



**SH 360
RFQ Q&A Matrix #3
May 7, 2014**

No.	Doc	Section	Page	Question/Comment	Response
1	RFQ	Part A, Section 5.3.1; Part B, Section 2C	Page 9; Page 4	<p>We have only been able to identify a limited number of maintenance firms that meet the requirements for Lead Maintenance Firm and are willing to price and provide the COMA services. The Lead Maintenance Firm requirement is potentially limiting competition for this project.</p> <p>Please consider removing the COMA requirement or revising the RFQ to eliminate this barrier at the RFQ stage.</p>	The requirement to identify a Lead Maintenance Firm at the RFQ stage will be eliminated in Addendum #2 to the RFQ. Further details regarding identification of the Lead Maintenance Firm will be set forth in the Request for Proposals (RFP).
2	Draft COMA/ & RFQ	Draft COMA/ & Part C Form G	Page 4 Page 26	Under Staffing and Reporting, the document lists a Maintenance QC Manager as Key Personnel. Will the Maintenance QC Manager be added under Tier 2 on Form G Key Personnel Resume and References?	The Maintenance QC Manager will not be listed as a Tier 2 position on Form G because the qualifications and experience of this position will not be evaluated as part of the shortlisting process as described in Part A, Section 5 of the RFQ.
3	RFQ	Part B Item (b) Form E – Project Descriptions	Page 4	Item (b) Forms E – Project Descriptions states that [project] descriptions shall be a maximum of a one page per project on a separate 8 ½” x 11” sized white paper and shall be presented using Form E. Form E as presented in the RFQ occupies two pages. Please confirm that the required project description should be provided as an additional attachment to Form E on a separate 8 ½” x 11” sized white paper.	See response to Question No. 5 in RFQ Q&A Matrix #2.
4	RFQ	Part C Form A	Page 8	On Form A Transmittal Letter, under Volume 1: It states that it should include “Legal Qualifications”. I did not see reference to Legal Qualifications on page 2, Part B. Do you want Legal Qualifications to be included? If so, what would you like addressed?	Legal Qualifications beyond Form C are not required. Part C, Page 8 (Form A, Transmittal Letter) regarding Volume 1 will be revised to include: Transmittal Letter (Form A), Executive Summary, Management Structure/Organizational Charts, Technical Qualifications (Forms D-1, D-2, D-3 and E), Statement of Technical Approach and Safety Qualifications. The correction will be made in Addendum #1 to the RFQ.
5	RFQ	Part C Form A	Page 8	On Form A Transmittal Letter, “Safety Qualifications” is not listed. Per 2. Organization, (page 2, Part B), this is required (Form F) in Volume 1. Perhaps “Legal Qualifications” should instead be “Safety Qualifications”?	See response to Question No. 4 in this RFQ Q&A Matrix #3.

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6	RFQ	Part C Form F	Page 22	Table 1 and Table 2 in Form F Safety Questionnaire, request information for the last 3 years. However, the dates are 2010, 2011 and 2012. Do you want 2013 instead of 2010?	Proposer should include the latest available 3 years of experience in Form F, but no experience earlier than 2010 shall be provided. Please see revisions to Form F in Addendum #1 to the RFQ.
7	RFQ	Part C, Form D-3, Footnote 3	Page 19	<p>In accordance with recent TxDOT precedents, 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.</p> <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. Due to the significant size of many toll road projects, is it often the case that the participation interest of each project sponsor at both equity and O&M levels is lower than 40%, however such holding still represents a significant level of direct responsibility and involvement in the operation and maintenance, which we believe should be sufficient to demonstrate the relevant experience.</p>	Please be advised that identification of the Lead Maintenance Firm and consideration of the Lead Maintenance Firm's experience will be deferred until after TxDOT's determination of a shortlist of Proposers to receive the RFP. Please see response to Question No. 1. Further details regarding the Lead Maintenance Firm requirements will be set forth in the RFP.
8	RFQ	Part B	Page 8	Regarding the Lead Quality Manager requirements, please advise if a NICET Level IV Engineering Technician in the areas of Soils, Concrete, and Asphalt with 25 years of Quality Control Management experience can substitute for the Registered Professional Engineer in the State of Texas.	See response to Question No. 2 in RFQ Q&A Matrix #2.

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9	RFQ	Part B	Page 8	Regarding the Safety Manager, please confirm that the CHST and CHSO certifications are only required if the candidate does not have 10 years of experience. It is our understanding that so long as the Safety Manager has 10 years of experience, they do not need the CHST or CHSO certifications.	The CHST and CHSO certifications are not required as long as the Safety Manager has a minimum of 5 years of safety management experience.
10	RFQ	Part C, Section 8 Toll Collection System Development	Page 5	Section 8 states NTTA “will perform the toll systems integration, testing and back office functions for the Projects”, and responsibilities will be set forth in more detail in the RFP. Is NTTA the designer of the Tolling System for this project?	DB Contractor is responsible for the design and installation of the toll collection equipment in accordance with the standards that will be set forth in the RFP, as well as roadside integration and testing of the equipment.
11	Draft COMA Term Sheet	TERMINATION BY TXDOT WITHOUT LIABILITY		<p>TxDOT has the right not to issue any Maintenance NTP. Failure by TxDOT to issue Maintenance NTP1 within 180 days prior to the Scheduled Substantial Completion Deadline of the Project shall be deemed a termination of the COMA. In such event, the COMA will be terminated without any liability on the part of the parties to one another under the COMA</p> <p>Question/Comment: Request Initial five year term of COMA be compulsory with Award of DBA. Providing price certainty for O&M Work without certainty of performing the work does not attract qualified maintenance firm and most competitive pricing.</p> <p>Suggested Alternate or Change: Except for Maintenance NTP1, TxDOT has the right not to issue any Maintenance NTP. Failure by TxDOT to issue Maintenance NTP2 – NTP5 within 180 days prior to the end of the preceding term shall be deemed a termination of the COMA. In such event, the COMA will be terminated with- out any liability on the part of the parties to one another under the COMA.</p>	No change will be made. TxDOT reserves the right to issue or not issue any Maintenance NTP in accordance with the terms of the Comprehensive Maintenance Agreement (“COMA”).

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12	RFQ	Form F Part C	Pages C-22 to C-25	Form F is requesting accident data and Experience Modifiers for years 2010-2012. This is not the most current data available; which is 2011-2013. Will TxDOT consider revising the form to request the most current safety statistics?	See response to Question No. 6 in this RFQ Q&A Matrix #3.
13	RFQ	Volume2 Section A Part B	Page 10	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	See response to Question No. 28 in RFQ Q&A Matrix #2.
14	RFQ	Volume2 Section A Part B	Page 10	Volume 2 Section A Financial Statements and Credit Ratings states: "Financial statements for the Proposer, the Equity Members, Lead Contractor, the Lead Maintenance Firm and any Guarantor for the three most recent completed fiscal years must be provided consistent with the requirements below to demonstrate financial capability of the Proposer". If the COMA is entered into with the Proposer why are financials needed from the Lead Maintenance Firm. The lead Maintenance Firm just like the Lead Design Firm would be a sub-contractor to the Proposer and financial statements are not required of the Lead Design Firm. The Proposer who enters into the COMA is the one responsible for the work and stands behind the work product.	Please see response to Question Nos.1 and 7 in this RFQ Q&A Matrix #3.

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15	RFQ	Part B Section (b) Project Descriptions Part C Page 20 Form E	Page 4	Please confirm page limitation for Form E. 1 or 2 pages.	See response to Question No. 5 in RFQ Q&A Matrix #2.