

SH99 Grand Parkway Segments H, I1, and I2
 Proposer RFQ Q&A Matrix No. 3
 September 22, 2014

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<p style="text-align: center;">* Any document changes (other than RID updates) described in TxDOT's responses will be made in an Addendum to the RFQ unless otherwise indicated. RID updates are provided as they become available.</p>					
18.	RFQ	Part A, Section 5.1, Page A-18 & Part B, Volume 2, Section 2(a), Page B-10		<p>In line with TxDOT's responses to questions released on Sep-9, 2014 and the subsequent release of Addendum 2 on Sep-12, 2014 – Part B, Volume 2, Section 2 (a) has been amended by TxDOT to mandate that the position of both ROW Acquisition Manager and Utility Manager "must be an employee of an Equity Member of the Proposer."</p> <p>This amendment to the RFQ (which has not been a requirement on previous TxDOT procurements including Grand Parkway – Segments F1, F2 &G) creates a number of issues for the Proposer in the execution, and commitment of Key Personnel to the Project, and could not of been anticipated by Proposer prior to the issuance Addendum 2. Both Utility Coordination and ROW Acquisition are highly specialized disciplines, and are both critical to the success of Grand Parkway H&I. That is why international transportation developers have always hired specialty and/or local firms with a manager with the experience, local knowledge and local working relationships to cost effectively execute the work</p>	<p>The requested changes were made in Addendum #3.</p>

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				<p>and manage the risk most effectively. This is especially true of the ROW Acquisition Manager, which in accordance with the RFQ must be “licensed as a real estate salesman or broker” – a position and criteria rarely held by the Proposer/Lead Contractor. To require the Proposer to only nominate managers in these two key disciplines who are employees of the Equity Members therefore not only hinders the use of the best personnel to mitigate a key project risk, but also may prevent very qualified teams from submitting.</p> <p>The Proposer will be obligated to TxDOT under the CDA for the performance of both Utility & ROW Acquisition services as part of the overall delivery of the Project, and we thus cannot see the value in the restrictive provision as outlined above. If TxDOT wishes for this provision to remain in the RFQ – please provide a detailed explanation to this requirement so that Proposer may more fully consider our position and our ability to submit a Qualification Statement.</p>	
19.	RFQ	Part B, Section 2, Page B-3		<p>In Addendum 2 TxDOT has amended the QS Organization prescribing that Form G is now included in two place- Volume 2, Section B, 2(a) Key Personnel Qualifications (Form G) and Section B (5) Personnel Resumes and References (Form G). Can TxDOT please clarify whether Proposer must duplicate the submittal of Form G in both places, and</p>	<p>Form G is required in Section B.2(a) for Key Personnel; whereas, Form G is required in Section B(5) for personnel other than Key Personnel that the</p>

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				if so adjust the page count of 75 pages in Part A, Section 4.2(d) accordingly.	Proposer may choose to submit with the QS. Proposers should not include the same Form G in more than one place in the QS. Therefore, no page count adjustment is necessary.
20.	RFQ	Part A, Section 5.1, Page A-18 & Part B, Volume 2, Section 2(a), Page B-10		<p>Proposer appreciates the drafting amendment included in Addendum 3 by TxDOT. However Proposer would like to suggest the following drafting for the ROW Acquisition Manager:</p> <p>“Responsible for leading ROW acquisition efforts by the Design-Build Contractor for the Project. Must have at least five years of experience managing the acquisition of transportation ROW projects for a condemning authority, be licensed as a real estate salesman or broker pursuant to the <i>Texas Real Estate License Act</i> or rules established by the Texas Real Estate Commission, be familiar with appraisal and appraisal report review pursuant to the Uniform Standards of Professional Appraisal Practice (USPAP), and be familiar with the Uniform Act and applicable Laws of the State of Texas.</p> <p>Must TxDOT prefers that the ROW Acquisition Manager be an employee of an Equity Member or Major Non-Equity Member of the Proposer,</p>	<p>No change is necessary. While TxDOT prefers that the Utility Manager and ROW Acquisition Manager be employed by an Equity Member, it is not required. Addendum #3 allows for the ROW Acquisition Manager and Utility Manager to be employed by a subcontractor.</p>

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				<p><u>however may also be an employee of an independent firm working for the Proposer/Lead Contractor. Must have decision making authority regarding ROW issues that affect the Project schedule.</u></p> <p>This proposed drafting addresses the conflict established by the mandated requirement in Part A, Section 5.1 of employment of Key Personnel as being</p> <p>“Except as otherwise provided in the specific description of each Key Personnel position in Part B, Key Personnel may be employed by: (a) an Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm itself; (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm; (c) if the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm is a joint venture, a member of such joint venture that will perform at least thirty percent (30%) of the relevant work or a controlled subsidiary of such joint venture member; or (d) a parent company of an Equity Member.”</p>	
21.	RFQ	Part A, Section 5.1, Page A-18 & Part B, Volume 2, Section 2(a), Page B-10		<p>Proposer appreciates the drafting amendment included in Addendum 3 by TxDOT. However Proposer would like to suggest the following drafting for the Utility Manager:</p> <p>“Responsible for leading utility coordination efforts on behalf of the Design-Build</p>	Please see response to Q. 20.

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				<p>Contractor. Must have at least seven years of experience managing utility coordination and adjustments for transportation projects of similar scope and complexity. Assigned to the Project full time and co- located/on-site until substantial completion. TxDOT prefers that the ROW Acquisition-Utility Manager be an employee of an Equity Member or Major Non-Equity Member of the Proposer, <u>however may also be an employee of an independent firm working for the Proposer/Lead Contractor.</u> Must have decision making authority regarding Utility issues that affect the Project schedule.</p> <p>This proposed drafting addresses the conflict established by the mandated requirement in Part A, Section 5.1 of employment of Key Personnel as being:</p> <p>“Except as otherwise provided in the specific description of each Key Personnel position in Part B, Key Personnel may be employed by: (a) an Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm itself; (b) a controlled subsidiary of such Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm; (c) if the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm is a joint</p>	

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				venture, a member of such joint venture that will perform at least thirty percent (30%) of the relevant work or a controlled subsidiary of such joint venture member; or (d) a parent company of an Equity Member.”	
22.	RFQ	Part A, 5.1/ pg A-18		Key Personnel are required to be an employee of one of the “Equity Members, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm”. The ROW Acquisition Manager and the Utility Manager are specialized positions that are typically employees of a specialized subcontractor or subconsultant. Can these two positions be held by an employee of a dedicated subconsultant or subcontractor that is not by definition an “Equity Member, Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm? TxDOT has allowed these positions to be filled by employees of subcontractors in past RFQs, including the US 181 Harbor Bridge Replacement Project; Grand Parkway Segments F1, F2, and G; and the Loop 375 Border Highway West Extension Project.	See response to question #20, above.
23.	RFQ	Part A, 5.1/ pg A-18		Please consider replacing the provision referenced with the following language which has been used by TxDOT in past RFQs, including the Loop 375 Border Highway West Extension project: "Project experience provided by a parent or sister company of the Lead Engineering Firm, Lead Contractor, or Lead Maintenance Firm shall not be considered responsive to this RFQ, except that	See response to question #4 on Matrix #1.

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				<p>project experience of a parent company of the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm shall be considered responsive to this RFQ only if such parent company serves as a Guarantor by providing a guarantee in a form acceptable to TXDOT in its discretion covering the performance obligations of the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm, as applicable, and the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm has equal access to the resources of the parent company necessary to perform the work required of any such lead entity under the DBA. In the even that a parent company serves as a Guarantor in accordance with the foregoing sentence, the Design-Build Contractor shall submit such information for the proposed Guarantor as would be required of the Lead Engineering Firm, Lead Contractor or Lead Maintenance Firm, as applicable, in addition to the information submitted with respect to any such lead entity."</p>	