

**District Department of Transportation  
The 11th Street Corridor Design-Build Project  
RFP Number DCKA-2008-R-0146**



**ADDENDUM 1 TO REQUEST FOR PROPOSALS**

December 12, 2008

**TO: All RFP Recipients**

**Re: Addendum 1, Dated December 12, 2008**

Revisions to the above-referenced RFP have been provided on the enclosed disk for this addendum. Modified sections are shown in redlined format.

In the following table, items that are checked as replacing existing documents are generally provided with this addendum as redlined versions showing the modifications. Items checked as new documents have not been previously issued. In some instances, documents with voluminous modifications may be replaced without redlined versions. These items will still be checked to replace the existing document. In other instances, documents such as lists of standards or tables of contents have had items added or deleted. In these cases, the modifications will be visible in the redlined document, but some added items that can be found by other means (i.e., the Internet) may not be included with this addendum. Revisions contained in this addendum are as follows:

Book / Exhibit Index	Replace Existing Document	New Document	Comments
<b>Instructions to Proposers</b>	X		Revised ATC process and other miscellaneous items.
<b>Book 1 – Contract</b>			
Exhibits			
Exhibit F	X		Provided Performance Bond form.
Exhibit G	X		Provided Payment Bond form.

The Contractor shall acknowledge all addenda in its proposal (See Form 1 of the Instructions to Proposers).

Sincerely,

Ardeshir Nafici  
District Project Director

c: Project Management Team  
Document Control



**REQUEST FOR PROPOSALS  
for the 11<sup>th</sup> Street Corridor Design-Build  
Project**

**December 12, 2008  
Addendum 1**

RFP Number DCKA-2008-R-0146  
District Department of Transportation  
2000 14th Street, NW, 6th Floor  
Washington, DC 20009

**d.**

DISTRICT DEPARTMENT OF TRANSPORTATION



Request for Proposals

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**CONTENTS of RFP**

- ITP Instructions to Proposers
- Book 1 Design-Build Contract
- Book 2 Technical Requirements
- Book 3 Applicable Standards
- Book 4 Contract Drawings, Data, and Reports
- Reference Information

**DOCUMENT HISTORY**

Version	Issued	Comments
Final RFP	December 5, 2008	
Addendum 1	December 12, 2008	



**REQUEST FOR PROPOSALS  
for the 11<sup>th</sup> Street Corridor Design-Build  
Project**

**INSTRUCTIONS TO PROPOSERS**

**December 12, 2008  
Addendum 1**

RFP Number DCKA-2008-R-0146  
District Department of Transportation  
2000 14th Street, NW, 6th Floor  
Washington, DC 20009





Instructions to Proposers

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### **FORMS**

- A Major Participant Information
- B Key Personnel Summary
- C Alternative Technical Concepts
- D Completion Dates
- E Design Exceptions
- F Items to be Used in Place or Rehabilitated
- G Not Used
- H Not Used
- I Proposal Letter
- J Non-Collusion Affidavit
- K Buy America Certification
- L Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- M Use of Contract Funds for Lobbying
- N Equal Employment Opportunity
- O Receipt of Addenda
- P Not Used
- Q Price Allocation Form
- R Not Used
- S Opinion of Counsel

## Instructions to Proposers

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# 1 INTRODUCTION

The District of Columbia (the “District”) issues this Request for Proposals (RFP) to solicit competitive proposals for a design-build contractor (Contractor) to enter into a Contract to provide design-build services for the 11th Street Corridor Design-Build Project (the Project).

The District will use a two-phase procurement process to select a design-build contractor to deliver the Project. The first phase was the Request for Qualifications. This Request for Proposals (RFP) is issued as the second phase of the procurement process. Each short listed Submitter that submits a Proposal in response to the RFP is referred to herein as a Proposer. The District will award a design-build contract (if any) for the Project to the Proposer offering the best value, to be determined as described in this RFP. Proposals will only be considered from those Proposers that were notified in writing by the District that they were short listed under the District’s Request for Qualifications for the Project.

This RFP includes the following documents (RFP Documents):

1. Instructions to Proposers (ITP)
2. Contract Documents
  - A. Book 1 – Design-Build Contract
  - B. Book 2 – Technical Requirements
  - C. Book 3 – Applicable Standards
  - D. Book 4 – Contract Drawings, Data, and Reports
3. Reference Information

The Contract Documents include Books 1 through 4. The Proposal will also be a Contract Document to the extent set forth in Book 1, Section C.1.3.

## 1.1 Procurement Objectives

The District is committed to partnering with the highway design and construction industry to deliver the 11th Street Corridor Project successfully by developing a design-build procurement process that allows Proposers the maximum flexibility to achieve or exceed the Project goals. The successful Proposer for The 11th Street Corridor Project will deliver a Proposal that provides to the District and the citizens of the District outstanding transportation solutions within the available budget. The procurement process will allow and encourage Proposers to propose alternatives to the Contract requirements, Alternative Technical Concepts (ATCs), to provide innovative solutions. The general phases of the procurement process are:

- Industry Review – The District intends to discuss with the Proposers the procurement process, schedule for the procurement process, the technical provisions of the Contract Documents, the process for Proposers to submit ATCs and the Proposal evaluation process.
- Technical Proposal Discussions – The District will hold a series of one-on-one confidential meetings with each Proposer where the Proposer may present technical solutions, ATCs and design exceptions, if any, to the District and FHWA. The parties will conduct discussions regarding whether the Proposer’s technical solutions are consistent with the Contract Document requirements, the desires of the District, and whether ATCs and design exceptions, if any, are acceptable. The District intends for the Technical Proposals to achieve or exceed the Project goals to the greatest extent possible. The Proposers have the responsibility to keep an ongoing status of the proposed ATCs using Form C, and the

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Proposer will review Form C with the District at the ATC meetings to ensure that the District agrees with the Proposer's description of the status of each ATC. At the time that the Proposer presents its Initial Technical Proposal, the Proposer should submit Form C to the District. During the confidential meetings, the Proposer is encouraged to present the on-going updated version of the Form to the District in order to ensure that the Proposer has correctly interpreted the District and FHWA's responses to its proposed ATCs and design exceptions.

- Final Technical Proposal/Price Allocation Discussions – Proposers will receive formal feedback on their Initial Technical Proposals for incorporation into the Final Technical Proposal. The District intends to negotiate with the apparent successful Proposer final contractual details, cleanup of any contractual issues and to insure the enforceability of the standards and ATCs.

The District encourages confidential discussions with the Proposers throughout the procurement process.

### **1.2 Project Goals**

The District has developed the following prioritized goals for the Project. The goals describe the minimum outcomes that the District desires for the Project.

- Support and enhance the vision of the Anacostia Waterfront Framework Plan, the urban context and outstanding design.
- Deliver the corridor improvements with the total construction budget of \$260 million.
- Maximize the potential to support multiple modes of transportation on the local bridge.
- Meet or beat the construction completion date of December 31, 2013.
- Maximize accessibility and mobility during construction.
- Provide timely and accurate information regarding project progress and activities to the public.

### **1.3 Draft RFP and Industry Review**

The District will issue a Draft RFP to the Proposers for their review and shortly thereafter will initiate confidential "one-on-one" meetings with the Proposers. The purpose of the Industry Review Discussions is to improve the Proposers' understanding of the Project goals and RFP and to improve the RFP based upon industry questions and comments. The District desires that its commitment to confidential discussions will create an atmosphere that encourages open discussions between the Proposers and the District. The District's core Project team will attend the industry review meetings, along with technical experts attending for specific topical discussions. The District intends to request the Proposers to establish the agenda for the industry review meetings. However, for the initial meeting, the District will provide the agenda and review ground rules for the discussions. Items the District desires to discuss during industry review are:

- a) Does the procurement process, as described in this ITP, maximize the opportunities to meet or exceed the Project goals? Do the Proposers have suggestions on how the process could be improved to increase the likelihood of exceeding the Project goals?
- b) Does the schedule for the procurement process provide the appropriate amount of time to maximize the opportunities to meet or exceed the Project goals? Do the Proposers have suggestions on how the procurement schedule could be modified to increase the likelihood

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- of exceeding the Project goals?
- c) Do the requirements of Book 1, Contract, provide the District and the Proposers with the best opportunity to meet or exceed the Project goals?
  - d) Do the requirements in Book 2, Technical Requirements, provide the necessary level of definition to support the Project goals or is it beneficial for the District to provide additional detail on what is required? While the District's goal is to encourage flexibility for the Proposers, the District desires to obtain feedback from the Proposers on which technical requirements, if any, the Proposers prefer the District to provide additional definition.

### 1.4 Final RFP and Technical Proposal Discussions

The procurement process provides the Proposers with the opportunity to define Alternate Technical Concepts for the Project. The District encourages the Proposers to identify and present alternatives to the technical requirements during Technical Proposal Discussions that increase the opportunities to meet or exceed the Project goals, including design requirements, construction specifications, special provisions, standard drawings, materials and testing requirements, and maintenance requirements, as described in Section 3.5. Technical Proposal Discussions will assist the District's understanding of the proposed technical solutions and allow the District to provide feedback to the Proposers on the acceptability of the proposed solutions. **The procurement process provides the opportunity for Proposals to have different solutions based on each team's approved Alternative Technical Concepts. The District's desire is to encourage new ways of doing business to increase the opportunities to meet or exceed the Project goals.**

The District will issue a Final RFP as modified by the questions and comments received during Industry Review. The District will then hold a series of confidential Technical Proposal Discussions meetings with each Proposer where the Proposer may present technical solutions, design exceptions, and ATCs to the District and FHWA. The ATCs may include proposed changes to Books 2, 3, and 4 of the Contract Documents. The District is requesting confidential Technical Proposal Discussions meetings to receive the highest quality Initial Technical Proposals possible. **During the discussions, absolutely no information from one Proposer's Proposal will be shared with the other Proposers, including technical solutions, Alternative Technical Concepts or design exceptions, if any.** The purpose of the confidential meetings will be to:

- a) Provide verbal feedback to the Proposer on whether the Proposer's technical solutions achieve or exceed the Project goals to the greatest extent possible and to discuss possible improvements that can be made by the Proposer, including Project definition changes, moving focus from one technical area to another, and changes within a technical area.
- b) Provide feedback to the Proposer regarding Alternative Technical Concepts and design exceptions, if any. Feedback regarding Alternative Technical Concepts will include the District's acceptance of a concept, conditions that must be met in order for the concept to be acceptable or that the concept is unacceptable. While the Proposer may want to present ATCs in concept verbally to obtain an initial reaction from the District, ultimately the Proposer shall submit its ATCs in writing and the District will provide its response in writing, Feedback regarding design exceptions will include Approval of a design exception; conditions that must be met in order for the design exception to be Approved, or the design exception is not Approved.

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### 1.5 Initial Technical Proposal

After the series of Technical Proposal Discussions meetings have occurred, the Proposers will present their Initial Technical Proposal. The Initial Technical Proposal will consist of a formal or informal presentation, at the Proposer's discretion, of the proposed technical solutions and approved ATCs that the Proposer intends to incorporate. Following presentation of the Initial Technical Proposals, the District may hold confidential discussions with each Proposer and provide comments to each Proposer in verbally and/or in writing. Based on the feedback from the District and discussions with each Proposer, the Proposers may modify technical solutions and may propose additional ATCs to be included in their Final Technical Proposals.

### 1.6 Final Technical Proposal and Price Allocation

The District will request the Proposers to submit their Final Technical Proposal and Price Allocation. The District will evaluate the Proposals to determine the apparent successful Proposer. The District intends to meet with the apparent successful Proposer to clean up any contractual issues and ensure the enforceability of Proposal commitments and any ATCs.

## 2 RFP PROCESS

### 2.1 Draft RFP and Industry Review

Subsequent to the issuance of the Draft RFP, the District will begin holding Industry Review meetings at the District's office or a neutral location. The first meeting will be held approximately two weeks after the Draft RFP is issued. The District intends to meet bi-weekly with each Proposer, but will discuss meeting frequencies at the first meeting with each Proposer. The opportunities for meeting frequencies and durations will be the same for each Proposer.

- **Initial Industry Review Meeting:** The District will set the agenda for the first industry review meeting with each Proposer.
- **Subsequent Industry Review Meetings:** After the initial industry review meeting with each Proposer, the Proposers will set the agenda for each subsequent meeting.

### 2.2 Final RFP and Technical Proposal Discussions

The District will make modifications to the RFP based on comments received during industry review as it deems appropriate, and will issue the Final RFP. After release of the Final RFP, the District will initiate confidential discussions with each Proposer that include discussions of Alternative Technical Concepts and technical solutions (Technical Proposal Discussions). The number of Technical Proposal Discussions will be determined by the District based on Proposer input. The meetings will be held at the Proposer's place of business in the Washington D.C. area. The Proposers will establish the agenda for the meetings. **During the confidential discussions, the District will not share any information discussed with one Proposer with the other Proposers.**

The Proposers may request clarifications to the Final RFP during the Technical Proposal Discussions. Depending on the nature of the clarification, the District may provide responses to informal requests verbally during the confidential Technical Proposal Discussions or may request the clarification request be submitted formally in writing. Responses to informal



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requests will remain confidential. Formal requests for clarification shall be addressed to the District. The District will respond to the formal requests on the Project website and will not identify which Proposer requested the clarification. The District reserves the right to amend the Final RFP via addendum as a result of any request for clarification.

The District will provide verbal feedback regarding the Proposer's technical solutions during the Technical Proposals Discussions. The discussions will include possible weaknesses and deficiencies, and other aspects of the Proposal that could be altered or explained to enhance materially the Proposal's potential for award, including possible Project definition changes, moving scope items from one technical area to another and necessary revisions within technical areas.

The District will also provide feedback regarding the acceptability of the Proposer's proposed ATCs.

The Proposers may request deviations from the Standards defined in Book 3 that may result in design exceptions. Design exceptions should be submitted as early in the procurement process as possible, but no later than the Initial Technical Proposal, using Form E – Design Exceptions. The District will assist the Proposer in submitting the request for design exceptions, but will not guarantee that any design exceptions will be approved.

### **2.3 Initial Technical Proposal**

After the series of Technical Proposal Discussions have occurred, the Proposers will present a detailed Initial Technical Proposal, incorporating discussions that occurred during Technical Proposal Discussions. The Initial Technical Proposal will consist of a formal or informal presentation, at the Proposer's discretion, of the technical solutions and ATCs that the Proposers intend to incorporate. The Initial Technical Proposal presentation provides an opportunity to present and receive feedback on the entirety of the proposed solutions in advance of submitting the Final Technical Proposal in the next stage. After presentation of the Initial Technical Proposals, the District may hold confidential discussions with each Proposer and will provide comments to each Proposer in writing. The Proposers' Initial Technical Proposals shall not include a discussion of Price.

### **2.4 Final Technical Proposal and Price Allocation**

Proposers shall submit their Final Technical Proposals and Price Allocation in accordance with the schedule in Section 2.6. The Final Technical Proposals may incorporate changes to their Initial Proposals as a result of the District's comments and discussions with the District. The Final Technical Proposals and Price Allocation will be evaluated as described in Section 3.

The District will make the apparent best value selection and pay the Stipend to the unsuccessful fully responsive Proposers. The District will negotiate any necessary design-build modifications, details, and/or clarifications to the ATCs.

### **2.5 Contract Award**

The District will award the contract to the Proposer with the apparent best value after the final Contract has been successfully negotiated. If no final agreement is reached between the District and the Proposer with the apparent best value proposal, the District reserves the right to



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pay the stipend to the apparent successful Proposer and to negotiate a contract with the next highest value Proposer.

After payment of the Stipend to the unsuccessful Proposers, the District will provide the unsuccessful Proposers' Final Technical Proposals (excluding Price Allocation and confidential information) to the successful Proposer and may negotiate inclusion of any technical solutions that improve its proposal, if any.

## 2.6 Procurement Schedule

Deadlines for submitting RFP questions and Proposal are shown below. This schedule is subject to revision by addenda to this RFP.

Item	Schedule
Issue Draft RFP	October 10, 2008
Industry Review Meetings	October 20 – November 14, 2008
Issue Final RFP	December 5, 2008
Technical Proposal Discussions	December 15, 2008 – February 27, 2009
Initial Technical Proposals Due	March 2, 2009
Last Day to submit Requests for Clarifications	March 18, 2009
Final RFP Addendum is issued	March 25, 2009
Final Technical Proposal and Price Allocation Due	April 1, 2009
Selection of Apparent Best Value	April 17, 2009
Discussions with Apparent Best Value Proposer	April 20 – May 29, 2009
Execute Contract and Issue NTP1	June 1, 2009

## 3 PROPOSAL CONTENTS AND EVALUATION PROCESS

### 3.1 Organization of Proposal

The Proposal shall be organized as follows:

- Part 1 – General Information
  - Major Participants
  - Key Personnel
- Part 2 – DBE Performance Plan
- Part 3 – Alternative Technical Concepts

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- Part 4 – Technical Elements
  - Project Vision
  - Project Definition
  - Multi-modal Facilities
  - Project Schedule
  - Maintenance of Traffic
  - Public Information
- Part 5 – Administrative Elements
- Part 6 – Price Allocation

### **3.2 Evaluation Process**

When the Final Technical Proposals and Price Allocations are received, the Price Allocations and Parts 1 and Part 2 will be separated from the Technical Proposals and will not be opened until completion of the Technical Proposal evaluations.

The Proposals will be reviewed for conformance to the RFP instructions regarding organization and format, the responsiveness of the Proposer to the requirements set forth in the RFP and compliance with the pass/fail criteria. Those Proposals determined to be non-responsive to this RFP may be excluded from further consideration and the Proposer will be so advised. Proposers submitting non-responsive Proposals are not eligible for payment of the Stipend.

### **3.3 Contents and Evaluation of Part 1 – General Information**

#### **3.3.1 Major Participants**

Proposers shall submit any changes to Major Participants from the information provided in their Statements of Qualifications.

#### **Submittal Requirements**

- Narrative describing the rationale for any changes to Major Participants.
- Form A – Major Participant Information shall be submitted for Major Participants that were not identified in the Statement of Qualifications.
  - If the Proposer has submitted a request to change Major Participants prior to submittal of its Proposal and the District has provided an Approval letter for the requested change, the Proposer is only required to submit the District Approval letter with its Proposal.

#### **3.3.2 Key Personnel**

Each Proposer shall define any changes in the Key Personnel since the SOQ's were submitted. In addition, the Contractor shall provide an organizational chart that demonstrates the Proposer's knowledge of the Project and approach to meeting the Project goals. Each Proposer shall describe the organization style of the team and indicate how the qualifications of each Key Personnel increase the Proposer's ability to meet or exceed the Project goals.

Key Personnel identified in the Proposal shall not be removed, replaced, or added without written Approval of the District. Any written requests must document the proposed change and

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demonstrate that the change shall be equal to or better than the Key Personnel submitted in the SOQ.

Proposers shall define the following six positions as Key Personnel in the organizational chart.

- Contractor's Project Manager – The Project Manager is responsible for all aspects of the Project, including overall design, construction, quality management, contract administration, and public information. The Project Manager shall be assigned to the Project full time and on site for the duration of the Project.
- Contractor's Construction Manager – The Construction Manager shall be responsible for the overall structure and roadway construction for the Project. The Construction Manager shall be on site and shall be assigned to the Project full time.
- Contractor's Quality Manager – The Quality Manager's responsibilities include creation and execution of the Submitter's quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including public information, environmental compliance and DBE/labor compliance. The Quality Manager shall not report to the Project Manager but shall report directly to the Proposer's executive management team.
- Design Lead Engineer – Structures – The Design Lead Engineer – Structures is responsible for ensuring that the bridge and structural design is completed and design requirements are met. The Design Lead Engineer – Structures shall be on site during structural design activities and be available during construction activities. The Design Lead Engineer - Structures shall be a registered professional engineer in the District of Columbia.
- Design Lead Engineer – Roadway – The Design Lead Engineer – Roadway is responsible for the development of the roadway plans and other associated roadway features. The Design Lead Engineer – Roadway shall be on site during roadway design activities and be available during construction activities. The Design Lead Engineer – Roadway shall be a registered professional engineer in the District of Columbia.
- Maintenance of Traffic Manager(s) – During design, the Maintenance of Traffic Manager is responsible for evaluating and determining sequencing and coordination of individual construction phases. During construction the Maintenance of Traffic Manager is responsible for the management of work zones within the Project limits as well as any off site areas that may be affected by the Project. The Maintenance of Traffic Manager shall not be assigned any other duties or responsibilities and must be full time, on site.

### **Submittal Requirements**

- Narrative describing any changes to Key Personnel identified in the Statement of Qualifications and a description comparing the qualifications of the new individual(s) to the individual originally submitted.
  - If the Proposer has submitted a request to change Key Personnel prior to submittal of its Proposal and the District has provided an Approval letter for the requested change, the Proposer is only required to submit the District Approval letter with its Proposal.
- Organizational Chart
- Form B – Key Personnel Summary
- Resumes for new Key Personnel and changed Key Personnel, if any. The Proposers do not need to re-submit resumes that were included in their Statement of Qualifications.

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### Evaluation Criteria

All elements in Part 1 will be evaluated on a pass/fail basis.

### 3.4 Contents and Evaluation of Part 2 – DBE Performance Plan

The Proposer shall submit a DBE Performance Plan that is in conformance with the requirements of Book 1, Exhibit D.

#### Submittal Requirements

- DBE Performance Plan

#### Evaluation Criteria

Part 2 will be evaluated on a pass/fail basis.

### 3.5 Contents and Evaluation of Part 3 – Alternative Technical Concepts

#### Overview

The District understands that, at times, the District manuals, specifications, and standards do not allow for maximum flexibility. The Proposers shall meet the Requirements in Books 2 and 3 unless Alternative Technical Concepts are proposed and accepted by the District. The Proposers are encouraged to propose Alternative Technical Concepts for the Project that strive to meet or exceed the Project goals. Any deviations from manuals, specifications, and standards proposed as part of an Alternative Technical Concept shall be limited to those already reviewed by FHWA (e.g., standards from state departments of transportation).

#### Submittal of ATCs

A Proposer may include an ATC in its Proposal only if it has been Approved by the District in advance of the Final Technical Proposal and Price Allocation Due Date (including conditionally Approved ATCs, if all conditions are met).

Each ATC shall be numbered sequentially, beginning with 1. Each ATC submittal shall be either e-mailed or hand delivered in electronic form or hardcopy form at the Technical Proposal Discussion meetings. To expedite District review, each ATC should include the following:

- Description—A detailed description and schematic drawings showing the configuration of the ATC or other appropriate descriptive information (including, if appropriate, product details [i.e. specifications, construction tolerances, and special provisions], and a traffic operational analysis)
- Usage—Where and how the ATC would be used on the Project
- Deviations—References to all RFP requirements that are inconsistent with the proposed ATC, an explanation of the nature of the deviations from said requirements, impacts to other design elements, and a request for Approval of such deviations
- Analysis—An analysis justifying use of the ATC and why the deviations from the requirements of the RFP documents should be allowed

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- Impacts—Discussion of potential impacts on vehicular traffic, environmental impacts identified on appropriate environmental documents, community impact, safety and life-cycle Project, and infrastructure costs (including impacts on the cost of repair and maintenance)
- History—A detailed description of other projects where the ATC has been used, the success of such usage, and names and telephone numbers of project owners that can confirm such statements
- Risks—A description of added risks to the District and other Persons associated with implementing the ATC (maintenance, impacts to other design elements, etc.)
- Additional Warranty Requirements (if applicable)
- Additional testing and inspection requirements

### Pre-Proposal Review of ATCs

The District may request clarifications and additional information regarding a proposed ATC at any time. Due to the time constraints of this project, the District will make every attempt to respond to the ATC within a timely manner. However, the District reserves the right not to respond to any ATC.

The District will review each ATC and may respond to the Proposer with one of the following determinations:

- The ATC is Approved.
- The ATC is not Approved.
- The ATC is not Approved in its present form, but may be Approved upon satisfaction, in the District's judgment, of certain identified conditions that shall be met or certain clarifications or modifications that shall be made.
- The submittal does not qualify as an ATC but may be included in the Proposal without an ATC (i.e., the concept complies with the baseline RFP requirements).
- The submittal does not qualify as an ATC and may not be included in the Proposal.

The Proposer may incorporate zero, one, or more Approved ATCs as part of its Proposal (including conditionally Approved ATCs, if all conditions are met). The Proposer must clearly indicate on Form C which ATCs are incorporated into the Proposal and that all conditions of the ATC will be met. The Proposer shall include copies of the District's ATC Approval letters for each incorporated ATC in Part 3.

### Evaluation Criteria

Part 3 will be evaluated on a pass/fail basis. Part 3 will be evaluated to check that the Proposer has properly incorporated only Approved or conditionally Approved ATCs into the Proposal. Part 3 will be evaluated to check that all incorporated ATCs have been included in the Proposal in accordance with this Section.

## 3.6 Contents and Evaluation of Part 4 – Technical Elements

The District will evaluate each of the factors set forth in this Section 3.6 to determine whether the Technical Proposal satisfies the content requirement of the RFP and to determine the Proposal's technical score. Each Technical Proposal will receive a maximum score of 100 points.

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### 3.6.1 Project Vision (5 Points)

#### Submittal Requirements

- Draft Visual Quality Management Plan
- Narrative describing how the Proposer's approach provides for development of boathouse row and provides access to the river.

#### Evaluation Criteria

The Project Vision elements will be evaluated to determine its ability to meet or exceed the Project goal of supporting and enhancing the vision of the Anacostia Waterfront Framework Plan, the urban context and outstanding design. The District will evaluate the proposed Project Vision based upon quantitative and qualitative benefits, including the approach to addressing the visual quality elements presented in Book 2, Section 15.

### 3.6.2 Project Definition (60 Points)

#### Overview

**Geometrics:** The Proposers shall define the geometric features of the Project.

In the event the Proposer's project definition requires additional Right-of-Way not provided by the District in the RFP or requires approvals, including New Environmental Approvals, the following will apply:

- The Proposer will have full responsibility for obtaining any approvals including New Environmental Approvals. If any required approval is not subsequently granted with the result that the Proposer must change its design, the Proposer will not be eligible for a Change Order that increases the Contract Price or extends the Completion Dates.
- The Proposer will have full responsibility for obtaining and paying for any additional Right-of-Way not provided by the District. If any additional Right-of-Way required by the Proposer's Project definition is not subsequently obtained by the Proposer, the Proposer must change its design and the Proposer will not be eligible for a Change Order that increases the Contract Price or extends the Completion Dates.

**Pavements:** The Proposer shall provide the pavement design that will be used for all pavements including mainline lanes, auxiliary lanes, shoulders, ramps and local roads. The Proposer shall include typical sections and limits of each pavement design. The Proposers shall identify anticipated design life of all pavements on the Project, including reconstructed and rehabilitated areas. The Proposers shall describe the pavement design method they used to develop the pavement selections.

**Structures:** The Proposer shall provide a list of all structures that will be included in the Work. Additionally, for existing structures or elements of existing structures that are proposed to be rehabilitated and/or used in place, the Proposers shall identify the estimated remaining serviceable life.

**Walls:** The Proposer shall provide a list of all walls that will be included in the Work. The Proposer shall identify the type, size and location of each wall including the proposed limits.

**Drainage:** The Proposer shall indicate the types and materials that will be used for storm sewers, culverts, and drainage structures. The Proposer shall indicate the locations of all

## Instructions to Proposers

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proposed outfalls for the drainage system, proposed outfall discharge rates, and proposed stormwater treatment strategies.

### Submittal Requirements

- Provide a graphic plot of the Project's plan view at a scale of 1 inch=200 feet showing the following items. Items shall be labeled to provide cross referencing between the graphic plot and narratives:
  - The termini of the Project
  - The number of lanes
  - The lane widths, ramp widths, shoulder widths for all roadways
  - The interchange types with lane configurations
  - Locations of new and reconfigured traffic signals
  - The location of the Project elements that it proposes to use in place or rehabilitate
  - The location of bridges and walls
  - The location of the proposed pavement types
  - Layout of drainage system and the location and type of stormwater treatment facilities.
  - Widths and limits of bicycle and pedestrian facilities
  - The type and height of traffic barriers and barrier end treatments
- Provide a traffic analysis based on nationally accepted traffic evaluation methodology using the traffic forecasts provided by the District. A graphic or table that shows the estimated maximum capacity (passenger cars/hour), density (passenger cars/hour/lane) and level of service for the mainline, interchanges and local roads.
- Form E – Design Exceptions, if proposed
- Form F – Items to be Used in Place or Rehabilitated
- For each pavement the Proposer shall provide:
  - The pavement design method, including all of the design inputs that were used to arrive at the pavement selections including a narrative on how the inputs were determined.
  - Pavement design outputs as follows:
    - Design life
    - Rehabilitation cycles for the design life provided
    - Pavement typical sections
    - Pavement and base thickness
    - Distress predictions including rutting and fatigue cracking for asphalt pavements and faulting and slab cracking for concrete pavements
    - Minimum friction number (FN) and the maximum International Roughness Index (IRI) measurement that will be obtained on the final wearing surface.
- For each bridge, the Proposers shall provide a narrative describing the proposed construction. Include as much information as possible relating to each structure type or rehabilitation proposed. The information to be provided shall, at a minimum, include the following:
  - Design life

## **Instructions to Proposers**

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- Live load capacities for each bridge
- Types of materials and their characteristics
- Bridge deck and approach slab details, including elements to accommodate light rail transit vehicles.
- Superstructure continuity / Integral abutment construction
- Details for any dolphin and/or fender systems used to protect piers
- Redundancy / Fracture Critical Members
- Typical cross sections for each structure type selected
- Foundation types and bearing materials including load capacity data for foundations
- Area of the Anacostia River bottom impacted by the construction or modification of bridge river piers
- Proposed wearing surface or the allowance for future wearing surface
- Corrosion protection measures for reinforcing steel and concrete
- Types of expansion devices that will be used
- Types and sizes of barriers, rails and fencing
- Proposed vertical and horizontal clearances
- Provision for future maintenance of traffic during reconstruction
- Plan to reuse existing bridge elements
- Rehabilitation methods
- For each wall, the Proposers shall provide a narrative describing the proposed construction. Include as much information as possible relating to each wall type proposed. The information to be provided shall, at a minimum, include the following:
  - Type, size and location
  - Proposed construction materials
  - For mechanically stabilized earth walls, the Proposer shall define the wall systems to be used and their associated application criteria.
  - Estimated settlement
  - The approach to accommodating utilities adjacent to the wall.
- For drainage facilities, the Proposers shall provide a narrative describing the proposed approach to providing drainage and stormwater treatment. The information to be provided shall, at a minimum, include the following:
  - Storm sewer and culvert types and locations of each type that will be used
  - Type and capacity of stormwater treatment facilities, including the proposed inflow volume, level of treatment, storage volume (if applicable), discharge rate, and location for each outfall
  - Existing stormwater facilities that will be left in place or reused

## **Evaluation Criteria**

The Project definition will be evaluated to determine its ability to meet or exceed the Project goals. The District will evaluate the proposed project definition based upon quantitative and qualitative benefits including:

- Geometrics:

## **Instructions to Proposers**

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- A Project definition that stretches the available Project budget by providing the maximum improvements throughout the Project.
- A Project definition that provides maximum freeway connectivity.
- A Project definition that provides maximum local access and connectivity.
- A creative Project definition that meets the environmental commitments of the Project and minimizes risks (e.g., environmental, political) to successful completion.
- Pavements:
  - A pavement design proposal that provides for a long pavement life with minimal rehabilitation costs and impacts to traffic. The District will also evaluate the proposal for skid resistance, greater smoothness, and lower structural distresses.
- Structures:
  - The District will evaluate the structure solutions based upon the predicted least maintenance cost and ease of re-decking, inspection, maintenance and future impacts to traffic.
- Walls:
  - The District will evaluate the walls based upon the predicted durability.
- Drainage:
  - The District will evaluate the drainage solutions based upon the predicted least maintenance cost, effectiveness of conveyance and detention, and effectiveness of the stormwater treatment approach.

### **3.6.3 Multi-Modal Facilities (15 Points)**

#### **Submittal Requirements**

- Plan to accommodate rail and rail facilities on the local bridge
- Narrative description that supports the graphic plot required in Section 3.6.2 describing the bicycle and pedestrian facilities that will be provided.

#### **Evaluation Criteria**

- Extent and effectiveness of the plan to accommodate rail and rail facilities on the local bridge.
- Extent, capacity and connectivity of the bicycle and pedestrian facilities provided.

### **3.6.4 Project Schedule (5 Points)**

#### **Overview**

The Request for Proposals was developed to afford the Proposers the most flexibility in the planning and execution of the Work. The Completion Dates for the Project must be identified and can be no later than December 31, 2013.

#### **Submittal Requirements**

- Form D – Completion Dates

## Instructions to Proposers

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### Evaluation Criteria

The Completion Dates will be evaluated to determine the ability to meet or exceed the Project goals. The District will evaluate the proposed Completion Dates based upon quantitative and qualitative benefits including:

- Reducing road user costs by minimizing Project duration.
- The District project management cost savings as a result of a shorter project completion schedule.
- Public goodwill achieved by completing the Project quickly and efficiently.

### 3.6.5 Maintenance of Traffic (10 Points)

#### Overview

The Proposer shall submit a draft Maintenance of Traffic (MOT) Plan. The draft MOT plan shall include a construction phasing plan with a map and narrative. Within each section identified in the Proposer's schedule, develop phases for the purpose of planning and executing the Work. A phase is a specific sequence of the construction Work within a geographic area; for example, Work where a major traffic movement is redirected and left in place until the Work is complete.

The phasing map shall be color coded for each section and phase. At a minimum for each phase of construction, show on the phasing map the following elements:

- Freeway network, ramp and access closures and planned detour routes, if any
- Crossroads with freeway network access and local roads, closures, and planned detour routes, if any
- Major traffic alignment shifts within each phase
- Commitments such as phase durations or completion dates

The narrative portion of the draft MOT Plan shall address the following:

- Regional mobility strategy and description of where motorists will travel region-wide, including all modes of transportation.
- Projected level of service narrative that estimates the traffic impacts on a daily, morning peak hour and evening peak hour basis on the regional roadway system including the traffic analysis methodology, tools and assumptions used.
- Show the minimum lane widths, shoulder widths and design speed to be used on all the types of roadways and ramps during construction.
- Describe an emergency access plan for emergency vehicles and public/semi-public facilities such as hospitals, fire stations, police stations, schools, etc. The Proposer shall provide a description of their emergency access approach and commitments. The Proposer shall also detail how to maintain access to the ten hospitals in the corridor.
- Describe your approach and commitments to incident management during construction.
- Describe how the MOT plan supports the District's evacuation plan.

#### Submittal Requirements

- Draft Maintenance of Traffic Plan
- Durations of closures for each roadway element
- Construction phasing maps at a scale of 1 inch = 300 feet or 1 inch = 200 feet

## **Instructions to Proposers**

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### **Evaluation Criteria**

The Maintenance of Traffic element will be evaluated to determine its ability to meet or exceed the Project goals. The District will evaluate the proposed MOT plan based upon quantitative and qualitative benefits including:

- Safe geometric characteristics of the freeway network, interchange ramps and cross roads and local access during the construction period.
- Minimum duration of closures.
- Greatest level of service on regional roads.
- Maintaining emergency access to the greatest extent practicable.
- Minimizing impact to peak demand travel.
- Level of incident management service.

### **3.6.6 Project Information (5 Points)**

#### **Overview**

The Contractor will be responsible for communicating the Project's progress, maintenance of traffic issues and daily coping information to the District. The District will be responsible for conveying this information to the stakeholders and public. The end result should be a communication effort that provides timely and accurate information throughout the duration of the Project.

The Contractor shall be responsive to the public's concerns and make every effort to be proactive in providing information to the District so potential problems can be averted.

The Proposers shall submit a draft Project Information Plan (PIP). Within the draft PIP the Proposers shall describe, at a minimum, its approach on the following issues.

- Describe your approach to providing construction information, traffic shift information, and project progress including advanced notification to the District.

#### **Submittal Requirements**

- Draft Project Information Plan

#### **Evaluation Criteria**

The Project Information elements will be evaluated to determine its ability to meet or exceed the Project goals. The District will evaluate the proposed PIP based upon quantitative and qualitative benefits including:

- A strategic approach to Project Information that anticipates issues and proactively communicates key messages to the District.
- Commitments to effective advance notices of construction activities.
- A crisis communications approach that includes a commitment to and speed of communication between the Contractor and the District.
- How flexible the PIP is to the changing needs of the community and the Project.

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### 3.7 Contents and Evaluation of Part 5 – Administrative Elements

#### Submittal Requirements

- Form I – Proposal Letter
- Surety Commitment Letter(s). The Proposer shall provide commitment letter(s) signed by a surety meeting the requirements of Book 1, Section J, irrevocably and unconditionally committing to execute and deliver payment and performance bonds, each in the amount set forth in Book 1, using the exact language in Book 1, Exhibits F and G, subject only to award of the Contract to the Proposer. An original power of attorney, with an affixed seal or signed in blue ink, evidencing the authority of the surety shall be attached to the surety letter.
- Form J – Non-Collusion Affidavit
- Form K – Buy America Certification
- Form L – Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Form M – Use of Contract Funds for Lobbying
- Form N – Equal Employment Opportunity
- Authorization Documents:
  - Organizational Documents. The Proposer shall provide a copy of the articles of incorporation and bylaws, the joint venture agreement, partnership agreement, limited liability company operating agreement or equivalent organizational documents for the Proposer and each Major Participant, which documents shall be consistent with the responsibilities to be undertaken by the Proposer and Major Participants under the Contract.
  - Evidence of Good Standing and Qualification to do Business. If the Proposer is a corporation or limited liability company, the Proposer shall provide evidence that the Proposer is in good standing in the state of its incorporation/organization and of current qualification to do business in Washington, D.C. If the Proposer is a joint venture or partnership, the Proposer shall provide the foregoing evidence for each member of the joint venture or each general partner.
  - Authorization to Bind Proposer. The Proposer shall provide evidence in the form of a certified resolution of its governing body and, if the Proposer is a partnership, joint venture or limited liability company, of the governing bodies of the Proposer's general partners, joint venturers or members, evidencing the capacity of the person(s) signing the Proposal to bind the Proposer should the District elect to accept it without negotiations or BAFOs.
  - The Proposer shall also provide appropriate evidence regarding the authority of any designated individual(s) to sign the certificates required by this RFP on behalf of the Proposer. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.
  - Authorization to Negotiate. The Proposer shall provide appropriate evidence regarding authorization of one or more individuals to participate in the negotiation process described herein and make binding commitments to the District in connection with this RFP. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.
  - Joint and Several Liability. If the Proposer is a joint venture, partnership or limited liability company, the Proposer shall provide a letter from each partner or member of the joint venture or limited liability company stating that the respective partner or member of the joint venture or limited liability company agrees to be held jointly and severally liable for

## Instructions to Proposers

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any and all duties and obligations of the Proposer under the Proposal and under any Contract or other agreement arising therefrom.

- Form O – Receipt of Addenda

### Evaluation Criteria

All elements in Part 1 will be evaluated on a pass/fail basis.

## 3.8 Contents and Evaluation of Part 6 – Price Allocation

### Submittal Requirements

- Form Q – Price Allocation Form

### Evaluation Criteria

The Price Allocation will be evaluated on a “pass/fail” basis for reasonableness of allocation of prices. Failure to achieve a “pass” rating on a “pass/fail” element may result in the Proposal being declared non-responsive and the Proposer being disqualified.

## 3.9 Best Value Determination

Award of the Project shall be based on a best value determination defined by a fixed-price, best-design approach. The Proposer that achieves the highest score on Technical Elements will determine the Best Design. Selection will be based on the highest scored Technical Elements and will represent the best value to the District.

## 4 SUBMITTAL REQUIREMENTS

### 4.1 Format

The Proposal must be formatted for 8.5” x 11” paper. Charts and other graphical information may be formatted for 11” x 17” paper. Use of 11” x 17” format shall be limited. Minimum font size is 11 points. However, 10-point text may be used within graphs or tables.

### 4.2 Due Date and Quantities

Proposals must be submitted by 2:00 p.m., Eastern Standard Time, on the date shown in Section 2.6. Seven hardcopies of the Proposal and one electronic copy are to be delivered to the District. The electronic copy shall be indexed, with each Part and subpart in a separate file.

### 4.3 Initial Technical Proposal

The Initial Technical Proposal presentation shall include Parts 3 and 4. The Initial Technical Proposal may include Parts 1 and 2 to the extent that the Proposer desires feedback on Parts 1 and 2.

### 4.4 Final Technical Proposal

The Final Technical Proposal shall include Parts 1 thru 5.

## Instructions to Proposers

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### 4.5 Price Allocation

The Price Allocation shall include Part 6. The hard copy of the Price Allocation shall be delivered in a sealed envelope, separate from the Final Technical Proposal marked with the Proposer's name, address and contact information labeled "11<sup>th</sup> Street Corridor Design-Build Project – Price Allocation". The electronic copy of the Price Allocation shall be delivered on a compact disc and included in the sealed envelope.

## 5 GENERAL INFORMATION

### 5.1 Stipend

The District has determined that it is appropriate to award a stipend to each responsible Proposer that provides a fully responsive, but unsuccessful, Proposal. The amount of the stipend shall be \$750,000 and shall be provided to such Proposer within 15 days after the District determines the apparent successful Proposer.

### 5.2 Communications

The Contracting Officer is the sole contact person for receiving all communications regarding the project. Each Proposer is solely responsible for providing a single contact person.

Inquiries and comments regarding the Project and the procurement must be sent to the Contracting Officer as shown below. E-mail is the preferred method of communication for the Project.

Mr. Jerry M. Carter, Contracting Officer  
District Department of Transportation  
Office of Contracting and Procurement  
2000 14<sup>th</sup> St., NW, 6<sup>th</sup> Floor  
Washington, DC 20009  
Jerry.Carter@DC.GOV

During the Project procurement process, commencing with issuance of the RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of the District or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFP. Any Proposer engaging in such prohibited communications may be disqualified at the sole discretion of the Contracting Officer. However communication is allowed with local entities and the general public. The foregoing shall not preclude any Proposer from participating in public meetings, including public meetings of the District.

### 5.3 Addenda

The District reserves the right to revise this RFP at any time before the Final Technical and Price Allocation due date. The Proposer's contact person will be notified via e-mail when addenda are available.

## Instructions to Proposers

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### 5.4 Confidentiality

Prior to selection of the apparent successful Proposer all documents submitted pursuant to this RFP will be maintained as confidential.

### 5.5 Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist the District in the preparation of an RFP document are not allowed to participate on a Proposer's team. Proposer must provide to the District information regarding all potential organizational conflicts of interest in its Proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. The Contracting Officer will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict.

The District may disqualify a Proposer if any of its Major Participants belong to more than one Proposer organization.

### 5.6 Equal Employment Opportunity

The Proposer will be required to follow Federal Equal Employment Opportunity (EEO) policies.

The District will affirmatively assure that on any Project constructed pursuant to this advertisement, equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

### 5.7 Disadvantaged Business Enterprises

It is the policy of the District that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, the District will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

A DBE Goal for design Services is fifteen (15) percent, while the goal for construction activities is six (6) percent. This contract is subject to all applicable Federal regulations including Title 6 of the Civil Rights Act of 1964.

### 5.8 Major Participant

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Proposer; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding a 15% or greater interest in the Proposer.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 10% or more of the construction work.

## Instructions to Proposers

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- Each subconsultant that will perform 20% or more of the design work.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of the District. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

### 5.9 Key Personnel

Key Personnel identified in the SOQ shall not be removed, replaced, or added without written approval of the District. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Key Personnel submitted in the SOQ.

## 6 LEGAL REQUIREMENTS

### 6.1 Discussions with Proposers

After release of the Final RFP, the Proposers will submit their initial technical Proposals. The District will have confidential discussions with each Proposer to provide feedback related whether the Proposer's technical solutions achieve or exceed the Project goals to the greatest extent possible.

No information will be shared from one Proposer to another Proposer regarding information received during discussions of each Proposer's technical solutions or Alternative Technical Concepts.

### 6.2 Ownership of Proposals

All documents submitted by the Proposer in response to this RFP shall become the property of the District and shall not be returned to the Proposer. The concepts and ideas in the information contained in the Proposal and discussed during discussions with each Proposer, including any proprietary, trade secret, or confidential information (exclusive of any patented concepts or trademarks), shall also become the property of the District if: (i) submitted by the successful Proposer, upon award and execution of the Contract; and (ii) if submitted by an unsuccessful Proposer, upon payment of the Stipend.

### 6.3 Legal Effect of Stipend

Acceptance of the stipend by the unsuccessful Proposer entitles the District to use the ideas obtained from the unsuccessful Proposer in its initial and final Proposals and during the discussions with the unsuccessful Proposer. The District will provide to the apparent successful Proposer the unsuccessful Proposer's Initial and Final Technical Proposals. After selection, the District will provide the Proposal ideas from the unsuccessful Proposers' initial and final Proposals to the Contractor and the Contractor will have the right to incorporate the ideas of the unsuccessful Proposers that improve its Technical Concepts through a Value Engineering proposal.

If a protest is filed pursuant to Section 7 below, the District will not pay a stipend to the unsuccessful Proposer or share the unsuccessful Proposer's ideas until the protest has been resolved, and in accordance with the resolution.

## Instructions to Proposers

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### **6.4 Alternative Technical Concepts**

The District has requested the Proposers to identify their Alternative Technical Concepts (ATC) on Form C. In the Final Proposal, inclusion of any ATC that the District has not approved or conditionally approved may result in the Proposal being non-responsive.

If the District has informed the Proposer that their concept description is incomplete and additional details need to be defined, and the Proposer does not present the additional details necessary for approval by the District, it does so at its own risk. The District will have the right to require those additional details be incorporated into the Work throughout the life of the Project at no cost to the District.

If the ATCs listed by the Proposer in Form C have conflicting provisions, the District shall have the right to determine, in its sole discretion, which requirement(s) apply.

For any ATC, portions of concepts or details that have not been specified by the Proposers, the District reserves the right to interpret any ambiguous provisions of the ATC at no additional cost to the District.

### **6.5 Interchange Justification Reports**

The District has obtained approvals from FHWA of the interchange justification report (IJR). The Proposer must obtain, at the Proposer's expense, approval of any modifications to the IJR necessary because of the Proposer's design of the Project.

### **6.6 Design Exceptions**

The District has not obtained approval from FHWA for any design exceptions. The Proposer must obtain, at the Proposer's expense, approval of any design exceptions.

### **6.7 Responsive Proposal**

The Proposer shall provide satisfactory responses to all information requested in this RFP for the Proposal. Failure to provide the requested information may result in the District, at its sole discretion, determining that a Proposal is non-responsive and should be rejected. A Proposal may also be considered non-responsive if it seeks to qualify or change any of the terms and conditions of the Contract or if it seeks to limit or modify the bonds, insurance or warranties required.

### **6.8 District of Columbia Freedom of Information Act**

Until selection of the apparent successful Proposer, all records, documents, drawings, plans, specifications, and other materials submitted by Proposers will be maintained confidential as provided by the District pursuant to the provisions of the District of Columbia Freedom of Information Act, DC Official Code §§ 2-531, *et. seq.* (2001).

### **6.9 Changes in Proposer's Organization**

If there are any new Major Participants or Key Personnel or other changes (including deletions) in the Proposer's organization from those shown in the Statement of Qualifications (SOQ), the Proposer shall obtain written Approval of the change from the District prior to submitting its Final

## **Instructions to Proposers**

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Technical Proposal. Such requests must be accompanied with the information specified for such entity in the SOQ. If a Major Participant is being deleted, the Proposer must submit such information as may be required by the District to demonstrate that the changed Proposer team, Major Participant, or Key Personnel still meets the SOQ criteria (both pass/fail and qualitative). The District is under no obligation to approve any such changes and may do so in its sole discretion.

### **6.10 Project Rights and Disclaimers**

Notwithstanding anything to the contrary contained in this ITP or the Contract, the District reserves the right, in its sole discretion, to:

- Investigate the qualifications of any Proposer.
- Require confirmation of information furnished by a Proposer.
- Require additional evidence of qualifications to perform the Work.
- Reject any or all of the Proposals.
- Issue a new request for proposals.
- Cancel, modify or withdraw the entire RFP, or any part hereof.
- Issue Addenda, supplements and modifications to this RFP.
- Modify this RFP process.
- Solicit BAFOs from the Proposers.
- Appoint evaluation committees to review Proposals, and seek the assistance of outside technical experts and consultants in Proposal evaluation.
- Hold meetings and conduct discussions and correspondence with the Proposers to seek an improved understanding of the responses to this RFP.
- Seek or obtain data from any source that has the potential to improve the understanding of the responses to this RFP.
- Permit corrections or supplements to data submitted with any response to this RFP.
- Approve or disapprove changes in the Proposer team or Proposal (a substitution of any of the Major Participants will be carefully scrutinized and may result in disqualification of the Proposer).
- Require correction of or waive deficiencies, informalities and minor irregularities in Proposals; or seek clarifications or modifications to a Proposal.
- Disqualify any Proposer that changes its submittal without the Approval of the District.
- Hold the Proposals under consideration for a maximum of 120 days after the Proposal Due Date until the final Award is made.

This RFP does not commit the District to enter into the Contract or any other contract. The District assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFP. Except for payment of the Stipend to certain Proposers, all of such costs shall be borne solely by each Proposer.

In no event shall the District be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as a Contract, in form and substance satisfactory to the District, has been executed and authorized by the District and, then, only to the extent set forth therein.

## 7 PROTEST PROCEDURES

### 7.1 Protests Regarding Request for Proposal Documents

Any Proposer who is aggrieved in connection with this RFP must file with the D.C. Contract Appeals Board (Board) a protest no later than ten business days after the basis of the protest is known or should have been known, whichever is earlier. A protest based on alleged improprieties in a solicitation which are apparent prior to selection of apparent best value or at the time of receipt of the Final Technical Proposal shall be filed with the Board prior to apparent best value selection or at the time set for receipt of Final Technical Proposals. Alleged improprieties which do not exist in the initial RFP process, but which are subsequently incorporated into the process, must be protested no later than the next closing time for receipt of Proposals following the incorporation. The protest shall be filed in writing, with the Contract Appeals Board, 717 14<sup>th</sup> Street, N.W., Suite 430, Washington, D.C. 20004. The aggrieved Proposer or person shall also mail a copy of the protest to the Contracting Officer for the solicitation:

Mr. Jerry M. Carter  
Office of Contracting and Procurement Bid Room  
Reeves Center  
2000 14<sup>th</sup> Street, N.W., 3<sup>rd</sup> Floor  
Washington, D.C. 20009.

## 8 CONTRACT EXECUTION

Within ten Working Days after delivery by the District to the successful Proposer of the execution form of Contract, the successful Proposer shall deliver to the District the following:

- Signed Contract (four executed duplicate originals), together with evidence of the signatory authority of the signatories thereto. All original signatures shall be in blue ink.
- Approvals of each member or partner of the Proposer of the final form of the Contract.
- Performance Bond in the form shown in Book 1, Exhibit F, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section J, together with evidence of the signatory authority of the signatories thereto.
- Payment Bond in the form shown in Book 1, Exhibit G, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section J, together with evidence of the signatory authority of the signatories thereto.
- Insurance certificates required under Book 1, Section K.
- Documentation from the Proposer and each Major Participant that clearly depicts entitlement under the laws of the District of Columbia to undertake and perform the Work. Said documentation shall include copies of construction licenses and evidence that the Proposer or its designated design firm is licensed to carry out the design portion of the Work.
- Opinion of counsel for the Contractor, which counsel shall be approved by the District (which may be in-house or outside counsel, provided that the enforceability opinion shall be provided by attorneys licensed in the District of Columbia), in substantially the form shown in Form S.



## EXHIBIT F – PERFORMANCE BOND

Attached



**SURETY (IES)**

1. Name & Address (typed)		State of Inc.	Liability Limit	Corporate Seal
Signature of Attorney-in-Fact		Attest (Signature)		
Name & Address (typed)		Name & Address (typed)		
1. Name & Address (typed)		State of Inc.	Liability Limit	Corporate Seal
Signature of Attorney-in-Fact		Attest (Signature)		
Name & Address (typed)		Name & Address (typed)		

**BOND PREMIUM**

Rate Per Thousand	Total Premium	Name & Address of Agency or Agent Receiving Commission
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Approved by:

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Contracting Officer

**INSTRUCTIONS**

1. The full legal name and business address of the Principal shall be inserted in the space designated "Principal" on the face of this form. The bond shall be signed by the authorized person signing the Contract. When such person signing is other than the President or Vice-President of a corporation, evidence of authority shall be furnished. Such evidence shall be in the form of either an Extract of Minutes of a Meeting of the Board of Directors, or Extract of Bylaws, certified by the Corporate Secretary, or Assistant Secretary and with Corporate Seal affixed thereto.
2. Corporations executing the bond as sureties shall be among those appearing on the U.S. Treasury Department's list of approved sureties and shall be acting within the limitations set forth therein, and shall also be licensed by the Insurance Administration, Department of Consumer and Regulatory Affairs, to do business in the District of Columbia. The surety shall (1) insert on the bond form the name and addresses of the agency receiving the commission; and (2) attach an adequate Power-of-Attorney for each representative signing the bond.
3. Corporations executing the bond shall affix their Corporate Seals. Individuals shall sign full first name, middle initial and last name opposite the word "seal"; two witnesses shall sign and include their addresses, under the word "witness". If executed in Maine or New Hampshire, an adhesive seal shall be affixed.
4. The name of each person signing this performance bond shall be typed in the space provided.



## EXHIBIT G – PAYMENT BOND

Attached



### SURETY (IES)

1. Name & Address (typed)		State of Inc.	Liability Limit	Corporate Seal
Signature of Attorney-in-Fact		Attest (Signature)		
Name & Address (typed)		Name & Address (typed)		
1. Name & Address (typed)		State of Inc.	Liability Limit	Corporate Seal
Signature of Attorney-in-Fact		Attest (Signature)		
Name & Address (typed)		Name & Address (typed)		

### BOND PREMIUM

Rate Per Thousand	Total Premium	Name & Address of Agency or Agent Receiving Commission
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Approved by:

Contracting Officer

### INSTRUCTIONS

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