

**TxDOT SH 288 Toll Lanes Project in Harris County
Proposer RFQ QA Matrix #3
July 17, 2013**

No	Doc	Doc Section / Page No.	Proposer Comment	TxDOT Response
42	RFQ	Volume 2, Sect B (2) (a) (i)	<p>In reference to Volume 2, Sect B (2) (a) (i), it states: “For each of the three projects listed on a resume the following information shall be included: “For each of the three projects listed on a resume the following information shall be included:(i) Name of the project, the public owner’s contact information (project manager name, phone number, e-mail address), and project number (if any) and dates of work performed on the project. <u><i>If the owner’s project manager is no longer employed by the owner, provide an alternative contact at the owner / agency that played a leadership role for the owner and is familiar with the project.</i></u> TxDOT may elect to use the information provided to verify the experience claimed for an individual.”</p> <p>How are we to handle a situation where the owner’s project manager is no longer employed by the owner (but where we still have valid contact information for him and he does NOT have a conflict of interest in answering in regards to being employed by any member of the proposing team), and there are no longer any project-cognizant individuals left in the agency? Are we allowed to provide the PM’s current contact information in this instance?</p>	See Addendum 2, which includes language describing the contact information that may be submitted in this situation.
43	RFQ	Part B, Volume 3, Section A (Financial Statements and Credit Rating), Page B-13	Pursuant to question no. 5 of Proposer RFQ Q&A Matrix #1, issued by TxDOT on May 20, 2013, we note that another team has raised a question regarding the conversion of financial statements to U.S. dollars. This comment correctly stated that the requirement for conversion to U.S. dollars customary in the market for RFQs for similar projects is to provide conversion of only the Balance Sheet and Income Statement, and sometimes, but less commonly, the Statement of Cash Flow.	Requirements for Financial Statements will not be changed.

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			<p>Given that this is a new requirement in the market, we have not had to convert the footnotes for other similar procurements and, as such, do not have such conversions readily available. Although we have started the process of converting the financial statements, we are concerned about being able to complete the process of converting the footnotes by the QS Due Date set forth in the RFQ. Furthermore, this new requirement will require proposers to expend considerable time and resources in order to conduct the conversion, which we believe is overly burdensome in light of the limited value converted footnotes will ultimately provide.</p> <p>As such, and keeping in line with market standard practice, we request the following change: “U.S. Dollars – Financial statements must be provided in U.S. dollars if available. If financial statements are not readily available in U.S. dollars, the Proposer must convert the Balance Sheet, Income Statement and Statement of Cash Flow financial statements to U.S. dollars and provide a summary of the conversion methods and applicable foreign exchange rates used to do so.”</p>	
44	RFQ	Part A, Section 5.3.1 (b) (Experience of the Technical Key Personnel), Pages A-22 to A-23	The Safety Manager position as listed under Part B, Volume 2, Section B (2)(a) (Technical Key Personnel Qualifications) does not have scoring criteria listed in Part A, Section 5.3.1 (b) (Experience of the Technical Key Personnel). Please confirm such details.	The qualifications of the Safety Manager are scored under Part A, Section 5.3.5. See Addendum #1 and Addendum #2 for additional language for scoring criteria of the Safety Manager.
45			We request that TXDOT make its traffic and revenue feasibility analysis for the project publically available for review by potential proposer teams.	Please see response to Question 8 in Q&A Matrix #2. Please also note updates to T&R Memorandum on the TxDOT Project Website.

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46			<p>We would also like to note that the currently available Traffic & Revenue Data for the project does not seem to cover all the various segments for the SH 288 project and it is unclear from the "7 day traffic count summaries_1.xls" spreadsheet, what certain segments for which traffic data has been provided correspond to. For example, on the tab "67 TC-2 SB mainlane volume" it is not clear what the start and end points of this segment are.</p>	<p>Traffic counts were taken in the corridor at various SH 288 main lane locations and all ramp locations to provide the needed data to create a weekday traffic profile. Traffic counts were not taken at every mainline segment of SH 288 between ingress or egress points. Additionally seven day traffic counts were taken at various locations to provide the existing relationship between weekday and weekend traffic flows.</p> <p>7_Day_Count_Summaries_2.xlsx has been added to the Project Documents on the TxDOT Project Website at http://ftp.dot.state.tx.us/pub/txdot-info/hou/sh288_toll_lanes/project_documents/reports_studies_manuals/traffic_revenue_data/traffic_counts/. This spreadsheet has a legend for the 7 day traffic counts provided as well as more description of the location within each individual tab.</p>
47			<p>Would TxDOT consider a "pass through toll" arrangement for this project, similar to that which is currently proposed for the SH183 project in Dallas?</p>	<p>Please see response to Question 11 in Q&A Matrix #2.</p>

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48	RFQ	Part A, Article 5.2 Pass/Fail Review; Page No. A-18 Part B, Volume 2, Section B (2) Technical Key Personnel, Page No. B-9	<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 (c) a parent company of an Equity Member; provided, however, that the Project Finance Lead(s) may also be employed by an external Financial Advisor.</p> <p>Environmental Compliance Manager</p> <p>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>Lead Quality Manager</p> <p>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><u>Question:</u> To maintain the independence of the key personnel noted in Page B-9 in the description of the Environmental Compliance Manager and Lead Quality Manager, it is our team's intent to provide the key personnel for those two positions from firms independent of Prime Design Firm and the Lead Contractor. Please confirm that this meets the Department's requirements.</p>	Please see responses to Questions 33 and 34 in Q&A Matrix #2, and see Addendum #1.

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49		Part B, Vol. 3, Sec. A – Credit Ratings & Part B, Definitions	The Credit Ratings requirement states that a Guarantor can be included in the Proposer’s QS. Please clarify whether the Guarantor should be identified as a Major Non-Equity Member according to the definitions. Please also clarify whether it is acceptable to include the financial statements for the Guarantor.	See Addendum #2, which clarifies when a Guarantor should be identified and what information with respect to a Guarantor should be provided.
50		Part B, Volume 3 – Financial Information; Section A – Financial Statements and Credit Ratings; pages B-13 and B-14	<p>Please clarify whether an Equity Member is permitted, under RFQ Part B, Volume 3, Section A, to submit financial statements of its parent company within the QS materials to show financial capacity.</p> <p>If so, please clarify what additional information (if any) besides the financial statements pursuant to Part B, Volume 3, Section A of the RFQ the parent company of the Equity Member is required to submit as part of the QS materials.</p>	<p>The Equity Member may only rely on the financial statements of its parent company if the parent company is acting as a Guarantor.</p> <p>If the Proposer elects to include a Guarantor, the response to Question 49 applies.</p>

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51		Part B, Definitions	<p>Are prospective proposers required to name a financial advisor and a legal advisor in their Qualification Statements, or can these roles be appointed after shortlist?</p> <p>If the latter is possible, what is the process to incorporate the financial advisor and the legal advisors into the proposer's team?</p>	<p>Although the RFQ does not specifically require a Financial Advisor to be included as part of the QS submission, Proposers are reminded that 35% of a Proposer's score is based on financial qualifications and capability, including specifically the depth of experience of the Proposer's Financial Key Personnel (see Part A, Section 5.3.3). Financial Advisors are considered Financial Key Personnel and Major Non-Equity Members.</p> <p>Proposers are not required to name legal advisors in their Qualification Statements.</p> <p>If Proposer is shortlisted, the Instructions to Proposers will provide instructions on the process to change members of the Proposer's team.</p>
52		Part A, Section 5 – Evaluation Process and Criteria	Can you please clarify how the legal advisor experience will be considered for the purpose of evaluating and scoring the Qualification Statements submitted by prospective proposers?	Legal advisors will not be evaluated as part of the Qualification Statements.

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

Note 2: Proposer questions 6 through 41 are included in the previously posted QA Matrix No. 2.