

**Loop 375 Border Highway West Extension Project
Q & A Matrix #3**

(September 4, 2013)

<u>No.</u>	<u>RFQ Section/ Page No.</u>	<u>Question/Comment</u>	<u>Response</u>
1.	Part A, Section 2.3	Will any of the utility relocations for the project require filing and obtaining a Certificate of Convenience and Necessity (CCN) with the Public Utility Commission of Texas (PUC) and if so will TxDOT and Utility Owners begin this process during the procurement process for this project as these can take six to twelve months to obtain ?	It is possible that some of the utility relocations for the Project will require CCNs. Utility Owners are currently working on identifying which relocations may require CCNs and then will begin the CCN filing process, if necessary.
2.	Part A, Section 2.3	Does TxDOT have any written pre-engineering agreements with any Utility Owners, such as El Paso Electric, El Paso Water Utilities, Texas Gas, Etc., and if so will TxDOT provide these documents?	Written pre-agreements, if any, will be provided at the RFP stage of the procurement process.
3.	Part A, Section 2.9.6, Page 7	Can TxDOT provide any preliminary alignment or design and specifications for the approved UPRR realignment of the railroad facilities?	As stated in Section 2.9.6 of the RFQ, as amended, it is anticipated that TxDOT will provide a UPRR design and specification package for the railroad realignments that will be made available to shortlisted Proposers.
4.	Part A, Section 2.9.7, Page 8	Has the USCBP provided TXDOT with the reference document that Developers will be required to follow in relocating USCBP security towers, if so can TXDOT please provide these?	As stated in the RFQ, as amended, TxDOT is currently coordinating with the USCBP and Border Patrol for the relocation of security towers as well as replacing and upgrading some of their

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		documents?	systems. Additional details will be provided in the RFP.
5.	Part A, Section Sec 2.10, Page 8	Will the Developer's Design team be responsible for designing the toll system's physical facilities location or will the statewide toll system provider and operator provide the design?	It is currently not anticipated that the Developer's design team will be responsible for designing the toll system's physical facilities location. As stated in the RFQ, as amended, further information regarding the Developer's scope of work with respect to the tolling facilities will be set forth in the RFP.
6.	Part A, Section 5.3.1(a)(ii), Page 19	The RFQ states that the Lead Maintenance Firm evaluation criteria shall require that the relevant experience must be on projects where the Lead Maintenance Firm held a minimum fifty percent (50%) of the responsibility for the listed maintenance experience. We request that this ownership criterion be reduced to thirty percent (30%) as this is a more relevant threshold in the industry.	The requested change will be made.
7.	Part B, Volume 2, Section B(2) (a), Page 9	Addendum 1 has added the following drafting to the requirements for the Lead Quality Manager, that they "May be an employee of the Developer or of an independent firm working for the Developer, but may not be an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor." Please amend this requirement to allow the Lead Quality Manager (LQM) to be an employee of an independent firm subcontracting to the Developer (or the Lead Contractor, if there is not a separate entity holding the prime contract with TxDOT), as long as there is a separate and direct reporting line from the independent subcontractor to TxDOT. TxDOT could also insert an additional	Please see revisions to the requirements for the Lead Quality Manager in Addendum #2 to the RFQ.

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		<p>requirement that the LQM cannot report solely to the management team responsible for design and construction, and must report to an entity responsible for the entire contract (for instance, a JV Board of Directors) and TxDOT.</p>	
8.	<p>Part B, Volume 2, Section B(2) (a) Page 9</p>	<p>Currently the RFQ uses the term "Developer" and Lead Contractor in several places and based on the current procurement method these two entities are one in the same and maybe should be considered the Design-Build Contractor (DBC) as this procurement will not require a typical "Developer" concept that is a Special Purpose Vehicle (SPV) formed when a project requires financing and then there is a typically a separate contract between the Developer and Lead Contractor/Design-Build Contractor.</p> <p>In this regard, there are several places in the RFQ that discusses "Developer" and Lead Contractor and some Key Personnel can work for the Developer but not the Lead Contractor. In Addendum No. 1 the Description of the Lead Quality Manager was revised to add the following at the end "May be an employee of the Developer or an independent firm working for the Developer, but may not be an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor." The Lead Quality Manager should be an employee of the Developer/Lead Contractor that reports directly to an individual at the Lead Contractor who is outside the production team.</p> <p>Please delete the following sentence (this was deleted from the Safety Manager description in Addendum No. 1) that was added</p>	<p>Depending on the Developer's structure, the Developer and Lead Contractor may not be the same entity. Please see response to question no. 7.</p>

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		in Addendum No. 1 to the Lead Quality Manager description: "May be an employee of the Developer or an independent firm working for the Developer, but may not be an employee of the Lead Contractor or of a firm subcontracting to the Lead Contractor."	
9.	Part B, Volume 2, Section B(2) (a) Page 9 QA Matrix No. 1, Q-25	The answer to Question No 25 in Q&A Matrix No. 1 on August 9, 2013 stated that "the intent is for the Lead Quality Manager to be able to report on quality to an individual who will be in responsible charge of managing the project and who can make decisions that impact the ability to perform the work. Reporting to the JV Committee would not meet these requirements." Does the Lead Quality Manager reporting to the Developer's Project Manager meet TxDOT's requirements?	No, the intent is for the Lead Quality Manager to report on quality to an individual at the Lead Contractor who is outside the production team and bears no direct immediate profit and loss responsibility for the Project.
10.	Part B, Volume 2, Section B(2) (a) Page 9	Will there be a requirement for the Developer/Design-Build Contractor to have an Construction Quality Acceptance/Assurance Manager (CQAM) that is employed by an independent Construction Quality Management Firm (CQCM) or will TxDOT be performing the Construction Quality Acceptance/Assurance with its staff or its general engineering consultants staff?	Part B, Volume 2, Section B(2)(a) has been revised in Addendum #2 to include a Construction Quality Assurance Manager (CQAM) that is employed by an independent quality acceptance firm.
11.	Part C, Form D-2	Form D-2 has a cutoff date of February 28, 2013 for the percent complete on the reference projects. Please amend this date to July 26, 2013, inline with the release date of the RFQ.	Forms D-1 and D-2 will be revised in Addendum #2 to provide a July 26, 2013 cutoff date as requested.