



South Carolina  
Department of Transportation

# Request for Qualifications



INTERSTATE 26 WIDENING

MM 85-101

Design-Build Project

Project ID P029208

RICHLAND, LEXINGTON, AND

NEWBERRY COUNTIES

MARCH 29, 2018

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## **1. INTRODUCTION**

The South Carolina Department of Transportation (SCDOT) is issuing this Request for Qualifications (RFQ) to solicit Statements of Qualifications (SOQs) from those entities (Proposers) interested in contracting to serve as the Design-Build Team for the design and construction of the widening of Interstate 26 from mile marker 85 to mile marker 101 in Richland, Lexington, and Newberry Counties. The proposed roadway and/or bridge construction work involved is hereinafter referred to as the “Project”. The term “Proposer” as used herein includes a firm or firms, consortia, partnerships, joint ventures and others with whom SCDOT will be contracting.

## **2. PROJECT INFORMATION AND PROCUREMENT OVERVIEW**

### **2.1 Project Overview**

SCDOT proposes improvements to an approximately 16-mile long section of the I-26 corridor designed to reconstruct pavement, increase capacity, and upgrade interchanges and overpass bridges to meet state and federal design requirements. SCDOT intends to widen the existing 4-lane section to a proposed 8-lane section from MM 101 to MM 97, widen the existing 4-lane section to a proposed 6-lane section from MM 97 to MM 85, reconstruct the existing 4 lanes for the entire project length, and replace all overpass bridges from MM 85 to MM 101. Along the approximately 16 mile project area, interchanges at Exit 97 (Peak Exit, US 176 Broad River Road), Exit 91 (Chapin Exit, S-48 Columbia Avenue), and Exit 85 (Little Mountain Exit, SC 202) will be modified to bring them into compliance with state and federal design requirements. The existing weigh station at MM 94 will also be upgraded to use a weigh-in-motion sensor and signage.

### **2.2 Scope of Work**

- 2.2.1 The scope of work to be undertaken by the Proposer under the design-build contract for this Project will be further defined in the Request for Proposals (RFP). The successful Proposer will be responsible for all engineering, design, and construction services, including but not limited to, surveys, geotechnical exploration and design, roadway design, hydrologic/hydraulic analysis and design, bridge design, traffic design, seismic design, public/media/community relations and information, utility coordination, transportation management plan, as-built plans, permitting, right-of-way acquisition and services (including relocation services), maintenance of traffic, quality control inspection and testing services, environmental monitoring and compliance, HAZMAT studies and compliance, project layout, upgrading weigh stations to weigh-in-motion, and any other services that may be necessary to complete the Project. The Project will be designed in accordance with AASHTO and SCDOT design specifications and criteria, and constructed in accordance with SCDOT standards and specifications.

2.2.2 The design work will include, but not be limited to:

- Surveys
- Geotechnical exploration and design
- Roadway design
- Hydrologic/hydraulic analysis and design
- Bridge design
- Traffic design
- Seismic design
- Public/media/community relations and information
- Utility coordination
- Transportation management plan
- As-built plans
- Right-of-way acquisition and services (including relocation services)
- HAZMAT studies and compliance
- Any IMRs deemed necessary by SCDOT/FHWA
- Upgrading existing weigh station at MM 94 to Weigh-In-Motion Facility

2.2.3 Construction will consist of all necessary roadway and/or bridge work including, but not limited to:

- Reconstruction of the existing asphalt pavement using alternatives allowed in the RFP. SCDOT is considering allowing or providing alternate pavement designs, concrete and/or asphalt, for the interstate mainline.
- Adding a lane in each direction using paving alternatives allowed in the RFP from MM 85 to 97 and two additional lanes in each direction using paving alternatives allowed in the RFP from MM 97 to 101. SCDOT is considering allowing or providing alternate pavement designs, concrete and/or asphalt, for the interstate mainline.
- Ramp extensions where necessary
- Reconstruction of three interchanges, including removal, disposal, and reconstruction of the associated overpass bridges at these interchanges
- Removal, disposal, and reconstruction of seven additional existing overpass bridges and appurtenances
- Drainage and utility coordination
- Erosion and sediment control work items
- Maintenance of traffic
- Upgrading existing weigh station at MM 94 to Weigh-In-Motion Facility
- Intelligent Transportation Systems

Construction engineering and management, including quality control, will be the responsibility of the successful Proposer. The SCDOT will be responsible for the quality acceptance and independent assurance testing portions of the Quality Assurance Program for the Project. If specified in the RFP or required by design, the selected Proposer will be responsible for dynamic and/or static

load testing of drilled shafts and driven piles. Construction will comply with the SCDOT standards and specifications.

#### 2.2.4 Construction Engineering and Inspection

Construction Engineering and Inspection (CE&I), including Quality Acceptance and Independent Assurance (QA&IA) testing, for this Project will be performed by SCDOT either through in-house staff or through a separate procurement by SCDOT for a third party private engineering firm. The CE&I determination and contracting will be completed after the award of this Project to the successful Proposer. If a separate procurement is necessary, no member of the successful Proposer's team, its subsidiaries and/or affiliates, (both design team and construction team) shall be selected for the CE&I Project. If a sub-consultant on the successful Proposer's team (both design team and construction team) is being utilized by a CE&I candidate, the submitting CE&I firm shall request approval from SCDOT to replace the sub-consultant prior to CE&I contracting.

#### 2.2.5 National Environmental Policy Act (NEPA)

An Environmental Assessment (EA) was prepared for the Project. The EA has been signed, the Public Hearing has been held, and the public comment period is closed. A NEPA determination will be issued in summer of 2018, in advance of the Final Request for Proposals (RFP). The Proposer shall be responsible for complying with the NEPA determinations and all environmental commitments.

#### 2.2.6 Permitting

The preparation of all necessary permit applications will be the responsibility of the Proposer. Permittee Responsible Mitigation (PRM) may be required for the project. Regarding any permit or license that must be obtained in the name of SCDOT, the Proposer shall perform all functions within its power to obtain the permit or license, and SCDOT shall fully cooperate in this effort and perform any functions that must be performed by SCDOT.

#### 2.2.7 Interchange Modification Reports (IMRs)

Approved Interchange Modification Reports (IMRs) will be provided for Exit 97, Exit 91, and Exit 85 on the SCDOT Design-Build website in advance of the Final Request for Proposals. If a Proposer's design, through an approved ATC only, requires a revised IMR, the Proposer is fully responsible for justifying these changes and obtaining SCDOT/FHWA approval.

#### 2.2.8 Right-of-Way

It will be the responsibility of the Proposer to acquire the Right-of-Way necessary to complete the construction of the Project.

## **2.3 Procurement Process**

- 2.3.1 SCDOT will use a two-phase procurement process to select a Proposer with which to execute a contract for this Project. This RFQ represents the first phase in the process to solicit information, in the form of SOQs, that SCDOT will evaluate to determine which Proposers are the most highly qualified to successfully deliver the Project. **Proposers are advised that the evaluation of the SOQs and selection process is a competition and not simply a prequalification for the RFP stage.**
- 2.3.2 Selection of Short-List

Selection will be based upon the scoring of the Evaluation Committee as set forth in **Section 4**. SCDOT anticipates short-listing at least three, but not more than five of the most highly qualified Proposers that submit SOQs, unless SCDOT determines that a number greater than five or less than three is in the best interest of the SCDOT and is consistent with the purposes and objectives of two-phase design-build contracting.
- 2.3.3 See **Section 6** for information regarding the second phase of the procurement process.

## **2.4 Proposer Point of Contact**

The Proposer shall name three Points of Contact (POCs) in their SOQ. These three POCs shall be the only team members allowed to initiate contact with the SCDOT POC during the Procurement. This includes all correspondence including, but not limited to, confidential questions, clarifications, and Alternative Technical Concepts (ATCs). The Proposer POCs can be members of the Lead Designer or Lead Contractor.

## **2.5 SCDOT Point of Contact**

Carmen Wright is the Primary SCDOT POC and addressee for receiving all communications about the Project with copies to Barbara Wessinger, Alternate #1 POC, and Michael Hood, Alternate #2 POC. The Alternate POCs have been identified in the event of the unavailability of the Primary SCDOT POC but are not intended to be substitutes for the Primary SCDOT POC. Effective the date of the advertisement of this RFQ, no further contact is allowed with any SCDOT personnel concerning this Project, except for questions of an administrative or contractual nature that shall be submitted in writing to the attention of the Primary SCDOT POC (email is acceptable) with a copy to the Alternate POC. If questions of this nature are submitted by Proposers, the Primary SCDOT POC or an alternate POC will respond with one of the following, “Revisions will be forthcoming in an Addendum, “No revisions required”, or “See Section X.X.X of the RFQ”. This restriction is in effect until the contract has

been awarded. Any Proposer engaging in prohibited communications may be disqualified at the sole discretion of SCDOT. Written inquiries should be sent to:

Mail Delivery: Carmen Wright  
(cc to Barbara Wessinger and Michael Hood)  
Office of Project Delivery  
(Office of Chief Counsel and Preconstruction Design-Build Group)  
South Carolina Department of Transportation  
955 Park Street, Room 101 (Room 302 and 421)  
Columbia, South Carolina 29201

E-mail: [WrightCL@scdot.org](mailto:WrightCL@scdot.org) , [WessingeBM@scdot.org](mailto:WessingeBM@scdot.org)  
[HoodML@scdot.org](mailto:HoodML@scdot.org)

## 2.6 Milestone Schedule

Milestone	Date
Advertise Request for Qualifications	March 29, 2018
Deadline for Submittal of Qualifications	April 26, 2018 by 10:00 a.m. EST
Announcement of Short-Listed Proposers	May 31, 2018
Issue RFP for Industry Review (#1)	June 7, 2018
Issue RFP for Industry Review (#2)	July 26, 2018
Debriefs for Non-Short-Listed Proposers	June 28, 2018
Issue Final RFP	August 23, 2018
Submittal of Technical Proposals	March 20, 2019
Submittal of Cost Proposals (unless fixed price award criteria is used)/Public Announcement	May 15, 2019

## 2.7 RFQ Documents and Addenda

- 2.7.1 Electronic copies of the RFQ and the Project Information Package may be downloaded from the SCDOT Design-Build website at <http://www.dot.state.sc.us/business/design-build.aspx>.
- 2.7.2 The Project Information Package will include information describing the work which has been performed by SCDOT prior to entering into the contract for the Project. **At the release of this RFQ, limited information is available. If additional information becomes available, it will be added to the Project Information Package.** Data reports and electronic files posted on the SCDOT Design-Build Website are for information only and are not part of this contract

unless specifically incorporated in the RFP. SCDOT shall not be liable for the reliability or accuracy of the information contained therein.

- 2.7.3 SCDOT reserves the right to revise or amend the RFQ, specifications and/or drawings, including changes to the date the SOQ is due. Any changes to the documentation provided shall be identified by an addendum to this RFQ. Any and all modifications to this RFQ will be posted at the web location above. **It is the Proposer's responsibility to check the Design-Build Website regularly for updates, modifications, and additional documentation pertaining to this procurement.**
- 2.7.4 Receipt of an addendum by the Proposer must be acknowledged in the space provided on the Addendum Notice to Proposer Transmittal Form posted on the SCDOT Design-Build Website for this Project. Proposers shall submit the signed notice with their response to this RFQ in **Appendix G**. Failure to acknowledge an addendum may result in rejection of the SOQ. Explanations or instructions given in a form, other than an addendum to the RFQ, shall not be binding.
- 2.7.5 The following information will be made available on the SCDOT design-build website:
- Surveys
  - Right of Way
  - Existing Plans
  - Active Fee Appraisers List
  - Active Fee Reviewer List
  - On-call ROW Consultant list
  - Existing Roadway Design Files
  - Existing Bridge Design Files
  - Bridge SI&A Sheets
  - Geotechnical Baseline Report
  - Environmental Documents & Supporting Documents

### **3. CONTENTS OF STATEMENT OF QUALIFICATIONS**

This section describes specific information that must be included in the SOQ in order to be responsive. The format for the presentation of such information is described in **Section 5**.

#### **3.1 General**

- 3.1.1 It is not the intention of SCDOT to receive project specific design or engineering recommendations as part of this RFQ. Proposers shall limit their submittals to the information required by this RFQ and other information regarding qualifications and experience.

- 3.1.2 The information obtained under this RFQ will become the property of SCDOT without restriction or limitation on its use. SCDOT shall have unrestricted authority to publish, disclose, distribute, or otherwise use in whole or in part any reports, data, or other materials prepared under this RFQ in accordance with **Section 3.1.5**.
- 3.1.3 Proposer shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ. The proposer should address throughout the SOQ project characteristics such as, but not limited to, design and construction of major interstate widening projects and interchanges, including demolition and construction of overpass bridges, while maintaining traffic.
- 3.1.4 Proposer shall be held responsible for the validity of all information supplied in its SOQ, including that provided by potential subcontractors. Should subsequent investigation disclose that the facts and conditions were not as stated, the SOQ may be rejected or contract terminated for default if after award, in addition to any other remedy available under the contract or by law.
- 3.1.5 Proposer shall specifically mark as “CONFIDENTIAL” any elements of their submission that they consider to contain confidential or proprietary information, and the release of which would constitute an unreasonable invasion of privacy. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark the entire SOQ as confidential or proprietary. **In Appendix F, the Proposer shall include a list of page numbers that contain confidential and/or proprietary information. Failure to include this list in the SOQ appendix waives the confidentiality protection and subjects the information to disclosure in accordance with the law.** In determining whether to release documents, the SCDOT will rely on Proposer’s marking of each page or portions of pages of documents, as required by these instructions, as being either “Confidential” or “Trade Secret”. Proposer shall be prepared upon request to provide justification of why such materials shall not be disclosed under the South Carolina Freedom of Information Act, Section 30-4-10, et seq., South Carolina Code of Laws (1976) as amended. SOQs will be kept confidential and will not be disclosed, except as may be required by law.
- 3.1.6 The following, **Sections 3.2 through 3.7**, describe the information that will be used to determine responsiveness, and how the SOQs will be evaluated.
- A Proposer may be deemed non-responsive if any required information in **Section 3.2** is not provided in the SOQ by the due date.
  - A Proposer will be deemed non-responsive if any required information in **Sections 3.3 through 3.7** is not provided in the SOQ by the due date.

## 3.2 Introduction

- 3.2.1 Identify the entity with whom SCDOT will be contracting and if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone numbers, and e-mail address for contracting entity.
- 3.2.2 Identify the three Proposer Points of Contact for the procurement for this Project including mailing addresses, phone numbers and email addresses.
- 3.2.3 Identify the full legal name of both the Lead Contractor and Lead Designer for the Project. The Lead Contractor is defined as the Proposer that will serve as the prime/general contractor responsible for construction of the Project. The Lead Designer is defined as the prime design consulting firm responsible for the overall design of the Project.
- 3.2.4 Provide a statement confirming the commitment of Key Individuals identified in the submittal to the extent necessary to meet SCDOT's quality and schedule expectations, and that they are available for the duration of the Project.
- 3.2.5 Limit the Introduction to one page which counts towards the specified page limit in **Section 5.2.2**.

### 3.3 Team Structure and Project Approach (20 points)

The information required by this section will be used in the qualitative assessment of the SOQ. SCDOT will evaluate the capabilities of the Proposer organization to effectively deliver the Project.

#### 3.3.1 Organizational Chart and Team Structure (5 points)

- Provide an organizational chart showing the flow of the “chain of command” with lines identifying participants who are responsible for major functions to be performed and their reporting relationships in managing, designing, and building the Project. The chart must show the functional structure of the organization down to the design discipline leader and construction superintendent level and must identify Key Individuals by full legal name and firm. Identify the critical support roles and relationships of project management, project administration, executive management, construction management, quality management, safety, environmental compliance and subcontractor administration. The organizational chart shall be limited to one page and counts towards the specified page limit in **Section 5.2.2**.
- Within the SOQ narrative, provide a brief, written description of significant functional relationships and past experience working together among firms and how the proposed organization will function as an integrated team.

#### 3.3.2 Critical Risks, Project Approach, and Capacity and Resources (15 points)

- Critical Risks – Identify and discuss the five critical risks for this Project which you believe SCDOT considers the most relevant and critical to the success of the Project. Describe why the risk is critical, indicate the impact the risk will have on the Project, and discuss the strategies the Proposer's team will implement to mitigate or eliminate the risk. Describe the role that the Proposer expects SCDOT or other agencies to have in addressing these Project risks. (5 points)
- Project Approach – Discuss approach to successfully completing the project including design, construction, and demolition. The discussion should include major project tasks with integration of risk items. Identify tasks that the lead organization will self-perform. If a joint venture, identify work items each entity will perform. If major tasks will be performed by others, identify those tasks as well as the team members responsible. (3 points)
- Project Approach – Describe the Proposer's approach to Quality Control and understanding of the Quality Assurance Program along with the roles of the Proposer and SCDOT for all aspects of design and construction of the Project. Describe the interaction with SCDOT to ensure that acceptance of components will be accomplished in a timely manner. (2 points)
- Capacity and Resources – Identify in tabular form within the narrative if any of the key individuals and team members have worked together in the past. Describe the types of projects they worked on, the year(s) they worked together, the level of participation, and a reference contact name, email address, and phone number for that project. Any references documented in this section must also be tabulated in a form that shall be provided in **Appendix H**. The Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>. (3 points)
- Capacity and Resources – Indicate the team's ability to coordinate all portions of the Project. Indicate how the geographical setup of the team will achieve successful delivery of the Project. (2 points)

### **3.4 Experience of Key Individuals (40 points)**

The information required by this section will be used in the qualitative assessment of the SOQ. SCDOT will evaluate the capabilities of the Proposer's Key Individuals to effectively deliver the Project. SOQs that provide Key Individuals not meeting the minimum experience outlined herein will be deemed non-responsive.

- 3.4.1 Prior to contract execution, team members shall hold or obtain licenses required for performing work on the Project under state and local laws. Any design reports, plans, and design calculations shall be signed and sealed by an unrestricted Professional Engineer registered in the State of South Carolina.
- 3.4.2 Team members may perform multiple roles with the exception of the Project Manager, Lead Design Manager, Construction Manager, and the Quality Control Manager who shall have singular responsibilities as described herein.

3.4.3 Resumes of Key Individuals shall be provided on the Key Individual Resume Form. If an individual fills more than one position, only one resume is required. Resumes for personnel who are not identified as Key Individuals should not be included in the SOQ. SF 330 forms shall not be included and will not be reviewed. The required Key Individual Resume Form may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>. This information shall be included in the **Appendix A** and will not be counted against the specified page limit in **Section 5.2.2**. Any references documented in this section must also be tabulated in a form that shall be provided in **Appendix H**. The Key Individual Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>.

3.4.4 Project Manager (10 points)

- The Project Manager shall be the primary person in charge of and responsible for delivery of the Project in accordance with the contract requirements. The Project Manager shall have full authority to make final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to SCDOT. After award of the Project, the Project Manager shall be the primary contact for communications with SCDOT and is expected to attend and lead all regularly scheduled meetings. The SOQ must identify the Project Manager and the employing firm and clearly define the role and responsibility of the Project Manager relative to the member firms.
- The Project Manager shall have a minimum of 10 years of progressive experience and expertise in the management of highway transportation projects and must include experience and expertise in the management of projects of similar scope, magnitude, and complexity.
- For the duration of the contract, the Project Manager shall be dedicated solely to this Project, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
- The Project Manager shall be on-site during all construction activities and shall be available for weekly status meetings during the design phase and at the request of the SCDOT.

3.4.5 Design Engineering Team (15 points)

The Proposer's design engineering team shall have experience and expertise in all phases of roadway design and bridge structure design for the Project. Key Individuals of the design team shall have the following minimum qualifications:

- Lead Design Engineer (5 points)

- The Lead Design Engineer shall be in charge of and responsible for all aspects of the design of the Project, subject to oversight of the Project Manager.
- The Lead Design Engineer shall have a minimum of 10 years of experience and expertise in managing the design of highway transportation projects after acquiring a professional engineering registration, and must include experience and expertise in the design of projects of similar scope, magnitude, and complexity.
- For the duration of the design phase, the Lead Design Engineer shall be dedicated solely to design of the Project, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
- The Lead Design Engineer shall be a full time employee of the lead design firm.
- Roadway Engineer (2 points)
  - The Roadway Engineer shall have a minimum of 10 years of progressive experience after acquiring a professional engineering registration, in the design of roadway facilities with particular emphasis on projects of similar scope, magnitude, and complexity.
- Structural Engineer (2 points)
  - The Structural Engineer shall have a minimum of 10 years of progressive experience in the design of bridge and roadway structures with particular emphasis on projects of similar scope, magnitude, and complexity.
- Traffic Engineer (2 points)
  - The Traffic Engineer shall have a minimum of 10 years of progressive experience in traffic design to include operational and capacity analysis, traffic signal, ITS, signing, marking, and maintenance of traffic. The Traffic Engineer shall also have experience in the traffic design of projects of similar scope, magnitude, and complexity.
- Geotechnical Engineer (1 points)
  - The Geotechnical Engineer shall have a minimum of 10 years of progressive experience and expertise in the design of bridge foundations, retaining walls, and ground improvements beneath embankments, as well as seismic design thereof. The Geotechnical Engineer shall have experience with similar subsurface and geologic conditions.
- Hydraulic Engineer (1 points)
  - The Hydraulic Engineer shall have a minimum of 10 years of progressive experience including expertise in the design of roadway drainage, design

of sediment and erosion control, bridge hydraulic modeling experience and scour computations.

- Environmental Manager/Permit Coordinator (1 point)
  - The Environmental Manager/Permit Coordinator shall have a minimum of 10 years of progressive experience in the determination, coordination, and preparation of permits for transportation projects as well as an understanding of the requirements set forth in the NEPA.
  - The Environmental Manager/Permit Coordinator shall be responsible for the acquisition of permits, environmental requirements and commitments, including typical SCDOT mitigation practices and permittee responsible mitigation, and erosion control inspections as required by NPDES and other environmental rules and regulations.
- Right-of-Way Team (1 point)
  - The Right-of-Way team shall meet the following minimum qualifications:
    - The firm providing right-of-way acquisition services shall be on the current SCDOT Approved Consultant Firms list and the individuals providing appraisal services shall be on the SCDOT Active Fee Appraisers List and the SCDOT Active Reviewer List. These lists are available at <http://www.scdot.org/business/right-of-way.aspx>.
    - Indicate the firm that will be used for Right-of-Way acquisition services and explain how the firm's experience and available capacity will allow successful completion of the Right-of-Way phase for this project.
  - The Right-of-Way Manager shall meet the following minimum qualifications:
    - The Right of Way Manager shall have a minimum of five years of experience in the acquisition of right of way for transportation projects using federal-aid highway funds to include experience in acquiring right-of-way along interstates and experience with relocation of outdoor advertising (billboards).
    - The Right-of-Way Manager shall be responsible for adhering to all laws, regulations, and SCDOT policy regarding the acquisition of property and shall manage right-of-way acquisition services.

#### 3.4.6 Construction Management Team (15 points)

The Proposer's construction management team shall have experience and expertise in all phases of roadway and bridge construction. Key Individuals of the construction team shall have the following minimum qualifications:

- Construction Manager (8 points)
  - The Construction Manager shall be responsible for all aspects of the construction of the Project, subject to oversight of the Project Manager.
  - The Construction Manager shall have a minimum of 10 years of progressive experience and expertise in the construction of highway transportation projects and must include experience and expertise in the management of the construction phase of projects of similar scope, magnitude, and complexity.
  - For the duration of construction, the Construction Manager shall be dedicated solely to managing the construction of the Project, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
  - The Construction Manager shall be on-site during all construction activities for the project.
- Quality Control (QC) Manager (6 points)
  - The QC Manager shall be responsible for ensuring that all workmanship and materials are in compliance with the contract requirements. The QC Manager shall coordinate with the SCDOT Resident Construction Engineer (RCE) for all QA&IA testing. The QC Manager shall not report directly to the Project Manager or other Project personnel, but shall report to a responsible officer of the entity with whom SCDOT has contracted.
  - The QC Manager shall have a minimum of seven years of progressive experience and expertise in the QC of highway transportation projects and must include experience and expertise in the QC management of the construction phase of projects of similar scope, magnitude, and complexity.
  - For the duration of construction, the QC Manager shall be dedicated solely to project quality control, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
  - The QC Manager shall be on-site during all construction activities for the Project.
- Safety Manager (1 point)
  - The Safety Manager shall be responsible for compliance with all applicable safety regulations.
  - Describe experience and active certifications of this individual. The Safety Manager shall also have experience in the safety management of projects of similar scope, magnitude, and complexity.

### 3.5 Past Performance of Team (40 points)

The information required by this section will be used in the qualitative assessment of the SOQ. In evaluating past performance, SCDOT will evaluate the level of experience and quality of work of the Proposer's organization to effectively deliver the Project.

The Proposers are advised that the SCDOT may use all information provided by the Proposer and information obtained from other sources in the assessment of past performance. Past performance information on contracts not listed by the Proposer, or that of named subcontractors, may also be evaluated. SCDOT may contact references other than those identified by the Proposer and information received may be used in the evaluation of the Proposer's past performance. While SCDOT may elect to consider information obtained from other sources, the burden of providing current, accurate, and complete past performance information rests with the Proposer. Complete "Work History and Quality Form – Contractor/Designer" as described herein. Any references documented in this section must also be tabulated in a form that shall be provided in **Appendix H**. The Contractor/Designer Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>.

### 3.5.1 Experience of Proposer's Team (10 points):

- Provide no more than five projects awarded within the last 10 calendar years that identify the previous work experience by the Lead Contractor or any Major Subcontractors using the Work History and Quality Form – Contractor/Designer, Sections A through G. Projects that have reached substantial completion are preferred. For each of these projects, if any Key Individuals being proposed for this RFQ worked on the project, identify the Key Individual's name, corresponding role to this Project, and time on the project in Section G. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx> . This information shall be included in the **Appendix B** and will not be counted against the specified page limit in **Section 5.2.2**.
  - If work identified on the Work History and Quality Form – Contractor/Designer was performed by an affiliated or subsidiary company of the contractor, list the full legal name of the affiliated or subsidiary company and describe their role on this Project. Additionally, provide a justification for utilizing an affiliated or subsidiary company to satisfy the relevant experience on this Project and the control the Lead Contractor will exercise over the affiliated or subsidiary company on this Project.
  - If the owner's project manager is no longer with the owner, provide alternative contact information at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project.

- Provide no more than five projects for which a design services contract was executed within the last 10 calendar years that identify the previous work experience by the Lead Designer or any Major Design Sub-consultants on the Work History and Quality Form – Contractor/Designer. Projects for which the design services have been completed and accepted by the owner are preferred. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>. This information shall be included in the **Appendix B** and will not be counted against the specified page limit in **Section 5.2.2**.
  - If the owner’s project manager is no longer with the owner, provide alternative contact information at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project.
- The projects listed should be those the Proposer considers most relevant in demonstrating the qualifications of the team to manage, design, and construct this Project.

### 3.5.2 Quality of Past Performance (30 points)

- For each of the projects identified per **Section 3.5.1**, provide the information requested in Sections H and I of the Work History and Quality Form – Contractor/Designer that is included in the **Appendix B**.
- The Proposer shall provide a Work History and Quality Form – Contractor/Designer for all projects, active or completed, within the last five years that has a “yes” response to any of the following questions. Sections A through G and Section J shall be completed.
  - Has the Lead Contractor been declared delinquent or placed in default on any Project?
  - Has the Lead Contractor submitted a claim on a project that was litigated and if litigated, was not resolved in favor of the Lead Contractor?
  - Have any projects been delayed more than 30 days such that liquidated damages were assessed?
  - Has the Lead Contractor been cited by OSHA for violations deemed serious, willful, or repeated?
  - Has an Owner or a Lead Contractor filed a claim against the Lead Designer’s Errors and Omissions Insurance?
  - Has the Lead Designer filed legal proceedings against the Lead Contractor, or vice versa, on a design-build contract?

For each of these projects, if any Key Individuals being proposed for this RFQ worked on the project, identify in Section G, the Key Individual name,

role, and time on the project. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>. If additional Work History and Quality Forms are required to satisfy the requirements of this section, they shall be included in the **Appendix C** and will not be counted against the specified page limit in **Section 5.2.2**.

In the SOQ Narrative, indicate if any team member has been suspended, debarred, disqualified from bidding, or declared ineligible for work by any entity or are any such actions pending against them within the last five years. If yes, a brief response and explanation along with a reference (name, email, phone number) from the contracting agency shall be provided.

- In addition to the required information above and in order to evaluate past performance, SCDOT will utilize information available on each Proposer through the following:
  - Contractor Performance Evaluation System
  - Consultant Performance Evaluation Scores
  - Lead Contractor and major subcontractor's Design-Build Team Performance Evaluation Scores
  - Lead Designer and major sub-consultant's Design-Build Team Performance Evaluation Scores
  - EMR Scores
  - References

Current, as well as, past scores may be considered in evaluating past performance.

### 3.6 Legal and Financial

The information required in response to this section shall be submitted as **Appendix D**. Information provided in response to these sections will not count towards the overall page limitation defined in **Section 5.2** and will not be scored.

#### 3.6.1 Financial Capacity

Provide a notarized statement by a principal officer of the Proposer that declares the Proposer has the financial capacity and the resources necessary to complete the Project as proposed in the RFQ.

#### 3.6.2 Bonding Capability

Provide bond letter from the Proposer's bonding firm confirming Proposer's capacity to be bonded for the Project as proposed in the RFQ. The bond letter must be issued by a surety company licensed in the State of South Carolina with

an “A” minimum rating of performance as stated in the most current publication of “A.M. Best Key Rating Guide, Property Liability” and signed by the surety's agency or attorney-in-fact. Surety must be listed on the current U.S. Department of the Treasury Financial Management Service list of approved bonding companies as approved for an amount equal to or greater than the amount for which it obligates itself in the Bond. If surety qualifies by virtue of its Best's listing, the amount of the Bond may not exceed 10 percent of policyholders' surplus as shown in the latest A.M. Best's Key Rating Guide. The bond letter must reflect single bonding capacity of the Proposer, which exceeds the anticipated value of this Project.

### 3.6.3 Organizational Agreements

- If the Proposer is a partnership, limited partnership, joint venture, or other association (hereinafter joint venture), provide either (1) a notarized letter from the joint venture members indicating that they intend to create a joint venture to perform this Project or (2) a copy of the signed organizational document or agreement committing to form the organization. In the event a notarized letter is submitted with this RFQ, the short-listed joint venture shall submit with its response to the RFP, a copy of the joint venture organizational agreement.
- Provide documentation from its surety company acknowledging the future formation of a joint venture for the purpose of completing the Project and that the joint venture will be capable of obtaining a performance bond and a payment bond in the estimated amount of the contract, as well as a bid bond.
- Provide a statement executed by all general partners, joint venture members, or other association members, as applicable, evidencing agreement to be fully liable for the performance under the contract.
- Provide documentation evidencing the person signing the contract has authority to sign the contract on behalf of the joint venture.
- This information may be included in the appendices and will not be counted against the maximum page limitation.

### 3.6.4 Prequalification Requirements

For all construction firms that are part of the short-listed Proposer's team including the Lead Contractor, SCDOT Prequalification Certificates for the work they are identified to perform will be required and are to be included in the RFP response. If the Proposer is a Joint Venture, or other entity organized specifically for this Project, prequalification certificates shall be submitted for each individual member and/or partner, as well as for the joint venture. After notification of short-listing, if your construction firms/Joint Venture does not have SCDOT Prequalification Certificates, please contact the SCDOT Contracts Office at (803) 737-1253 to initiate the prequalification certificate process. Submittal of all construction firm prequalification certificates shall be submitted with the response to the RFP in order to be responsive.

### **3.7 Organizational Conflicts of Interest**

- 3.7.1 See **Section 7** for information regarding Organizational Conflicts of Interest.
- 3.7.2 The required information for Conflicts of Interest shall be submitted in **Appendix E**. Information provided in response to this section will not count towards the overall page limitation defined in **Section 5.2.2**. The required Disclosure of Potential Conflict of Interest Certification may be downloaded from the SCDOT Design-Build website under the SCDOT Design-Build Standard Forms Section at <http://www.dot.state.sc.us/business/design-build.aspx>.

## **4. EVALUATION PROCESS**

### **4.1 SOQ Evaluation**

SCDOT will initially review the SOQs for responsiveness to the requirements of this RFQ and responsibility. The information in the SOQ will then be measured against the evaluation criteria described in **Section 3** and set forth in the table in **Section 4.2**.

### **4.2 SOQ Evaluation and Scoring**

SCDOT will evaluate all responsive SOQs and measure each Proposer's response against the evaluation criteria set forth in this RFQ, resulting in a numerical score for each SOQ. SCDOT will use the following criteria and weightings:

<b>Category</b>	<b>Points</b>
<b>Team Structure and Approach</b>	
<i>Organizational Chart and Team Structure</i>	5
<i>Critical Risks, Project Approach, and Capacity and Resources</i>	15
<b>Experience of Key Individuals</b>	
<i>Project Manager</i>	10
<i>Design Engineering Team</i>	15
<i>Construction Management Team</i>	15
<b>Past Performance of Team</b>	
<i>Experience of Proposer's Team</i>	10
<i>Quality of Past Performance</i>	30
<b>Total</b>	<b>100</b>

### **4.3 Determining Short-Listed Proposers**

- 4.3.1 SCDOT will total the scores for each responsive SOQ and prepare a ranked list of Proposers.

- 4.3.2 SCDOT reserves the right, at its sole discretion, to cancel this RFQ, issue a new RFQ, reject any or all SOQs, seek or obtain information from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ, and waive any deficiencies, irregularities, or technicalities in considering and evaluating the SOQs that does not create a competitive advantage.
- 4.3.3 This RFQ does not commit SCDOT to enter into a contract or proceed with the procurement of the Project. SCDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Proposer. In addition, SCDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties if SCDOT elects to not issue an RFP for the Project.

#### **4.4 Notification of Short-Listing**

Upon completion of the evaluation, scoring, and short-listing process, SCDOT will post the list of short-listed Proposers (if any) on the SCDOT design-build website.

#### **4.5 Debriefing Meetings**

If a non-short-listed Proposer would like to schedule a debriefing, the Proposer will have three working days from the date that the short-listing notification for this Project is posted on the SCDOT design-build website to make a request. Only written requests to the SCDOT POCs (emails are acceptable) for a debriefing will be scheduled. Failure to request a debriefing within the three-day period will waive the opportunity for a debriefing. All debriefs will be scheduled on the date set forth on the Milestone Schedule.

#### **4.6 Protest**

##### **4.6.1 Grounds for Protest**

Protest of Contents of Solicitation (Invitation For Bids or RFPs or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue): Any Proposer who is aggrieved in connection with a solicitation document shall file a written protest to SCDOT's Chief Procurement Officer (CPO), PO Box 191, Columbia, SC 29202, within five business days of the date of posting of the solicitation, RFQ, RFP, or other solicitation document or any addendums to it on the SCDOT design-build website.

Protest of Short-listing: Any Protestant who is aggrieved in connection with the selection of short-listed Proposers shall file a written protest with the CPO within five business days of the date the short-list is posted on SCDOT design-build website. Any matter that could have been raised pursuant to the Protest of Contents of Solicitation, section above, may not be raised as a protest of the

selection of the short-list. The number of Proposers short-listed is not grounds for a protest.

**Protest of Award:** Any Protestant who is aggrieved in connection with the award of the contract shall file a written protest with the CPO within five business days of the date the Notice of Award is posted on SCDOT design-build website. Any matter that could have been raised pursuant to the protest of contents of solicitation or short-listing, section above, may not be raised as a protest of award.

**Exclusive remedy:** The rights and remedies granted in this section to Proposers, either actual or prospective, are to the exclusion of all other rights and remedies of Proposers against the SCDOT.

**Failure to file a timely protest:** If protestant fails to request a protest within the five business days, the short-list and award shall be final.

#### 4.6.2 SCDOT Procedures for Protest

**Protest:** A protest must be in writing, filed with the CPO, and set forth the grounds of the protest and the relief requested with enough specificity to give notice of the issues to be decided. The protest must be received by the CPO within the time provided.

**Burden of Proof:** The protestant challenging SCDOT's action bears the burden of proving the decision is arbitrary.

**Duty and Authority to Attempt to Settle Protests:** Before commencement of an administrative review, the CPO, or a designee of the CPO, may attempt to settle by mutual agreement a protest of an aggrieved Protestant, actual or prospective, concerning the solicitation, short-listing, or award of the contract. Any settlement reached by mutual agreement shall be approved by the CPO.

**Administrative Review and Decision:** If, after reasonable attempt, a protest cannot be settled by mutual agreement, the CPO, or a designee, shall promptly conduct an administrative review. The CPO shall commence the administrative review no later than five business days after a reasonable settlement attempt and shall issue a decision in writing within five business days of completion of the review. The decision must state the reasons for the action taken. The decision shall include findings of fact and conclusions of law, separately stated. A copy of the decision along with a statement of appeal rights set forth below must be mailed or otherwise furnished immediately to the protestant.

**Finality of Decision and Appeal:** The SCDOT's decision pursuant to the above paragraph is final and conclusive. A person adversely affected by the final decision can appeal to circuit court and hereby waives a trial by jury regarding

any protest arising out of this procurement and any such trial will be a non-jury trial before the South Carolina Circuit Court in Richland County.

**Stay of Award:** The contract award is stayed until issuance of a final decision by the SCDOT. Once a final decision is issued, the filing of a petition to appeal that decision does not itself stay enforcement of SCDOT's decision to award the contract. SCDOT may grant or the reviewing court may order, a stay upon appropriate terms.

All Freedom of Information (FOIA) requests will be sent to the FOIA Officer in the SCDOT Office of Chief Counsel.

## **5. STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS**

This section describes requirements that all Proposers must satisfy in submitting SOQs. Failure of any Proposer to submit their SOQ as required in this RFQ may result in non-responsiveness and rejection of its SOQ. If a Proposer does not submit responses to those items outlined in **Section 3.2**, their submittal may be considered non-responsive. Any deficiency resulting from a minor informality may be clarified or waived at the sole discretion of the SCDOT. If a Proposer does not submit responses to those items outlined in **Sections 3.3 through 3.7**, their submittal shall be considered non-responsive, and if deemed non-responsive, the submittal will not receive further review/evaluation. Any SOQ deemed non-responsive shall be retained by SCDOT and subject to FOIA except for pages clearly marked confidential. Proposers are advised that SCDOT reserves the right to conduct an independent investigation of any information, including prior experiences, identified in the responses. Proposers are responsible for effecting delivery by the due date and time; late submissions will be rejected without opening. SCDOT accepts no responsibility for misdirected or lost SOQs.

### **5.1 Due Date, Time and Location**

- 5.1.1 All SOQs, including hand-delivered packages, must be received in accordance with the Milestone Schedule in **Section 2.6**.
- 5.1.2 Proposers are REQUIRED to upload their completed submittals online through PROJECTWISE in .pdf format. Only one completed submittal per team will be accepted and shall be uploaded by either the lead contracting entity or lead design firm. Please be advised of the time required to set up a new account. All requests for new accounts must be received three business days prior to the SOQ due date indicated in the Milestone Schedule. A business day is hereby defined as a day in which SCDOT Headquarters is open for business. More information is available at <http://www.dot.state.sc.us/business/design-build.aspx>.
- 5.1.3 Additionally, Proposers are to physically deliver three printed and bound hard copies of the SOQ with original signatures to:

Carmen Wright  
Office of Project Delivery  
SCDOT  
955 Park Street, Room 101  
Columbia, South Carolina 29201  
[wrightcl@scdot.org](mailto:wrightcl@scdot.org)

## 5.2 Format

- 5.2.1 The SOQ format is prescribed below. If SCDOT determines that an SOQ does not comply with or satisfy the format in this section, SCDOT may find such SOQs to be non-responsive.
- 5.2.2 The SOQ Narrative must not exceed 15 pages (not including Section Dividers or Appendices).
- 5.2.3 The Proposer should utilize hyperlinks to connect information in the Appendices that is referenced within the narrative section of the electronic submittal.
- 5.2.4 There are no maximum page limits to the Appendices, but the Appendices shall only contain information relevant to the requested Appendix information in this RFQ. Appendices shall not be used to further enhance an SOQ beyond these requirements. The SOQ shall contain the following Appendices:
  - **Appendix A** – Key Individual Resume Forms
  - **Appendix B** – Work History and Quality Form – Contractor/Designer (**Section 3.5.1**)
  - **Appendix C** – Work History and Quality Form – Contractor/Designer (**Section 3.5.2**)
  - **Appendix D** – Legal and Financial
  - **Appendix E** – Organizational Conflict of Interest
  - **Appendix F** – Confidential or Proprietary Information Summary List
  - **Appendix G** – Addendum Receipt Form(s)
  - **Appendix H** – Key Individual and Contractor/Designer Reference Forms
- 5.2.5 The SOQ shall be:
  - Prepared on 8.5" X 11" white paper (Organizational Chart and Work History Forms may be on an 11" X 17" page folded to 8.5" X 11" size)
  - Typed on one side only
  - Use a single column of text per page. Double columns are not allowed.
  - Double spaced
  - Text contained on the Key Individual Resume Forms, charts, exhibits, or other illustrative information may be single spaced, but text contained on the Work History Forms shall be double spaced

- Times New Roman, minimum size 12-point font
- Text contained on the Key Individual Resume Forms, Work History Forms, charts, exhibits, or other illustrative information shall be no smaller than 10-point Time New Roman.
- The format and appearance of the Key Individual Resume Form and the Work History Form shall not be modified. The Key Individual Resume Form shall not exceed two pages for each Key Individual. The Work History Forms shall not exceed one page per project. The forms may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at the following address: <http://www.dot.state.sc.us/business/design-build.aspx>.

## **6. PROCUREMENT PHASE 2**

This **Section 6** is provided for informational purposes only so that each Proposer has information that describes the second phase of the Project procurement process, including a summary of certain anticipated RFP requirements. If a weighted criteria method is used in the second phase of the procurement, SCDOT may use the SOQ scores of the short-listed teams to determine the team with the highest weighted criteria score. If this criterion is used in part to determine award, the SOQ scores will be provided to the short-listed teams prior to issuance of the Final RFP. As outlined in SCDOT's Design-Build Procurement Manual, other procurement types may be used, including Fixed Price. SCDOT reserves the right to make changes to the following process. Short-listed Proposers are subject to the requirements and evaluation process set forth in the Final RFP as amended. ., This **Section 6** does not contain requirements related to the SOQ. A draft of the RFP may be made available for Proposers to review and submit comments to SCDOT. SCDOT will take submitted comments into consideration in finalizing the RFP.

### **6.1 Industry Reviews of RFP**

SCDOT intends to issue two RFPs for Industry Review to the teams that are selected for the short-list for the Project and solicit their comments prior to issuing a final RFP to the short-listed teams. The intent of the RFPs for Industry Review is to identify those areas of the RFP that may be in conflict with each other and to point out mistakes in the RFPs. There may be an opportunity to submit questions. A meeting may be scheduled with the short-listed teams to facilitate this purpose.

### **6.2 Final RFP**

A final RFP will be issued, if necessary, with comments incorporated from the review by the short-listed teams.

### **6.3 Alternative Technical Concepts**

SCDOT intends to allow the submittal of Alternative Technical Concepts (ATC) for this Project. A detailed explanation of the ATC process will be included in the RFP.

## **6.4 Confidential One on One Meetings**

SCDOT intends to conduct confidential one-on-one meetings so that the short-listed teams will be able to confidentially seek clarification and discuss the Project with SCDOT personnel.

## **6.5 Submittal of Proposal**

A proposal consisting of separate technical and cost proposals will be submitted after the ATC process, if used, has been completed. Clarifications and discussions may be used to fully understand the proposals. Details regarding the submittal of the proposal, including the scoring of the technical proposal, will be included in the RFP. Only the short-listed teams will be eligible to submit proposals for the Project. Upon evaluation of the proposals submitted, the Director of Construction will recommend to the Secretary of Transportation a Proposer for award. Contract execution, subject to Secretary of Transportation approval, will follow.

## **6.6 Stipends**

SCDOT intends to award stipends to each responsive and responsible yet unsuccessful short-listed Proposer. The amount of the stipend will be identified with the release of the RFP for Industry Review. Proposers must indicate either acceptance or rejection of the stipend at the time of submission of technical and cost proposals in the second stage of the procurement.

# **7. CONFLICT OF INTEREST**

- 7.1 The Proposer's attention is directed to 23 CFR Part 636 Subpart A and in particular to Section 636.116 regarding organizational conflicts of interest. Section 636.103 defines "organizational conflict of interest" as follows:
  - 7.1.1 Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.
- 7.2 Consultants and/or sub-consultants who assist the owner in the preparation of a RFP document will not be allowed to participate as a Proposer or join a team submitting a proposal in response to the RFP. However, SCDOT may determine there is not an organizational conflict of interest for a consultant or sub-consultant where:
  - 7.2.1 The role of the consultant or sub-consultant was limited to provision of preliminary design, reports, or similar "low-level" documents that will be incorporated into the RFP, and did not include assistance in development of instructions to Proposer or evaluation criteria, or

- 7.2.2 Where all documents and reports delivered to SCDOT by the consultant or sub-consultant are made available to all Proposers
- 7.3 Proposers who identify any person or entity who has an organizational conflict and/or has performed, is performing, or will perform certain preliminary engineering for this Project, and wish to identify them to participate on the Design-Build Team shall:
- 7.3.1 Disclose all work performed in relation to the Project and describe in detail the organizational conflict on the Disclosure of Potential Conflict of Interest Certification included in this RFQ. Disclosure includes providing all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest. Proposer shall state how its interests or those of its chief executives, directors, Key Individuals for this Project, or any proposed consultant, contractor or subcontractor may result, or could be viewed as an organizational conflict of interest;
  - 7.3.2 Provide all records of such work to SCDOT so that all such information can be made available to all potential Proposers, if necessary;
  - 7.3.3 Ensure that the person's or entity's contract with SCDOT or any related entity to perform service related to this Project has expired or has been terminated prior to release of the RFP for Industry Review;
  - 7.3.4 In cases where the person or entity is identified as a Key Individual on more than one Proposer's Team for this Project, Proposer shall describe how the person or entity will avoid conflicts in the bid phase of the Project.
- 7.3.5 Comply with all federal and state conflict of interest rules and regulations.
- 7.4 The Lead Contractor and Lead Designer on a Proposer's Team are prohibited from submitting on multiple proposals for a given project.
- 7.5 As provided in **Section 2.2.4**, no member of the successful Proposer's team, its subsidiaries and/or affiliates, (both design team and construction team) shall be selected for the CE&I Project. If a sub-consultant on the successful Proposer's team (both design team and construction team) is being utilized by a CE&I candidate, the submitting CE&I firm shall request approval from SCDOT to replace the sub-consultant prior to CE&I contracting.
- 7.6 The Proposer must complete a Disclosure of Potential Conflict of Interest Certification and submit it as part of the SOQ response to certify that all members of the Proposer's team either have or have no conflict of interest. If no member of a Proposer's team has a potential conflict of interest, the Proposer shall submit only one Disclosure of Potential Conflict of Interest Certification. Otherwise, any team member with a potential conflict of interest shall submit a Disclosure of Potential Conflict of Interest Certification. SCDOT will review the Disclosure of Potential Conflict of Interest Certification and the proposed mitigation measures to determine if the Proposer may

proceed forward. SCDOT will determine, in its sole discretion, if the Proposer has obtained an unfair competitive advantage. Disclosure of a potential conflict of interest will not necessarily disqualify a Proposer. The Disclosure of Potential Conflict of Interest shall be submitted as **Appendix E** and will not be counted toward the page limit.

7.7 Proposer agrees that, if an organizational conflict of interest is discovered after the SOQ is submitted, Proposer must make an immediate and full disclosure to SCDOT that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflict. If after award of the contract an organizational conflict of interest is determined to exist, SCDOT may, at its discretion, terminate the design-build contract for the Project. If the Proposer was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to SCDOT, then SCDOT may terminate the contract for default.

7.8 Because of their prior work or services currently being provided that relate to this Project, the following firms have been identified as having conflicts of interest:

- Civil Engineering Consulting Services, Inc.
- STV Group, Inc.
- Michael Baker International, LLC
- Engineering Consulting Services (ECS Limited)
- Mead & Hunt, Inc.
- AECOM

Proposers utilizing the firm(s) identified above will be disqualified from participating in this Project.

7.9 To avoid the appearance of any real or perceived favoritism, unfair advantage, undue influence, or conflict of interest, a SOQ will be disqualified that names, identifies, or includes in any way a current or former SCDOT employee serving in a management level position within 365 days of the submittal. No communication or appearance shall be made by such a current or former employee with SCDOT on such SOQ, or the SOQ will be disqualified. In addition, no current or former employee, who served in a management level position or above, may work on or invoice for services performed on a project within 365 days after their last day of employment with SCDOT. For the purposes of this bright line rule, "management level position" is defined as any SCOOT Pay Band 7 and above position, which includes, but is not limited to, Directors, Assistant Directors, District Engineering Administrators, District-level Engineers, Program Managers, Assistant Program Managers and Resident-level Engineers.

Section 23 of Act 40 of 2017 [now codified as S. C. Code Section 57-1-350(G)] prohibits a member of the SCDOT Commission service on July 1, 2017 (the effective date of the Act) or thereafter, from having an interest, direct or indirect, in any contract awarded by SCDOT during the member's term of appointment and for one year after

the termination of the appointment. Therefore, any proposal or bid submitted to SCDOT in violation of this law will be disqualified.

## 8. MISCELLANEOUS

### 8.1 Changes to Organizational Structure

- 8.1.1 After initial submittal, the organizational structure identified pursuant to **Section 3.3**, cannot be changed without SCDOT authorization. Changes to a team submitted in response to this RFQ may result in a re-evaluation of the team's qualifications.
- 8.1.2 During the procurement, failure of the Proposer to notify SCDOT of any changes in Key Individuals may render the SOQ non-responsive and subject to rejection and the team disqualified. SCDOT reserves the right to seek clarifications to confirm unavailability.
- 8.1.3 If after submission of the SOQ any Key Individuals become unavailable, the Proposer shall notify the SCDOT POC immediately of the unavailability and submit the name and resume of a replacement having equal or better qualifications.
- 8.1.4 If during the evaluation process, the SCDOT POC is notified by the Proposer that Key Individuals are not available, action must be taken as follows: (1) if notified before scoring is complete, but after due date for submittal, the Proposer can submit the resume of the person who would be replacing the Key Individual. The Evaluation Committee will score using the new Key Individual; (2) if notified after the scoring is complete, but prior to final approval, and the change involves a short-listed firm, the Proposer can submit the resume of the person who will replace the Key Individual. The Evaluation Committee must then determine if the new person would affect the selection results. If not, the SCDOT POC will note the change and the justification for keeping the selection results. If it does, the Evaluation Committee will re-score the SOQ and change the selection ranking; or (3) if a Proposer notifies the SCDOT POC of a Key Individual change any time after the short-listing has been approved, the SCDOT must determine if the new Key Individual is acceptable. If a suitable replacement cannot be identified, the proposal will be rejected.
- 8.1.5 To qualify for SCDOT's authorization to replace a Key Individual, the Proposer must submit the resume of the replacement, a written request explaining the reason for the change and must document that the proposed removal and replacement, or addition, will provide services and/or management of the Project equal to or better than that submitted with the RFQ. SCDOT will use the criteria specified in the RFQ and the qualifications submitted by the Proposer to evaluate all requests.

- 8.1.6 SCDOT reserves the right to reject the Proposer from further consideration during the two-phase selection process if the new Key Individual is not approved.
- 8.1.7 All persons identified in the organizational structure in the RFQ shall remain on the Proposer's team for the duration of the procurement process and if the Proposer is awarded a contract, the duration of the contract. Unauthorized changes to the Proposer's team at any time during the procurement process may result in elimination of the Proposer's team from further consideration. If Proposer is awarded a contract, unauthorized changes to any individuals identified in the organizational structure in the RFQ may be considered a breach of contract and result in termination of the contract.