

**SH 249 Extension
RFQ Q&A Matrix No. 1
June 16, 2015**

No.	Document	Section and Reference	Question/Comment	Response
1	RFQ	Part A, Section 3.3, Procurement Schedule	<p>Could TxDOT consider revising the due date of the SH 249 Extension Statement of Qualifications, SOQ, from July 10th to July 17th? We believe this change will benefit TxDOT with more complete responses due to the proximate timing of the following:</p> <ul style="list-style-type: none"> • Any TxDOT responses to proposer questions released after the July 2nd due date for questions may provide insufficient time for the proposers to incorporate any revisions to the SOQ. • The TxDOT Highway Letting is scheduled for July 7th and 8th. • TxDOT DBE/HUB Expo and Training Seminar is scheduled to be held on July 8th. 	The QS Due Date will be extended to July 17, 2015 at 12:00 p.m. This change to Part A Section 3.3 will be reflected in Addendum #1 to the RFQ.
2	RFQ	Part A, Section 4.2(c), QS Format, Volume 1 Requirements	Please clarify: "The font size in Volume 1 shall be no smaller than twelve-point. Volume 1 must be presented in Arial (not Arial Narrow), twelve-point font, other than in diagrams, organization charts and other such graphics, which may be in Arial, ten-point font." Do "diagrams, organization charts and other such graphics" include the tables on Form G (Resumes and References)?	The formatting of Form G will be revised in Addendum #1 to the RFQ. Proposers will need to fill out Form G in 12pt Arial font.

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3	RFQ	Part A, Section 5.1, Responsiveness	<p>Current Text: "Other than the Lead Quality Control Manager, Key Personnel must be employed by either: (a) Equity Member, Lead Engineering Firm or Lead Contractor itself; or (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm or Lead Contractor, or (c) a parent company of an Equity Member if such parent company serves as a Guarantor."</p> <p>Question: Can the Lead Quality Control Manager be employed by a first tier subcontractor (an Independent Quality Firm other than the Independent Quality Acceptance Firm) to the Equity Member, Lead Engineering Firm or Lead Contractor?</p>	<p>No. The Lead Quality Control Manager will need to be employed by either: (a) Equity Member, Lead Engineering Firm or Lead Contractor itself; or (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm or Lead Contractor, or (c) a parent company of an Equity Member if such parent company serves as a Guarantor.</p> <p>Part A, Section 5.1 will be revised in Addendum #1 to the RFQ to state:</p> <p>"Other than the Lead Quality Control <u>Assurance</u> Manager, Key Personnel must be employed by either: (a) Equity Member..."</p>

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4	RFQ	Part A, Section 5.1, Responsiveness	<p>Current Text "Other than the Lead Quality Control Manager, Key Personnel must be employed by either: (a) Equity Member, Lead Engineering Firm or Lead Contractor itself; or (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm or Lead Contractor, or (c) a parent company of an Equity Member if such parent company serves as a Guarantor."</p> <p>Question: Does the Lead Maintenance Manager have to be employed by the Equity Member, (Major Non-Equity Member) Lead Engineering Firm or Lead Contractor and not to a Maintenance Firm that is a first tier subcontractor to the Equity Member, to perform the maintenance work?</p>	<p>Yes, the Lead Maintenance Manager does need to be employed by either: (a) Equity Member, Lead Engineering Firm or Lead Contractor itself; or (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm or Lead Contractor, or (c) a parent company of an Equity Member if such parent company serves as a Guarantor.</p> <p>It is expected that the DB Contractor will consider maintenance early in the project development, during the proposal, design, and construction phases in order to ensure the design and construction of the Project is accurately reflected in the DB Contractor's life cycle maintenance program throughout the term of the contract. In addition, the DB Contractor's Lead Maintenance Manager is expected to manage the Design-Build Contractor's Maintenance Firm during the COMA Term.</p>

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5	RFQ	Part A, Section 5.3.1, Project Qualifications and Experience (65% Weighting)	Please clarify Part A, Section 5.3.1 (a) and Part B, Volume 1, Section E to confirm that Form E Project Descriptions will be scored as part of the 30 points related to Project Qualifications and Experience. Currently section 5.3.1(a) criteria only relate these points to Part B, Section D. Please revise both references in that section to say "Part B, Volume 1, Sections <u>D and E.</u> "	Part A, Section 5.3.1(a) will be revised in Addendum #1 to the RFQ to state: "The extent, depth, strength and likelihood of success of the Proposer's and its individual team members' experience with developing, designing and/or constructing comparable projects as shown in Proposer's response to Part B, Volume 1, Sections <u>D and E.</u> "
6	RFQ	Part A, Section 6.3, Organizational Conflicts of Interest	AECOM requests removal from the list of firms prohibited from proposing or joining a Proposer team for the SH 249 Extension Request for Qualifications. AECOM Technical Services, URS Corporation, or any other subsidiary firms to AECOM (collectively, "AECOM"), have not satisfied any single condition that would create such preclusion per Conflict of Interest Policy 43 TAC § 27.8. Specifically relative to this proposed project, AECOM is not: <ul style="list-style-type: none"> - employing an individual that was materially involved in the performance of services for the department on the SH 249 Extension Project corridor within the last five years; - employing an individual that participated, but was not materially involved, in the performance of services for the department on the SH 249 Extension Project corridor within the last year; 	AECOM will be removed from the list of firms prohibited from proposing or joining a Proposer team in Part A, Section 6.3 in Addendum #1 to the RFQ.

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6			<ul style="list-style-type: none"> - providing consultant services to the department with respect to a comprehensive development agreement on the SH 249 Extension Project; - actively providing preliminary engineering and architectural services to the department in any respect on the SH 249 Extension Project corridor; or - actively engaged and performing procurement services or financial services with respect to any other comprehensive development agreement in the State. <p>With the above stated, there are no defined conditions that prohibit AECOM proposing on this project. Please remove the firm name from RFQ Section 6.3, Organization Conflicts of Interest, through Addendum as soon as possible.</p>	
7	RFQ	Part B, Section 1, Definitions	RFQ, Part B, section 1 DEFINITIONS OF PROPOSER TEAM MEMBERS does not include a definition for Lead Maintenance Firm? Do you intend to define that term?	Shortlisted Proposers will be required to identify Lead Maintenance Firm at RFP; Lead Maintenance Firm will be defined in the RFP.

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8	RFQ	Part B, Section 2, Organization	The Chart on Page 19 of the Request For Qualifications states that a Form B shall be submitted for “All Proposer team members”. Section B on Page 21 directs us to only submit a Form B for the Proposer, each Equity Member, each Major Non-Equity Member, each Guarantor and any Construction Team Member. Please confirm that we shall only submit a Form B as described on Page 21 rather than for All team members as described on Page 19.	As stated in Part B, Volume 1, Section B of the RFQ, Proposers are required to submit a Form B for the Proposer, each Equity Member, each Major Non-Equity Member, each Guarantor and any Construction Team Member. The table in Part B, Section 2, will be revised accordingly in Addendum #1 to the RFQ.
9	RFQ	Part B, Volume 1, Section H, Form G – Personnel Qualifications	We request that the requirements that the Lead Quality Control Manager “Must be a Professional Engineer” and “Must be an American Society of Quality-certified quality manager or become certified within six months of Notice to Proceed 1 issued under the DBA” be removed, since the Lead Quality Assurance Manager is responsible for overseeing all quality functions including acceptance and would still have those credentials.	No change will be made.

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10	RFQ	Part B, Volume 1, Section H, Form G – Personnel Qualifications	The Description of Position Requirement for the Lead Quality Control Manager states: “May, but is not required to be employed by the independent quality acceptance firm.” Please clarify that this means the Lead Quality Control Manager and Lead Quality Assurance Manager can be employed by the same independent quality firm.	<p>No, the Lead Quality Control Manager and the Lead Quality Assurance Manager may not be employed by the same independent quality firm.</p> <p>Part A, Section 5.1 will be revised in Addendum #1 to the RFQ to state:</p> <p>“Other than the Lead Quality <u>Assurance Control</u> Manager, Key Personnel must be employed by either: (a) Equity Member...”</p> <p>The description of the Lead Quality Control Manager in Part B, Volume 1, Section H, Form G – Personnel Qualifications, will be revised as follows:</p> <p>“Reports directly to the Design-Build Contractor’s Project Manager. Shall be co-located and on-site until final acceptance. <u>May, but is not required to be employed by the independent quality acceptance firm.</u>”</p>
11	RFQ	Part B, Volume 1, Section H, Form G – Personnel Qualifications	Please remove the PE requirement from the Maintenance Manager position.	No change will be made.

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12	RFQ	Part B, Volume 1, Section H, Form G – Personnel Qualifications	The SH 249 Extension RFQ requires the resume of a Maintenance Manager as a key personnel. This requires most proposers to have a commitment in place with a maintenance firm to provide that resume that meets the requirements of that role as defined in the RFQ. It has been industry’s understanding for several months, and through joint AGC/TxDOT Committee meetings, that teaming with a maintenance firm would not be required until the RFP phase for this project. The requirement as currently written precludes several firms from being able to participate in this solicitation. We request that TxDOT remove the Maintenance Manager key personnel requirement from the RFQ phase, as was the case on the SH360 procurement.	No change will be made. Identification of the Maintenance Firm has been deferred to the Proposal stage to address the stated concern. An individual meeting the Lead Maintenance Manager requirements must be identified in the Qualification Statements. A Lead Maintenance Manager with a Texas PE license, three years of maintenance experience, and two years of Design-Build/Public-Private-Partnership managerial experience will be sufficient.

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13	RFQ	Part C, Exhibit D, Draft COMA Term Sheet, Termination by TxDOT without Liability	<p>Could TxDOT consider revising the language within the COMA, under Termination by TxDOT without Liability, to reflect the mandatory five-year term as stated in both the RFP and Draft COMA Term Sheet? There appears to be an editorial error in different parts of the RFQ as shown below.</p> <p>Part A, Section 2.1, Page 2 states, "It is currently anticipated that the COMA will be composed of an initial mandatory five-year term and four subsequent five-year options" and Draft COMA Term Sheet Part C, Page 1 states, "TxDOT intends for this COMA to consist of a mandatory five-year term with up to four five-year options." However, Draft COMA Term Sheet Part C, Page 2 (under Termination by TxDOT without Liability), states "TxDOT has the right not to issue any Maintenance notice to proceed ("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."</p>	The COMA will provide that TxDOT's failure to issue Maintenance NTP1, so long it is not due to the fault of the Maintenance Contractor, will be deemed a Termination for Convenience. Further information will be provided in the Request for Proposals.
14	RFQ	Part C, Form E, Project Description Form	Is it permissible to modify the format of Form E, provided that the order and content of requested information remains unchanged?	No formatting changes will be allowed.

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15	RFQ	Part C, Form G, Key Personnel Resume and References	Is it permissible to modify the format of Form G, provided that the order and content of requested information remains unchanged?	No formatting changes will be allowed. Please see Addendum #1 to the RFQ for an updated Form G.
16	RID	Schematics / Design	Please provide any CAD or shape files available to help precisely locate the proposed alignment of the roadway.	All files available for distribution have been provided in the RID. The RID will be updated as additional information becomes available.