

**SH 99 Grand Parkway Toll Road Project
Request for Qualifications
Q & A Matrix #6**

(December 30, 2011)

<u>No.</u>	<u>RFQ Section/ Page No.</u>	<u>Question/Comment</u>	<u>Response</u>
1.	RFQ Section 2.1 Page A-2	Under a design-build delivery approach is it TxDOT's intent for design-builder to acquire ROW for Segments other than F-1, F-2 and G?	No. The Developer will not be required to acquire ROW for Segments other than F-1, F-2 or G under either the design-build or toll concession models.
2.	RFQ Section 2.1 Page A-3	According to the RFQ one of the Project goals is to "[e]fficiently utilize innovative funding sources that will serve to enhance the funding of future improvements. Other than TxDOT's selection of the "best value" design-build proposal please clarify how this objective will be evaluated under the design-build delivery approach.	As indicated in Part A, Section 2.1 of the RFQ, this is one of several Project goals. Under the design-build approach, TxDOT will be responsible for project financing and utilizing innovative funding sources. Design-build proposers will not be responsible for addressing this project goal.
3.	RFQ Section 2.2 Page A-3	The RFQ states that TxDOT anticipates seeking Proposals for the Project and after Proposals are evaluated, selecting one of two forms for the P3A. Will the delivery model be decided prior to the draft RFP being released? How will TxDOT determine shortlisting – one shortlist per each delivery method or a single shortlisting?	TxDOT currently anticipates two separate shortlists: a shortlist of proposers eligible to submit proposals for a design-build P3A and a shortlist of proposers eligible to submit proposals for a concession P3A. TxDOT may issue an RFP soliciting proposals for both delivery models. TxDOT has reserved the right to modify the procurement to cancel one of the delivery models. In such event, only proposers shortlisted for the remaining delivery model would be eligible to submit a proposal. Please

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			see Section 3.1.1 of the RFQ.
4.	RFQ Section 2.2.3 Page A-5; RFQ Section 3.1.1 Page A-17	<p>The RFQ states that If the SB 1420 committee does not make a determination prior to issuance of RFP, TxDOT currently intends to move forward with a procurement that solicits both design-build and concessions proposals in the RFP.</p> <p>Consider making a single procurement determination prior to the release of the draft RFP. Consider the design-build model as it provides the most certainty for accelerated delivery and the most options for TxDOT and the local decision makers to control future revenues and triggers on expansion. The design-build model focuses on delivery of the Project, not maximization of returns and high discounting of a future revenue stream.</p>	Comment noted.
5.	RFQ Section 2.2.1 Page A-4	The RFQ states that TxDOT does not anticipate exercising subsequent Capital Maintenance Options if a prior option has not been exercised. The CMA Term Sheet states that "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 CMA." Consider restating RFQ Section 2.2.1 as follows: "TxDOT shall not exercise subsequent Capital Maintenance Options if a prior option has not been exercised."	No change will be made; however please be advised that in the event TxDOT does not exercise an option under the CMA, the CMA will terminate.
6.	RFQ Section 2.6 Page A-12	The RFQ provides that FHWA Re-evaluation action is anticipated in first quarter 2012. Are the Re-evaluation documents available for review? If not, will they be prior to QS deadline?	The re-evaluation documents are still under development and will not be available for review prior to the QS deadline.
7.	RFQ Section 2.10.7 Page	Second paragraph applies to a concession P3A and not specifically addressed for a D/B P3A. Regarding project	The successful Proposer will be required to perform project coordination with all potential

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	A-15	coordination, it would appear that coordination with future projects, i.e. Montgomery county Parkway, US 290 widening and SH 249 toll lanes, would apply to a design-build P3A.	projects connecting with this portion of the Grand Parkway. The Developer's coordination responsibilities will be set forth in the P3A documents included in the RFP.
8.	RFQ Section 3.1.1 Page A-16	The RFQ provides that a team member of a Proposer for one delivery model may be on a different team for another delivery model. Has this been approved by the state AG's office and FHWA (to the degree that Federal support is contemplated)? Having "Equity and/or Non-Equity Participants" on more than one shortlisted team competing for the same project should not be allowed.	Please be advised all required consultation has occurred.
9.	RFQ Section 3.8 Page A-20	<p>The RFQ states that a Proposer team may include team members to satisfy DBE goals. Note that no evaluation criteria are apparent for DBE requirements.</p> <p>We suggest that DBE percentage commitments not be specifically evaluated during the QS review. Teaming commitments that include DBE percentages by firm is not practical at this stage of the procurement, particularly in light of the dual path approached selected and will be more meaningful after selection of the delivery method.</p>	The Proposers are not required to identify any DBEs at this time, and the QS will not be evaluated based on DBE participation.
10.	RFQ Section 5.1 Page A-23 ; RFQ Section B (a)2 Page B-6, Forms C and	<p>Part A, Section 5.1 of the RFQ states that project experiences provided by a parent or sister company of the Lead Design Firm, Lead Contractor, Lead Operations and Maintenance Firm or Capital Maintenance Firm shall not be considered responsive.</p> <p>Is section 5.1 inconsistent with Form C (requiring responses to be</p>	Please see Addendum #1 of the RFQ for modifications to Part A, Section 5.1 and to the definition of "Affiliates" in Form C.

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	E	<p>extended to “Affiliated” firms); and notes #2 on Form E-1, #1 on Form E-2/E-3 which contemplates experience from related firms, and Guarantor requirements.</p> <p>Consider allowing the project experience to be evaluated from all affiliated firms that fall within the Guarantor entity.</p>	
11.	RFQ Section 5.4.1 Page A-25	Several other references to ‘key personnel’, as op-posed to ‘Key Personnel’. Clarify if the references are intended to be required only for the defined term ‘Key Personnel,’ Eliminate references using lower case key per-sonnel.	References in the RFQ to “key personnel” (lower case spelling) have been changed to “Key Personnel” (capitalized spelling). See Addendum #1 to the RFQ.
12.	RFQ Section 6.1 (D) Page A-32	The RFQ refers to HCTRA, MCTRA other LTPEs along the Grand Parkway. Note that “LTPE” is not defined in the RFQ. Please define LTPE.	“LTPE” means local toll project entities.
13.	RFQ Section 6.2.3 Page A-34	<p>The RFQ provides that all portions of the QS, other than Volume 2, may be disclosed. For TxDOT to receive meaningful innovation in response to Section C – Statement of Technical Approach, this information must be kept strictly confidential and within the evaluation committee members only. By respondents providing TxDOT access to critical information needed during qualifications evaluation to demonstrate innovation and proprietary knowledge and by TxDOT’s release of this information to the public and/or competitors will place respondents at a competitive disadvantage.</p> <p>Consider moving Section C-Statement of Technical Approach to Volume 2 and protect under 6.2.4 Disclosure Process for Requests Under the Act.</p>	No change will be made.

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14.	RFQ Section 7.5 Page A-37	For Protests pursuant to Section 7.1(1), will the names of other Proposers be available on the TxDOT and/or Project website?	TxDOT will post the names of all Proposers that submit a QS on the Project Website within 2 business days after the QS Due Date. Protests under Section 7.1(1) are not required to be sent to other Proposers.
15.	RFQ Part B, Volume 1, Section B (e)3. Legal Proceedings Page B-9	The RFQ requires proposers to submit information regarding legal proceedings involving an amount in excess of \$500,000 related to performance on transportation projects with a contract value in excess of \$25 million. Given the magnitude of this project, consider raising these dollar thresholds.	No change will be made to the dollar thresholds stated, but please see clarifications to Part B, Volume 1, Section B, (e), 3 (“Legal Proceedings”) in Addendum #1 to the RFQ.
16.	Volume 1; Section C; Page B-9	With respect to the submittal requirements of the Statement of Technical Approach, paragraph (2) requires Proposers to include their “approach to P3A concession contracting and to successfully delivering the Project using design-build-operate-maintain contracting.” The demonstration of operations capability should not be required as part of the technical approach for a design-build QS.	Please see clarifications to Part B, Volume 1, Section C in Addendum #1 to the RFQ.
17.	Volume 1 ; Section E ; Page B-10	Conceptual Project Financing Discussion. Is Section E for the Toll Concession QS only?	Yes, only QSs for the toll concession approach are required to include a Conceptual Project Finance Discussion. Please see QS organization summary chart for toll concession QSs on p. B-4 of the RFQ.
18.	Exhibit C; Page C-6	When does TxDOT expect to receive the NEPA clearance for the re-evaluations on Segments F1, F2 and G?	FHWA responses to the re-evaluation documents are not expected before end of May 2012.
19.	DB Term Sheet Page 6	The DB Term Sheet provides that Contractor will not be allowed any time extension or delay damages for delays due to DSCs.	Comment noted.

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	Differing Site Conditions	Please consider a similar risk sharing of xx days and yy cumulative as with cost exposure. This is more efficient and will reduce contingency costs.	
20.	Forms	The Word file containing the RFQ forms that is posted on the Project Website is protected and cannot be edited. Please re-post an unprotected version of the RFQ files.	An unprotected version of the RFQ forms (in Word format) has been posted to the Project Website.
21.	Project Schedule	Does TxDOT anticipate issuing any more addenda to the RFQ or extending the deadline for submitting Qs?	No, TxDOT does not currently anticipate issuing any more addenda to the RFQ or extending the QS Due Date.