where the design-build team is a joint venture yet to be formed by 3 companies which will hold an interest of 33% each in the DB joint venture, please clarify who the Lead Contractor is:</p> <ul style="list-style-type: none"> - the DB joint venture yet to be formed, - the 3 team members, or - one of the team members of the yet to be formed DB joint venture. <p>In the scenario where the design-build team is a joint venture yet to be formed by 2 companies each of which will hold an interest of 85% and 15% in the DB joint venture, respectively, please clarify who the Lead Contractor is:</p> <ul style="list-style-type: none"> - the DB joint venture yet to be formed, - the 2 team members, or - the team member who will hold the 85% interest in the yet to be formed DB joint venture. 	<p>In each scenario, the Lead Contactor would be the design-build joint venture. A team member forming part of the design-build joint venture would be a Construction Team Member if it is responsible for at least 20% of the construction work.</p>

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40	RFQ		<p>The RFQ defines “Major Non-Equity Member – Any or all of a Proposer team’s Lead Engineering Firm, Lead Contractor, Financial Advisor, Lead Operations and Maintenance Firm, legal advisor and Construction Team Members, except in each case where these entities qualify as an Equity Member, and any other member of Proposer’s team identified as a Major Non-Equity Member in its Proposal.”</p> <p>Please clarify if a consultant to the Equity Members or a consultant to the Design-Build joint venture that is identified in the SOQ but is not part of the Lead Engineering Firm, Lead Contractor, Financial Advisor, Lead Operations and Maintenance Firm, legal advisor, Construction Team Members nor is an Equity Member, will automatically be deemed a “Major Non-Equity Member” and therefore it will be required to provide the same information as the Major Non-Equity Members listed in the definition above.</p>	See Addendum 1, which includes clarifying changes to the definition of “Major Non-Equity Member”.
41			Please consider making the Level 2 T&R Report available to prospective proposers during the RFQ stage. It will be a very useful piece of information to gain a better understanding of the project and approach the SOQ.	Refer to TxDOT response to question #8.

Note 1: Proposer questions 1 through 5 are included in the previously posted QA Matrix No. 1.