



**SH 360
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1	RFQ	Part A, Section 6.3	Page 13	Certain firms listed in Section 6.3 of the RFQ asked if the firm could participate on a proposer team.	TxDOT would like to further clarify the response to Question No. 1 provided in Q&A Matrix #1 dated March 28, 2014. A firm listed in Section 6.3 of the RFQ is prohibited from participating on a proposer team. However, the North Texas Tollway Authority (NTTA) has informed TxDOT that they will not object to any of their consultants joining a proposer team for the SH 360 Project if the consultant's current relationship as a consultant for NTTA services is terminated. Therefore, if a firm's or its consultant's contractual relationship with the NTTA is terminated for any reason, then TxDOT would not object to the firm joining a proposer team for the SH 360 Project. TxDOT requests a copy of the termination letter no later than May 2, 2014, in order for the firm to be eligible to participate on a proposer team. A final, modified list of conflicted firms will be included in an addendum to the RFQ issued after May 2, 2014.
2	RFQ	Volume 1 Appendix Part B Section D - Key Personnel Qualifications, Key Personnel Category Description	Page 8	Due to the smaller scale of this project, we request the Registered Professional Engineer requirement for the Lead Quality Manager be removed.	No change will be made. The Lead Quality Manager position is required to be a Registered Professional Engineer due to the importance of their role in assuring the quality of all design and construction work products.
3	RFQ	Part A - Background and Instructions 3.3 - Procurement Schedule (Part A Page 4), 4.4 - QS Submittal Requirements Part A	Page 7	Section 3.3, Procurement Schedule, states that the QS Due Date/Time is May 30, 2014, at 3:00 PM, but Section 4.4, QS Submittal Requirements, states QSs must be received before 12:00 PM central time. Please confirm time QS is due on May 30, 2014.	QSs will be due by 3:00 pm on the QS Due Date. The correction will be made in Addendum 1 to the RFQ.

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4	RFQ	Part A - Background and Instructions 6.2 - Public Information Act	Page 12	Please advise on how TxDOT would like proposers to list contents we deem confidential in Volume 1, Volume 1 Appendix and Volume 2.	Pursuant to Section 6.2.1 of the RFQ, each Proposer, by submitting a QS to TxDOT in response to the RFQ, consents to the disclosures described in the RFQ, including the public disclosure by TxDOT of all portions of the QS other than Volume 2 under Section 6.2.3. Therefore, Proposers shall not designate such portions of the RFQ as confidential or include materials the Proposer deems are confidential. As provided in Section 6.2.4, if a request is made under the Texas Public Information Act (the "Act") for disclosure of Volume 2 of the QS or information contained therein, TxDOT will submit a request for an opinion from the Office of the Attorney General prior to disclosing any such documents. The Proposer will then have the opportunity to assert its basis for non-disclosure of such documents and claimed exception under the Act or other applicable law to the Office of the Attorney General within the time period specified in the notice issued by TxDOT and allowed under the Act. Please note Volume 2, Section A(h) will be deleted in Addendum 1 to the RFQ.
5	RFQ	Part B. 2 - Organization Table and Section C - (b) Forms E- Project Descriptions Part B	Page 4	Part B states that Form E is "sub-limited to 1 page per project; included in 25-page overall limit" but the Form E provided is two pages requiring substantial and detailed information for each project. Please revise Part B pages 2 and 4 to read to "sub-limited to 1 page per project; excluded in 25-page overall limit" and "...shall be a maximum of two pages per project..." Proposer requests that the project description be limited to two pages.	The page limit for each Project Description provided on Form E shall be increased from one page to a maximum of two pages. The overall page limit count shall also be increased from 25 pages to 32 pages. The sub-limit of two pages per project shall be included in the 32-page overall limit for Volume 1. The correction will be made in Addendum 1 to the RFQ.
6	RFQ	Part A, 5. Evaluation Process and Criteria Part A 5.3.3 - Safety Qualifications	Page 10	Please confirm that Section 5.3.3 Safety Qualifications (b) "safety practices (4 points)" will be evaluated solely on the information provided within contents included with Forms F and not the Executive Summary, Management Structure or Technical Approach.	The safety qualifications of Proposers will be evaluated based only on information provided on Form F as stated in Section 5.3.3 of the RFQ.

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7	RFQ	Part B Section E Safety Qualifications	Page 5	Please allow proposer to append answers to questions within the Safety Questionnaire that require written responses and allow those pages to not count toward the 25-page limit.	If additional lines or spaces are needed to complete responses to questions on Form F, then Proposer may include additional lines in Form F. As noted in Part C, page 22, under Instructions for Completion of Form F and in Part B, Volume 1, Section E on page 5, Form F, including any pages required to complete responses on Form F, is excluded from the page limit for Volume 1.
8	RFQ	Part A 5. Evaluation Process and Criteria 5.3.1 - Project Qualifications and Experience	Page 10	5.3.1 states "Project and personnel references, as well as the information provided as required in <u>Part B, Volume 1, Sections B(a) through B(c)</u> and <u>Part B, Volume 1 Appendix, Sections A, C, D and E</u> will be.." Please clarify if Sections B(c) and E are the correct references.	The correct references are Part B, Volume 1, Sections B and C, and Part B, Volume 1 Appendix, Sections A, B and D. The correction will be made in Addendum 1 to the RFQ.
9	RFQ	Part B Organization pg 2 and Section D - Statement of Technical Approach	Page 5	Please clarify that the Statement of Technical Approach "...may be no longer than five pages.." since this conflicts with the information provided on Part B page 2.	The page limit for the Technical Approach is five pages. The correction will be made in Addendum 1 to the RFQ.
10	RFQ	Part C Form D-1	Page 17	Please correct note (5) to read "Project Cost means the total design cost budgeted or, if the project is complete, the total design cost of the completed project."	The projects listed in Forms D-1, D-2, and D-3 are used to evaluate experience in developing, designing, fabricating and/or constructing and maintaining comparable projects as provided in Section 5.3.1 of the RFQ. Accordingly, the Project Cost section of those forms should include the total construction cost of the relevant project. Form D-1 will be revised in Addendum 1 to the RFQ.
11	RFQ	Part C Form D-3	Page 19	Please correct note (5) to read "Project Cost means the total maintenance cost budgeted or, if the project is complete, the total maintenance cost of the completed project."	The projects listed in Forms D-1, D-2, and D-3 are used to evaluate experience in developing, designing, fabricating and/or constructing and maintaining comparable projects as provided in Section 5.3.1 of the RFQ. No change will be made.

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12	RFQ	Part C Form D-3	Page 19	Please clarify if the information provided in note (7) is an additional narrative description to Form E or should it be a separate document? Confirm this additional information does not count toward the 25 page overall limit.	Note (7) on Form D-3 requires Proposer to provide a maximum two-page narrative description to be provided on Form E in accordance with Part B, Volume 1, Section C (b). Each Project Description provided on Form E shall be limited to two pages and shall count as two pages toward the 32-page overall limit for Volume 1. The correction will be made in Addendum 1 to the RFQ.
13	RFQ	Part C Form F	Page 22	Please add "Lead Maintenance Firm" as an option for "Role of entity completing this Form F" to comply with the requirements stated in Part B Section E.	Form F will be amended to add the Lead Maintenance Firm to the list of entities completing Form F, as required by Part B, Volume 1, Section E. The correction will be made in Addendum 1 to the RFQ.
14	RFQ	Part C Form D-3	Page 19	Please clarify if the information provided in note (7) is an additional narrative description to Form E or should it be a separate document? Confirm this additional information does not count toward the 25 page overall limit.	See response to Question No.12.
15	RFQ	Part B - Volume 1 Appendix Section D - Form G Personnel Qualifications	Page 7	Please consider removing this form requirement from the proposal and allowing a 2-page written, formatted resume for key personnel. The form is too restrictive and limiting in clearly describing each personnel's role, responsibilities and relevance. If TxDOT maintains requirement of Form G - please allow proposer to include a 1-page appendix to each resume form to further elaborate on "describe role and services provided relevant to this project."	Form G is the required format for Key Personnel resumes and references. Please note that resumes and references will not be required or evaluated for non-Key Personnel.
16	All	All Forms		Please provide all forms in Microsoft Word to allow for ease of completing required information.	The native Word files will be provided in Addendum 1 to the RFQ.

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17	RFQ	Part B, Section 2	Page 2	<p>The Table prescribes the requirements for “<i>Section D – Statement of Technical Approach.</i>” Maximum number of pages allowed are: “<i>Sub-limited to 3 pages; included in 25=page overall limit</i>”; Part B, Section D – Statement of Technical Approach states “<i>The Statement of Technical Approach may be no longer than five pages and is included in the 25-page limit for Volume 1.</i>” To alleviate the discrepancy, please allow Section D- Statement of Technical Approach to be sub-limited to 5 pages of the 25 page limit for Volume 1.</p>	See response to Question No. 9.
18	RFQ	Part B, Section 2	Page 2	<p>The Table prescribes the requirements for “<i>Section C – Technical Qualifications</i>”, for Form E to be “<i>Sub-limited to 1 page per project; included in 25-page overall limit.</i>” However, Form E as provided is already 2 pages when not filled out. Considering the space required to sufficiently answer, please increase the space for Form E responses from 1 page to 3 pages for each project on the completed Form E’s.</p>	See response to Question No. 5.
19	RFQ	Part A, Section 4.2(c)	Page 6	<p>Please provide an overall increase to the page limit of Volume 1 from 25 to 26 (21 pages for Form E’s in Section C – Technical Qualifications, 5 pages for Section D - Statement of Technical Approach). Everything else in Volume 1, including the Appendix, is not subject to overall page limitation according to the current RFQ.</p>	See response to Question No. 5.
20	RFQ	Part A, Section 5.3.1	Page 10	<p>From top of page 10: “...<i>Volume 1 Section B(a) through B(c) and Part B, Volume 1 Appendix, Sections A, C, D and E will be used...</i>” This references Part B, Volume 1 Appendix, and Section E. Section E does not exist in the RFP document. Please confirm this is not a submittal requirement.</p>	See response to Question No. 8.

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21	RFQ	Part B, Section 2	Page 2	<p>The Table prescribes the requirements for “Volume 1 Appendix, <i>Section D – Personnel Qualifications Form G – key Personnel Resume and References.</i>” Maximum number of pages allowed are: “2 page per resume and references”; However, Form G, as provided is already 2 pages when not filled out and has very little space in the Project Description/Role cells to sufficiently answer the “<i>Describe role and services provided relevant to this Project.</i>” requirement. Considering the space required to sufficiently answer, please expand the page limitation for Form G from 2 to 3 pages.</p>	See response to Question No. 15.
22				Please provide forms in Microsoft Word format.	See response to Question No. 16.
23	RFQ	Part A, Section 5.1	Page 8	<p>The third paragraph of 5.1 Responsiveness states “<i>Key Personnel shall be employed by: (a) the Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm itself; (b) a controlled subsidiary of such Equity member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm; or (c) a parent company of an Equity Member.</i>”</p> <p>We request that the Key Personnel position of “Lead Quality Manager” be exempt from this statement to allow the Equity Members to use either subcontractors, dedicated subcontractors or potential DBEs to fulfill the role as per the requirement specified in the Table on Page 8 of Part B (Key Personnel – Description of Position).</p>	No change will be made.

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24	RFQ	Part C, Form D-3	Page 19	Within note (3) it states: "... of the ultimate responsibility for the maintenance work." Is it acceptable to define the term "maintenance work" to be during the time of project construction?	No, maintenance work shall not be limited to maintenance performed during construction. Proposer may be responsible for performing comprehensive maintenance for the Project upon Substantial Completion. TxDOT currently anticipates that in addition to the DBA, the selected Proposer will enter into a comprehensive maintenance agreement ("COMA"), as the "Maintenance Contractor."
25	Draft DBA Term Sheet	Payment Obligations & Progress Payment Limitations and Schedule		Suspension of progress payments based on the D-B Contractor being behind schedule is counter-productive. Unless the D-B Contractor is extremely far behind schedule and shows no willingness to prepare or follow a recovery schedule, the D-B Contractor will need to be able to rely on the progress payments to be able to accelerate work and catch up to the schedule. In addition, if the interim payments are "progress" payments, then they are based on activities completed and should not be suspended. The Owner has the option of Liquidated Damages to provide additional incentive for schedule recovery without putting the contractor in a position of needing to go cash negative in order to complete the project. Proposer requests TxDOT to revise the language accordingly.	TxDOT will review and address this issue during the development of the RFP.
26	RFQ	Part C, 7. (a) Geotechnical Investigation Program	Page 4	Rather than have each of the Proposers paying to have geotechnical investigations performed individually, would TxDOT consider hiring a geotechnical firm to perform the investigations on behalf of the Proposers and provide the reports to the shortlisted proposers, upon which the Proposers would be entitled to rely?	Proposers shall be responsible for performing their own geotechnical investigations.
27	RFQ	Part C, Form F - Safety Questionnaire	Page 22	Form F asks for Fatal Injury Rates for the past three years. Table 1 lists years 2010, 2011 and 2012. Should proposer provide information for years 2010 through 2012 or 2011 through 2013?	Proposers must provide information for 2010 through 2012.

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28	RFQ	Part B	Page 10	Previously, TxDOT has allowed Proposers, Equity Member(s) of the Proposer responsible for construction and maintenance, or Guarantor(s) that have been prequalified by TxDOT to provide a letter indicating the entity, or its members, is prequalified by TxDOT in lieu of Financial Statements. Will TxDOT allow Proposers, Equity Member(s) of the Proposer or Guarantor(s) to submit the prequalification letter in lieu of Financial Statements for the SH 360 RFQ?	TxDOT will not allow pre-qualification letters in lieu of financial statements for the SH 360 RFQ.
29	RFQ	RFQ - Part B, Section D, Statement of Technical Approach And Part B, , Section D, Statement of Technical Approach, last sentence.	Page 2 (Table) Page 5	Sub-limited to 3 pages; included in 25-page overall limit The Statement of Technical Approach may be no longer than five pages and is included in the 25- page limit for Volume 1 Question/Comment: Please clarify the number of pages for the Technical Approach	See response to Question No. 9.

