



TENNESSEE DEPARTMENT OF TRANSPORTATION  
**Request for Proposals**

*Construction Manager/General Contractor  
(CM/GC) Services*

**Interstate 40 French Broad River Bridge**

**East of S.R. 113 (Exit 424) to near Rest Area at LM 15.82**

Jefferson County, Tennessee

Project Identification Number (PIN): **106301.00**

State Project Number: **45002-2147-94**

Federal Project Number: **BR-I-40-8(139)**

CM/GC Contract# **CMGC08**

**August 2024**

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# 1 PROJECT AND PROCUREMENT INFORMATION

The Tennessee Department of Transportation (TDOT) is procuring a Construction Manager/General Contractor (CM/GC) for **CMGC08 – I-40 French Broad River Bridge Replacement (106301.00)** (the Project), following the processes and practices detailed in the following Request for Proposal (RFP) and TDOT's *CM/GC Standard Guidance Document*.

Contractors interested in submitting a proposal to TDOT are requested to submit one package in response to this RFP for procuring CM/GC preconstruction services, with the option of executing a construction contract to complete the Project.

If TDOT subsequently accepts the CM/GC Contractor's guaranteed maximum price (GMP) and is awarded a construction contract, the CM/GC Contractor's scope is to construct the Project within the GMP and propose solutions that help achieve the goal of staying within the budget. If the Project cannot be delivered within the allocated budget or a GMP cannot be agreed to, TDOT retains the option to cancel the Project, reduce the scope, or deliver the Project by other means. Final construction activities are not to begin until TDOT has accepted a GMP and a construction contract has been executed.

TDOT may consider early procurement of long-lead items or early construction work (e.g., an early work package) to complete initial Project tasks with the understanding that any early work is not a guarantee of selection for final construction. Early phases must be independent and severable from the final construction package, with a well-defined end point.

Contractors or joint ventures interested in proposing on this Project are referred to as the "Proposer" or "Proposers" throughout the RFP.

## 1.1 Project Description

### 1.1.1 Project Limits and Existing Conditions

#### **Project Limits/Location:**

This project will consist of the replacement of the I-40 bridge over the French Broad River at log mile 14.70 of I-40 in Jefferson County, Tennessee and associated improvements at Interstate 40 (I-40) exit 424 at S.R. 113 as well as I-40 re-alignment east of the bridge to a tie-in terminus near the existing Rest Area at LM 15.82.

I-40 is the major east-west interstate corridor in the state of Tennessee, connecting many of Tennessee's major cities including Memphis, Nashville, and Knoxville. In the immediate study area, I-40 provides access to the Town of Dandridge and the community of Oak Grove via US 70/US 25W/State Route (SR) 9 (US 70 hereafter) and SR 113. It also provides a connection between many east Tennessee communities and destinations farther east including the Great Smoky Mountains National Park and western North Carolina. This four-lane divided interstate over the French Broad River carries an approximate AADT of 40,296 vehicles per day and a DHV of 3,627 vehicles per hour (base year 2015). In the design year of 2035, it is projected that this section of I-40 will carry an AADT of 64,449 and a DHV of 5,800. Currently, the typical section of I-40 in the project limits consists of a four-lane, depressed median section west of Exit 424 (12-foot travel lanes, 12-foot outside shoulders, 6-foot inside shoulders and a 48-foot vegetated median). That section transitions to a 4-lane, flush median section with barrier rail; (12-foot travel lanes, 6-foot inside and 12-foot outside shoulders); and continues across the bridge to approximately 1,450 feet east of the bridge near the I-40 Rest Area, where it transitions back to the same depressed median section near the existing Rest Area.

The existing I-40 bridge, located at LM 14.70, over the French Broad River is a 2,416' deck truss bridge supported on concrete piers and was constructed by the Department in 1961. The bridge has been proposed for replacement because it is structurally deficient, generally rated "poor" and is an interstate bridge rated for 15 tons.

The existing I-40 bridges (east and west bound) over SR 113 are cast-in-place deck girders supported on concrete piers. These bridges each currently carry two 12-foot lanes with 6' inside and 12' outside shoulders. The current interchange at exit 424 (S.R. 113) consists of a hybrid configuration with traditional parallel diamond interchange style on-ramps at the eastbound on and off-ramps as well as the westbound on-ramp. The westbound off-ramp is currently a loop ramp.

### 1.1.2 Project Information

This Project includes the following:

- The proposed I-40 bridge will be constructed with its centerline shifted south of the existing bridge to accommodate staged construction of the proposed structure/demolition of the existing bridge. This approach will minimize ROW impacts and allow for maintenance of four lanes of traffic on I-40. The new bridge cross section will consist of six, 12-foot travel lanes (three eastbound and three westbound), 14-foot inside shoulders, and 12-foot outside shoulders. The new structure will have a total length of approximately 2,420 feet with arrangement of spans similar to those of the US 70 bridge, which is just downstream of this crossing. Current proposed bridge type has not been finalized at this time.
- The existing I-40 bridges over S.R. 113 at exit 424 will be replaced by a single two-span structure with a length of approximately 160 feet. The centerline of this bridge will be shifted to the south, matching the new alignment of the proposed I-40 bridge over the French Broad. This shift will accommodate phased construction of the new bridge allowing for maintenance of four lanes of traffic on I-40 through the life of the project. The proposed bridge cross section will consist of two, 12-foot lanes in each direction, 14-foot inside shoulders, and 12-foot outside shoulders.
- The proposed interchange improvements will eliminate the existing westbound loop ramp and re-work the facility to a diamond interchange tying into the new interstate alignment.

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**Existing Utilities:** Existing utilities include Dandridge Water Management, Appalachian Electric Co-Op, Tennessee Valley Authority (TVA), AT&T, Charter Communications. Please note Francher's campground utilities are privately owned utilities.

**Current Level of Design:** The Department has developed ROW plans (2018) for this project. Reference documents and drawings are available on the Project website at: <https://www.tn.gov/tdot/alternative-delivery/construction-cm-gc-services.html>

**Owner-Furnished Materials:** TDOT is to provide all necessary survey and site investigation documentation during the preconstruction phase. The Contractor is to provide its own independent survey for the construction work.

**Project Construction Funding:** Construction funding for this project is fully State funded. However, Federal Funds were utilized during early phases of project development. Therefore, certain Federal requirements are applicable to this project.

### Restrictions and Constraints:

- The centerline of the new bridge is proposed to be offset from the existing centerline by 52 feet to the south, allowing phased construction of the replacement bridge while maintaining four 11' lanes of traffic at all times on I-40

**Environmental Clearance Status:** The primary source for environmental screening data was an Early Environmental Screening (EES) report prepared by TDOT staff. The report documents the potential for impacts to sensitive environmental resources within 1,000, 2,000, 4,000 and 10,000 feet of the study area. The full EES report, including maps of the resources identified, is available upon request.

It is important to note that, at this time, a NEPA document has been completed and approved for this project. However, a NEPA re-evaluation will be required during the finalization of the design process.

## 1.2 Project Goals

The Project is intended to achieve the following goals:

1. Replace the existing bridge structures and improve traffic operations and safety on Interstate 40 within the Project budget and within schedule (project delivered and accepted by May 31, 2030).
2. Complete the project to meet functional objectives and outcomes while utilizing innovative solutions.
3. Provide a construction approach that minimizes known/established project risks and enable TDOT to manage identified risks.

## 1.3 Project Coordination

The Regional Alternative Delivery Manager (TDOT's primary point of contact) for this Project is:

Jason Sholtz  
Jason.sholtz@tn.gov  
Region 1 Headquarters  
7345 Region Lane  
Knoxville, TN 37914  
Phone: (865) 594-2408

If awarded the contract, the CM/GC Contractor is expected to partner with the following:

1. TDOT Project Management Team
2. Project Design Team: Gresham Smith
3. Independent Cost Estimator (ICE): TBD
4. TDOT Specialty Groups: Community Relations, Construction, Environmental, Design, Structures, Traffic Operations, Utilities
5. TDOT Civil Rights Office
6. Stakeholder/Stakeholder Groups:
  - a) Federal Highway Administration, TVA, Lakeway Metropolitan Planning Organization
  - b) Jefferson County
  - c) Jefferson County Police Department, Tennessee Highway Patrol

- d) Tennessee Department of Environment and Conservation (TDEC)
- e) Local hospitals, businesses, and commercial developments: Francher's Campground, Marathon Service Station, Family Dollar, Stoughton Trucking
- f) Impacted railroads and utilities: Dandridge Water Management, Appalachian Electric Co-Op, TVA, AT&T, Charter Communications. Please note Francher's campground utilities are privately owned utilities.

## 1.4 Project Cost

The following are the current estimates for both the preconstruction and construction phases, subject to change if TDOT determines and as the Project advances.

### 1.4.1 Preconstruction CM/GC Cost

TDOT expects the CM/GC Contractor's preconstruction professional services agreement to not exceed **\$1,000,000**. TDOT and the CM/GC Contractor are to negotiate the preconstruction services amount based on the CM/GC Contractor scope of services/work detailed in Section 4.

Monthly payments are paid as work progresses.

### 1.4.2 Estimated Construction Cost

TDOT expects the Project's construction cost to not exceed **\$175,000,000**.

## 1.5 Project Schedule

The following are the current schedules for both the preconstruction and construction phases, subject to change if TDOT determines and as the Project advances.

### 1.5.1 Preconstruction Schedule

The preconstruction phase is anticipated to be completed by March 31, 2026.

### 1.5.2 Construction Schedule

The Project's construction phase is anticipated to start on April 1, 2026 and be completed by May 31, 2030.

## 1.6 Project Design Data and Standards

All related Project work is to conform to all applicable State and federal regulations and recognized industry, safety, environmental, and design standards. TDOT projects are to generally conform with TDOT and FHWA design criteria. The TDOT Project Manager is to resolve any perceived conflicts in criteria or standards.

The CM/GC Contractor is to obtain and apply all currently adopted references, including TDOT standards and specifications, manuals, and software.

### 1.6.1 Standard Specifications and Drawings

The most current versions of TDOT's *Standard Specifications for Road and Bridge Construction*, TDOT *Standard Drawings*, and any supplemental specifications or Project-specific drawings/plans are to control construction of the Project.

### 1.6.2 Project Computer Software Requirements

The CM/GC Contractor is to use the most recent TDOT-adopted software, including:

- **Estimating:** Microsoft Excel for final submittal
- **Scheduling:** Primavera P6 Project Manager
- **Specifications:** Microsoft Office (WORD)
- **Plan submittal (for eplans):** PDF
- **Survey and DTM:** Geopak

### 1.6.3 Construction Materials and Products Not on the QPL

The CM is to select materials and products specified for design and construction to minimize the initial construction cost and long-term maintenance cost to the State of Tennessee.

In accordance with [TDOT's Materials and Tests SOP 1-9](#) (*Material Exceptions for Alternative Delivery Project*) during the design/preconstruction phase, the CM may request to use an innovative or alternative product in lieu of a product on TDOT's qualified product list (QPL). For all requests, the CM is to provide:

- Explanation of intent to use alternate materials/products
- Type of material or product not meeting current specification or procedures
  - Difference of materials/products proposed
  - Benefit of proposed materials/products
- History of material/product (list of projects utilizing, date of usage, quantity, etc.)
- Manufacturer's certification and recommendation of placement/usage
- Submittal of contract documentation:
  - Standard/alternate drawings, plans, specifications, mix designs (using local materials to the extent possible), etc. documenting how the materials/product is to be utilized on the Project.
  - Proposed Quality Control Plan for use on the Project (see part 2 of the SOP for requirements)
  - Proposed method of acceptance (see part 3 of the SOP for requirements)

TDOT may reject any request without recourse by the CM. TDOT has no obligation but to review the product and shall not be liable for failure to accept or act upon any request. TDOT shall be the sole judge of the acceptance or rejection of a product.

## 1.7 Required Availability or Changes of Key Individuals

By listing "Key Individuals" in the Proposal, the Proposer agrees to make the listed personnel available to complete work for both the preconstruction and construction phases, at whatever level and capacity the Project requires.

Modifications to the Proposer's team or the Key Individuals and other personnel listed in the Proposal are only allowed by TDOT as requested by the proposer in writing.

TDOT does not approve requests for modification without justification. Examples of justification could include death of a team member, changes in employment status, bankruptcy, inability to perform, or organizational conflict of interest. Additionally, the written request must document that the proposed removal, replacement, or addition is equal to or better than the Key Individual provided in the Proposal.

To secure TDOT's approval, the CM/GC Contractor shall provide a written request to the TDOT Project Manager that includes:

1. The nature and reason for the desired change, and
2. A statement of how the change is to meet the required qualifications for the position/responsibility.

In its discretion, TDOT may use the criteria specified in this RFP and the qualifications submitted by the Proposer to evaluate all requests.

## **1.8 Nondiscrimination in Contracting**

The CM/GC Contractor is required to follow Federal Equal Employment Opportunity (EEO) policies.

The Proposer/CM/GC Contractor agrees that no person is to be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of any contract or in the employment practices of the Proposer/CM/GC Contractor on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee State constitutional, or statutory law.

The Proposer/CM/GC Contractor is to, upon request, show proof of such nondiscrimination and post in conspicuous places, available to all employees and applicants, all notices of nondiscrimination.

## **1.9 Disadvantaged Business Enterprise (DBE) Program Requirements**

TDOT has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. It is the policy of TDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses are able to compete fairly in contracts financed in whole or in part with public funds.

TDOT's updated directory of DBEs can be viewed at the following website:

<https://www.tdot.tn.gov/Applications/DBEDirect/Search>

Consistent with this policy, TDOT does 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 federal-aid contract because of sex, race, religion, or national origin.

In this regard, the Proposer is to take all necessary and reasonable steps (in accordance with 49 CFR Part 26) to ensure that DBEs have the maximum opportunity to compete for and perform the contract.

### **1.9.1 Preconstruction DBE Goal**

Due to the nature of the CM/GC Contractor's role in the preconstruction phase, TDOT has determined that there are insufficient subcontracting opportunities to justify a DBE goal in the CM/GC Contractor's preconstruction contract.

### **1.9.2 Construction DBE Goal**

The assigned DBE goal for the Project's construction phase is TBD. Additionally, a DBE goal may be set for any early work package.

A commitment to meet the contract goal or a good faith effort to do so is a condition of award for all such contracts.

## **1.10 Organizational Conflicts and Ineligible Firms**

It is TDOT's policy that any person or firm under contract or previously under contract with TDOT to prepare the Project's procurement documents, preliminary plans, planning reports, or other development products is not allowed to participate in any capacity on a Proposer team. As such, the Proposer is prohibited from teaming with, receiving any advice from, or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with an organizational conflict of interest, including:

1. Gresham Smith, and
2. Affiliates (including parent companies, subsidiary companies, Persons under common ownership, joint venture (JV) members and partners, and other financially liable parties for a Person) of any of the above.

Such persons and entities are also prohibited from participating on a Proposer team as a contractor, subcontractor, consultant, or subconsultant.

The Proposer is to provide information concerning organizational conflicts of interest and disclose all relevant facts concerning any past, present, or currently planned interests that may present an organizational conflict of interest. The Proposer is to state how its interests or those of any of its team members, consultants, contractors, or subcontractors, including the interests of any chief executives, directors, or Key Individuals thereof, may result in, or could be viewed as, an organizational conflict of interest.

By submitting its Proposal, the Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to TDOT that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest that the Proposer knew, or should have known about, but failed to disclose is determined to exist during the procurement process, TDOT may, in its sole discretion, disqualify the Proposer. If an organizational conflict of interest that the Proposer knew, or should have known, about but failed to disclose exists, and the Proposer has entered into a contract as the CM/GC Contractor for the Project, TDOT may, in its sole discretion, terminate the contract. In any case, TDOT reserves all legal rights and remedies.

Proposers are also advised that the TDOT's guidelines in this RFP are intended to augment applicable federal and State law, including federal organizational conflict of interest laws and rules, in addition to the laws and rules relating to the National Environmental Policy Act (NEPA). Such applicable law also applies to Proposer teams and teaming and may preclude certain firms and their entities from participating on a Proposer team.

## **1.11 Prohibited Communications and Contingency Fee**

Commencing with the issuance of this RFP and continuing until the earliest of i) award and execution of a contract, ii) rejection of all Proposals by TDOT, or iii) cancellation of the procurement, no Proposer or representative thereof is to have any communications regarding the RFP, contract, or procurement process described herein with:

1. Any member of TDOT, including members of the Selection Committee;
2. FHWA, TVA, Dandridge Water Management, Appalachian Electric Co-Op, Tennessee Valley Authority, AT&T, Charter Communications, Jefferson County Municipality, Lakeway MPO, USFWS, TDEC.

3. Any TDOT advisors, contractors, or consultants involved with the procurement (including those referenced in Section 1.10), except for communications expressly permitted by the RFP, or except as approved in writing in advance by TDOT, in its sole discretion.

The foregoing restriction does not, however, preclude or restrict communications regarding matters unrelated to the RFP, contract, or procurement process or to limit participation in public meetings or any public or Proposer meeting related to the RFP.

Any Proposer engaging in such prohibited communications shall be ineligible for selection as the CM/GC Contractor under this RFP.

Additionally, any person, firm, or entity submitting a Proposal and competing for a CM/GC contract is also prohibited from offering or paying a contingency fee of any type that is directly tied to specific actions or work designed to help the Proposer obtain a contract through this RFP process.

Each Proposer and the selected CM/GC Contractor are to complete an affidavit (Appendix C) certifying compliance with this requirement before being awarded any contract, notably:

- No person, firm, or entity participating in the submission of the Proposal has communicated, with any member of the selection committee, or with any employee or official of the Department, concerning the review or evaluation of any Proposal, except that a Proposer may communicate with those Department employees who are specifically listed in the RFP as appropriate points of contact and in accordance with procedures established in the RFP that allow Proposers to communicate with entities such as utilities and permit agencies;
- No person, firm, or entity participating in the submission of the Proposal has offered or paid, or will offer or pay, a contingency fee of any type that is directly tied to specific actions or work designed to help the Proposer obtain a contract through this RFP process; and
- No person, firm, or entity participating in the submission of the Proposal has received any compensation for assisting TDOT in preparing this RFP.

## **1.12 Prequalification and Licenses**

Each Proposer, including any Proposer submitting a Proposal as a joint venture, must be prequalified with the Construction Division as provided in Tennessee Code Annotated (TCA) 54-5-117. The list of prequalified contractors may be found at: <https://www.tn.gov/tdot/tdot-construction-division/construction-contractor-prequalification.html>

Any person, firm, or entity intending to submit a Proposal that is not currently prequalified must submit an application for prequalification, including the required "Prequalification Questionnaire," at least 14 days prior to the date for submission of its Proposals under this RFP.

A Tennessee contractor's license is not required to submit a Proposal or to be considered for award of a preconstruction phase contract; however, a Tennessee contractor's license is required prior to the execution of any contract for preconstruction services or to construct the project.

TDOT requires all contractors and subcontractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships to be in good standing with the Secretary of State. This includes being duly incorporated, authorized to transact business, and in compliance with other requirements as detailed by the Secretary of State. Proposers should contact the Secretary of State with have any questions at (615) 741-2286 or visit: <https://sos.tn.gov/businesses>

TDOT will not execute any contracts or approve subcontracts with contractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships who are not in good standing with the Secretary of State (i.e., have a valid Certificate of Existence/Authorization).

Any consultant providing engineering or design related services on the CMGC project, either as part of a submitting team or in a subconsultant role, must be pre-qualified or have a completed prequalification form filed with the Department by the proposal deadline. Additional information, including an example proposal (DT-0330, Part II (Contract Specific Qualifications)) can be found at: [Prequalified Consultant Form \(tn.gov\)](#). Interested firms also may obtain this information by contacting [tdot.psprequals@tn.gov](mailto:tdot.psprequals@tn.gov). Any subconsultant shall be one that is prequalified by TDOT to perform the specific tasks required. A pending prequalification status will be acceptable. Please note: New or updated prequalification forms must be received before the deadline.

### **1.13 Performance and Payment Bonds**

The Proposer is to provide a letter from a surety company indicating that the Proposer is capable of obtaining Payment and Performance Bonds covering the Project for at least \$175,000,000.

The surety submitting the letter must be a surety company or companies licensed by the State of Tennessee and listed in the current United States Department of the Treasury's "List of Certified Companies" (Circular 570). The surety must be listed or approved to write a bond in an amount equal to or greater than the amount listed above, and letters indicating "unlimited" bonding/security capability are not acceptable.

Approved performance and payment bonds are required 10 business days prior to execution of a contract for construction work. The final value of the bonds is to be equal to the amount of the GMP or early construction work.

### **1.14 Preconstruction Insurance Requirements**

Within 14 days after notification of the selection, and before entering into a preconstruction CM/GC contract, the selected Proposer is to provide proof of adequate and appropriate general liability insurance in a coverage amount not less than **\$1,000,000.00** dollars per occurrence and **\$300,000.00** per claim. The selected Proposer's policy shall name the State of Tennessee as an additional insured.

The CM/GC Contractor is not required to provide professional liability insurance certificates.

Proof of insurance coverage for the subsequent construction work is detailed in the construction contract and is required 10 business days prior to execution of a contract for construction work.

### **1.15 Required Percentage of Construction Work to be Self-Performed**

The CM/GC Contractor must perform work valued at not less than 30% of the negotiated construction cost for the Project, excluding specialty items and any costs accrued for preconstruction services, with its own staff. Specialty items are those services or items that are not usually furnished by the CM/GC Contractor performing the particular type of service contained in this RFP and are to be defined in the construction contract.

### **1.16 Award of a Construction Contract**

TDOT intends to award a contract for CM/GC preconstruction services to the selected Proposer. When the design of construction package(s) has been sufficiently developed, the CM/GC Contractor prepares and submits a GMP proposal. If the GMP proposal is accepted, TDOT compiles and executes with the CM/GC Contractor a construction contract to complete the construction phase for the Project (or early work package, if applicable).

Although the Proposer selected through this RFP is to be awarded a contract for preconstruction services and may perform construction services for this Project through an early work package or a GMP amendment, the CM/GC Contractor is not guaranteed to receive a notice to proceed to perform any construction work if services are terminated at the completion of the preconstruction phase.

Although a GMP proposal may be prepared and submitted up to three times, TDOT reserves the right at any time to terminate the GMP proposal process and prepare the Construction Documents (PS&E package) for advertisement under standard, low-bid procurement procedures. TDOT also reserves the right not to award any part or all of the construction phase services and to bid/award some or all of the construction work separately. If TDOT chooses to advertise this project under the low-bid process authorized under TCA Title 54, Chapter 5, the CM/GC Contractor is **not** permitted to submit a bid for the construction phase.

All evaluations of any initial estimate submittal and the GMP proposal are to be open book. TDOT shall have access to all estimate and GMP proposal documents, design files, specifications, quotations, takeoffs, and other design/preconstruction or construction cost estimates during evaluation of the submitted early estimates or GMP proposal.

### **1.16.1 CM/GC Fee Requirements**

As part of the initial estimate and GMP process, the CM/GC Contractor and ICE independently develop a CM/GC fee to be applied to the CM/GC Contractor's construction phase GMP proposal(s), including any early work packages, based on its cost to do the work. The CM/GC fee is a percentage, carried out to four decimal points (e.g., 0.0000%).

The CM/GC fee percentage is to include all profit, general and administrative ("G&A") costs, and regional and home office overhead, and non-reimbursable costs as defined in Appendix B. As requested by TDOT, the CM/GC fee percentage breakdown is to show all components used in establishing the percentage. Any fee summary submitted as part of the estimate and GMP process must include the line items detailed in Appendix B.

The CM/GC fee is not to change regardless of the final, negotiated amount of the GMP for the construction phase, including any early work packages.

### **1.17 Cost of Proposal Preparation**

TDOT does not reimburse a Proposer for any costs related to its Proposal preparation, required documentation, interviews, presentations, discussions, or any other related activities. These costs are the sole responsibility of the Proposer.

## **1.18 Disposition of Proposals**

Proposals become the property of TDOT and are disposed of according to TDOT policies. Proposals are treated as confidential documents until TDOT issues a written notice of award to the Proposer.

TDOT reserves the right, in its sole discretion, to cancel this RFP, issue a new RFP, or reject any and all Proposals.

## **1.19 Ownership of the Documents**

All tracings, bids, plans, manuscripts, specifications, data, maps, etc., prepared by or obtained by the CM/GC Contractor as a result of working under a preconstruction contract or construction contract shall be delivered to and become the property of TDOT.

## 2 PROPOSAL AND INTERVIEW INSTRUCTIONS

All Proposers are required to meet the following Proposal submittal requirements, and TDOT retains the right to waive any minor irregularity or modify any requirement should it be judged to be in the best interest of TDOT or the State.

### 2.1 Key Events Schedule

All Proposers are required to meet the following meeting and submittal dates as part of the procurement process. Failure to meet certain deadlines may result in the Proposal being considered non-responsive and rejected.

Public Notice Phase	Date
Advertisement of the RFP	<b>8-22-2024</b>
Mandatory Pre-Proposal Meeting	<b>9-5-2024 10:00 AM – 12:00 PM EST</b>
Last Submission of Questions/Requested Clarifications	<b>9-12-2024</b>
Final RFP Addendum	<b>9-19-2024</b>

Selection Phase	Date
Proposal Submittal Due Date	<b>10-8-2024, 4:30 PM EST</b>
Selection Committee Meetings (Interviews)	<b>Week of 10-21-2024</b>
Proposer Notification of Selection	<b>11-18-2024</b>
Preconstruction Contract Approval/Execution	<b>12-16-2024</b>

### 2.2 Mandatory Pre-Proposal Meeting

A mandatory pre-proposal meeting is to be held at **Region 1 HQ**, 7345 Region Lane, Knoxville, TN 37914 at the date and time listed in Section 2.1.

This meeting introduces all potential Proposers to the CM/GC contract delivery method, provides an overall Project introduction, and enables the potential Proposers to ask and for TDOT to answer questions about the Project, the procurement process, or CM/GC delivery method.

The TDOT Project Management Team, including the TDOT Project Manager, plans to be present at this meeting. Failure of a Proposer to attend the meeting will result in elimination of that Proposer from consideration, and TDOT will reject any Proposal submitted by that Proposer.

TDOT plans to respond, orally or in writing, to all Proposer's questions raised at the meeting. In the event TDOT determines that formal answers or a change to the RFP, specifications, or contract terms are needed, TDOT will issue formal written clarifications or addenda in accordance with the terms of this RFP. Proposers are not to rely on any oral or informal written responses regarding this RFP, unless issued in writing as a formal addendum by TDOT.

## **2.3 Questions and Changes to the RFP**

TDOT reserves the right to make changes to the RFP at any time and for any reason, and all changes to the RFP prior to the receipt of Proposals is to be made by an addendum to the RFP, which is to be available to all Proposers on the TDOT webpage. Following submission and receipt of the Proposals, TDOT is to convey/communicate any changes to the RFP in writing to those Proposers that have submitted a Proposal.

Proposers may submit questions, request clarification, or request a change to the RFP by submitting a written request on Form D (available on the Project website) to Jason Sholtz at [jason.sholtz@tn.gov](mailto:jason.sholtz@tn.gov). When doing so, the Proposer is to reference the Project name and CM/GC Contract # (the two-digit number on the RFP cover page) in the subject line. The request is to specify the provision and section of the RFP in question, and, if a change is requested, contain an explanation for the requested change. TDOT will not respond to questions or change requests received later than the date of last submission of questions/requested clarifications listed in Section 2.1.

TDOT may post (for all Proposers) any or all answers to Proposer questions (without any Proposer identification). TDOT evaluates any questions or requests submitted and reserves the right to determine whether to respond or accept the requested change.

## **2.4 Submission and Format Requirements**

To submit a Proposal, a Proposer must submit an electronic copy (in searchable PDF format with bookmarks) of its Proposal to Jason Sholtz at [jason.sholtz@tn.gov](mailto:jason.sholtz@tn.gov). If the file(s) are over 20MB in size, the Proposer is to send a file transfer link to the listed email address. The submittal of Proposal materials must be sent prior to the time and date for the Proposal submittal due date listed in Section 2.1. A Proposer may only submit one Proposal in response to this RFP.

The Proposal must adhere to the following naming convention:

- For the Proposal PDF file: Enter proposer name\_CMGC08\_French\_Broad\_River\_Bridge\_Replacement\_Proposal

All narrative sections in the Proposals are to be Arial font with a minimum font size of 11-points. The Proposer is to limit use of smaller font sizes for charts, diagrams, graphs, and tables.

Where page limits are required, all 8.5" by 11" pages count as one (1) page towards any assigned page limits, and all 11" by 17" pages count as two (2) pages towards any assigned page limits.

## **2.5 Proposal Content Requirements**

A Proposer is to include the following in its Proposal response to this RFP. The Proposal is to include a cover/title page as its first page.

### **2.5.1 Introductory Letter/Statement of Interest (SOI)**

A Proposer is to address its Letter/Statement of Interest (SOI) to the addressee and address listed in Section 1.3.

The Proposer's SOI is not to exceed one (1) page in length and is to include:

- The Project name and CM/GC Contract # (the two-digit number on the RFP cover page).
- A brief overview of the Proposer's interest in the Project.

- Statement that the Proposer is pre-qualified with TDOT, with the Proposer's pre-qualification expiration date, or that the Proposer has filed an application for pre-qualification with the TDOT Construction Division at least 14 days prior to the Proposer submittal due date listed in Section 2.1.
- A confirmation statement of the commitment for Key Individuals identified in the submittal to the extent necessary to meet TDOT's quality and schedule expectations.
- Certification that the information and data submitted in the letter and the related attachments is true and complete to the best knowledge of the individual signing the letter.
- Name, telephone number, and email address of the individual to contact regarding the Proposal submittal.

### 2.5.2 Mandatory SOI Attachments

The Proposer is to organize, label, and attach the following information immediately following its SOI. There are no page limit requirements in response to this section.

1. Surety letter stating that the Proposer can obtain a Performance and Payment Bond to meet the requirements and for at least the amount listed in Section 1.13.
2. Any information concerning any bankruptcy or receivership of the Proposer, or of any firm which is a member thereof, including information concerning any work completed by a surety.
3. Certification that the Proposer, or of any firm which is a member thereof, has not been debarred by, defaulted from, and/or entered into any voluntary exclusion agreement in lieu of debarment with, any federal, state, or local government agency, within the past five (5) years. Provide information concerning any suspension or temporary disqualification from bidding on any federal, State, or local government contract.
4. Certification that the Proposer, or of any firm which is a member thereof, has not defaulted on a federal, State, or local government contract within the past five (5) years.
5. Acknowledgement of all issued RFP addendum.
6. An affidavit(s) signed by the Proposer, on the form provided at <https://www.tn.gov/tdot/alternative-delivery/construction-cm-gc-services.html>, certifying that the Proposer, and its member firms (if any), agents, subcontractors and employees are in compliance with the requirements of the TCA and Section 1.11.
7. A completed Certificate of Final Indirect Costs on the attached (Appendix C) form.

### 2.5.3 Proposal

The Proposal must include the following sections, which the Selection Committee evaluates using scoring criteria detailed in Section 3.1. This section of the Proposal is to not exceed 30 pages.

#### 2.5.3.1 PROJECT TEAM QUALIFICATIONS

1. **Subfactor #1:** Provide a brief description of the Proposer's project team, including:
  - a) How the proposed firms and Key Individuals meet the Project goals and foster a professional and collaborative team environment with TDOT, the identified stakeholders, and the TDOT's Design Team.

- b) A graphic organization chart, complete with working titles, for all the Key Individuals listed in subfactor #2 below. The chart is to also include the Proposer's Safety Manager and Quality Manager.
  - c) Specific responsibilities of each team member or firm, notably if the Proposer's team is a joint venture (JV) or association.
2. **Subfactor #2:** Provide individual biographies ("bios") for the following Key Individuals (see Section 2.5.4 for requirements to include resume as part of the Proposal attachments):
- Project Manager
  - Construction Manager
  - Lead Cost Estimator
  - Project Superintendent
  - Up to two other persons that the Proposer considers key to the success of the Project's design/preconstruction phase and/or construction phase

Each Key Individual bio is to address:

- Role and responsibilities under both the preconstruction and construction phases.
  - Qualifications and relevant experience, including unique knowledge of the Project.
  - Commitment of time and availability for both the preconstruction and construction phases.
  - Length of time with the firm or Proposer team.
3. **Subfactor #3:** Provide relevant project descriptions of the Proposer's highway transportation experience in delivering projects of similar size, scope, and complexity that include:
- The project/contract name, location, and description of services provided, including any implemented innovations that could be relevant to the Project.
  - Overall project construction cost, including initial/estimated contract value, actual/final contract value, and reasons (as applicable) for the difference.
  - Overall schedule of the project's construction phase, including initial/estimated date for completion, actual/final date for completion, and reasons (as applicable) for the difference.
  - The noted Key Individuals assigned to the project and their specific roles on the project.
  - Reference(s) from the owner (**Note:** all references are to include current email address and telephone number)

The Proposer is to provide a **minimum of three (3)** and up to **ten (10)** project descriptions that have been completed in the last 15 years.

4. **Subfactor #4:** Provide the following safety information for each construction firm under the Proposer's team covering the period **2009** to present:
- Experience modification rates (EMRs).
  - List of any OSHA/TOSHA citations received, including the cause for the citation.
  - List of any incidents that resulted in significant injury, loss of life, or major property damage.

### **2.5.3.2 PROJECT APPROACH**

1. **Subfactor #1:** Provide a preconstruction approach that includes:
  - Means and methods to collaborate with TDOT Project Management and the Design Team to reduce design errors and omissions, reduce construction phase change orders, improve constructability, improve infrastructure longevity, and reduce overall cost of construction.
  - Risk management strategies for identifying, costing, and mitigating/eliminating project risk or maximizing project opportunities (i.e., innovations) through a formalized risk management process. This subsection is to include the Proposer's initial list/matrix of risks, opportunities/innovations, and/or challenges, alongside potential mitigation strategies specific to the Project.
  - All current office locations and the resident expertise intended to be provided under this RFP.
2. **Subfactor #2:** Provide a construction approach that includes:
  - A description of the construction work that the Proposer is to self-perform vs. work completed by its subcontractors.
  - An initial draft of reasonable and realistic segmenting or phasing for the construction phase.
  - Factors that may affect the Project's construction phase schedule, such as outside constraints, seasonal work, and availability for material, equipment, and labor.
  - The value of and specific types of early work packages or long-lead item procurement to expedite the Project's construction schedule or reduce Project risk.
  - Initial construction strategies for maintaining area traffic and reducing construction impacts throughout the Project limits.
3. **Subfactor #3:** Provide a subcontractor selection and integration plan that describes processes/procedures for:
  - Soliciting reliable bids and ensuring the selection of high-quality subcontractors via a competitive bidding process.
  - Ensuring realistic pricing incorporated into the GMP or early construction work contracts.
  - Identifying and developing quality small business or DBE opportunities on the Project, ensuring the Project will meet the construction phase DBE goal listed in Section 1.9.

### **2.5.3.3 COST ESTIMATING APPROACH**

Provide a production-based, open-book cost estimating process that includes:

1. How the Proposer intends to use its cost model, any milestone submittal estimate, and GMP to transparently share cost information so that the Proposer, TDOT (including its ICE), and the Design Team all understand necessary costing assumptions, methodologies, and tasks.
2. How the Proposer plans to communicate key assumptions, backup, and quantities for each bid item and agreed to/defined risks or opportunities.
3. A sample estimate for the bid items listed below. The intent of this item is to demonstrate how the Proposer shows transparency through its cost estimating process. The Proposer is to clearly identify individual costs via separate line items alongside all costing assumptions/basis, which would

contribute to the total item cost (including direct and indirect costs and fee/markup). TDOT considers the values to be conceptual and are not to be evaluated or considered contractual.

The Proposer is to include a unit price and itemization of costs that sum to that unit price for the following sample bid items and quantities.

Name of Item	Unit of Measure	Estimated Qty
Concrete Railing	Linear Feet	7650
Partial Depth Precast Panel	Square Yard	17,000

In discussing the Proposer's cost model, the Proposer is to describe or provide an example of its approach to estimating Project bid items that include labor, temporary and permanent materials, and equipment.

#### **2.5.4 Proposal Attachments**

The Proposer is to organize, label, and attach the following information immediately following the information listed in Section 2.5.3.

1. Resumes and references for all listed Key Individuals in Section 2.5.3.1.
  - a) The resume for the Project Manager is not to exceed two (2) pages.
  - b) The resumes for all other Key Individuals or Proposer value-added staff are not to not exceed one (1) page.
2. Supplemental materials not to exceed ten (10) pages, such as additional cost model examples, a list of awards, letters of recommendations, or additional photos, exhibits, or schedules.

### **2.6 Oral Interview Requirements**

TDOT plans to conduct mandatory oral interviews for Proposers that have submitted a Proposal based on TDOT's evaluation of the qualifications listed in Section 2.5.

TDOT plans to arrange the specific interview times and location, notifying the Proposer in advance of its time to interview.

The structure of the oral interview is as follows, which the Selection Committee is to evaluate using scoring criteria detailed in Section 3.2. At the time of the interview, the Proposer's Project Manager and up to four (4) additional members must be present for all portions of the interview process. Failure of a Proposer to appear at the interview is considered non-responsive, and the Proposer will be eliminated from any further consideration.

#### **2.6.1 Presentation**

In no more than 20 minutes, the Proposer is to:

- Summarize its Proposal,
- Describe any innovative ideas, unique resources, or specified strategies that make the Proposer the best candidate for the Project, and
- Communicate to the Selection Committee why it should be chosen.

## **2.6.2 Question and Answer Session**

In no more than 15 minutes, the Proposer is to answer both standard questions for all Proposers and specific questions relative to the Proposer's Proposal. The session may include questions on:

- Project understanding and approach to meet the Project's goals.
- Preconstruction and construction approach, including the potential for innovation.
- Process or best practices for communicating or collaborating across the team.

## **2.6.3 Team Challenge**

The Proposer will be given project challenges to review and propose a course of action to address the elements in the problems. The Proposer will be given fifteen (15) minutes to prepare responses or solutions and ten (10) minutes to discuss responses and solutions to the Selection Committee. This challenge scoring will be determined by the following criteria:

- Challenge Understanding
- Recognition of Key Points and Ideas
- Team Collaboration
- Communication Skills
- Understanding of CM/GC Delivery Method, Context Sensitive Solutions, and ABC method
- Understanding of Project Goals

### 3 EVALUATION CRITERIA AND SCORING

The method to select a CM/GC Contractor considers the following evaluation factors and assigned, weighted multipliers (i.e., the RFP scoring matrix) to arrive at an aggregate (total) score and selection of a Proposer.

Section	Weighting/Scoring	Section Reference/Comment
<b>Proposal</b>	<b>60% Overall Weight</b>	
Statement of Interest <sup>1</sup>	Not scored	Section 2.5.1; 1 page max
Mandatory Proposal Attachments <sup>1</sup>	Pass/Fail	Section 2.5.2; no page limits
Proposal	Max. 100 Points	Section 2.5.3; (30 pages max)
Eval. Factor #1: Project Team Qualification	50 of 100 points	
Subfactor #1: Proposer Project Team Description	20% <sup>2</sup>	
Subfactor #2: Key Individual Biographies (Bios)	10%	
Subfactor #3: Project Descriptions	50%	
Subfactor #4: Safety Information	20%	
Eval. Factor #2: Project Approach	20 of 100 points	
Subfactor #1: Preconstruction Approach	20%	
Subfactor #2: Construction Approach	60%	
Subfactor #3: Subcontracting Approach	20%	
Eval. Factor #3: Cost Estimating Approach	30 of 100 points	
Proposal Attachments <sup>1</sup>	Not scored	Section 2.5.4; (Resumes + 10-page limit)
<b>Oral Interviews</b>	<b>40% Overall Weight</b>	
Presentation	45 Points	Section 2.6.1
Questions & Answer Session	20 Points	Section 2.6.2
Team Challenge	35 Points	Section 2.6.3

<sup>1</sup> No evaluation points will be assigned for this information; **however, the Proposal may be rejected as non-responsive if the required information is not attached/provided.**

<sup>2</sup> TDOT assigns weightings and Selection Committee members score each subfactor based on its percentage of the overall evaluation factor.

#### 3.1 Proposal Evaluation Criteria

Each Selection Committee member individually reviews and evaluates each responsive Proposal, assigning a rating for each sub-factor listed in Section 2.5.3 according to the descriptions below.

**Note:** The primary focus of the evaluation is on the Proposer’s qualifications compared to the listed requirements of Section 2.5.3 and how its approach meets or exceeds the project goals listed in Section 1.2.

<b>Excellent (95 to 100 point)</b>	The Proposal demonstrates a complete understanding of the subject and an approach that significantly exceeds the stated requirements and objectives of the scoring category. The Proposal communicates an outstanding level of quality. The Proposer's qualifications are exceptional. Proposal shows no weaknesses or deficiencies for this scoring category.
<b>Good (85 to 94 points)</b>	The Proposer demonstrates a strong understanding and has a strong approach to the scoring category. The Proposal communicates a high level of quality and exceeds the stated requirements of the RFP. The Proposal shows few weaknesses or deficiencies for this scoring category.
<b>Acceptable (65 to 84 points)</b>	The Proposal demonstrates a general understanding of the Project and an approach containing some weaknesses/deficiencies regarding the Project's requirements and objectives. The Proposal communicates an average level of quality and meets (but does not exceed) the stated requirements of the RFP.
<b>Poor (below 65 points)</b>	The Proposal has demonstrated a minimal understanding of the scoring category and contains numerous weaknesses and deficiencies. The Proposal demonstrates little or no level of quality or value. The Proposer's qualifications raise questions about the Proposer's ability to successfully meet the Project goals.

### 3.2 Interview Evaluation Criteria

Using similar adjectival ratings and descriptions detailed in Section 3.1, the Selection Committee will score the ***presentation and questions/answer session*** of the interview based on:

- Understanding of the Project and the related goals
- Project approach, including proposed innovations
- Communication skills

Using similar adjectival ratings and descriptions detailed in Section 3.1, the Selection Committee will score the ***team challenge*** portion of the interview based on:

- Understanding of the team challenge prompt
- Recognition of key points and ideas
- Team collaboration and communication skills
- Understanding of the Project goals

### 3.3 Total Score and Selection Recommendation

TDOT applies the weighting factors to each factor and adds up the score of each Proposer. Per TCA requirements, upon completion of the scoring, the Proposers are ranked in order of the highest aggregate (total) score to the lowest aggregate score.

The Proposer who has the highest aggregate score is to be considered the first-tier Proposer. In addition, any Proposer who receives an aggregate score within five percent (5%) of the Proposer with the highest aggregate score also will be considered a first-tier Proposer.

The Proposers within the first tier are recommended for selection to the Commissioner in alphabetical order in accordance with TCA requirements.

## 4 SCOPE OF WORK AND CM/GC SERVICES

The following initial scope of work reflects the current approach for the CM/GC Contractor to support the preconstruction phase, understanding that the final scope of work is finalized based on input from TDOT Project Manager, other TDOT staff, and the selected CM/GC Contractor.

### 4.1 General Project Management

The CM/GC Contractor is to provide the following as part of its general project management tasks:

- **Coordination:** The CM/GC Contractor Project Manager and assigned Key Individuals (Cost Estimator and Construction Manager) are to meet weekly with the Project team, including the Design Team lead and the TDOT Project Manager.
- **Monthly Reports and Billings** includes the reports and billing information required by TDOT.
- **General Reports and Submittals:** All reports and submittals must be reviewed and approved by TDOT prior to content being used in a follow-up work effort.

### 4.2 Kickoff Workshop

The CM/GC Contractor (to include all Key Individuals and Proposal listed additional staff personnel) is to attend and actively participate in a kickoff workshop in **Knoxville, TN** that includes:

- Introducing the Project, CM/GC delivery method, and the Project stakeholders.
- Overviewing the Project status and scope, goals, funding, preliminary preconstruction, and construction schedule, etc.
- Identifying Project risks, referencing the Proposal risk matrix when developing a formal risk management plan.
- Reviewing current design plans, specifications, and reports.
- Attending a Project site and equipment tour.
- Scheduling the Project meetings, estimate coordination meetings, and necessary milestone estimate tasks (e.g., constructability review, risk workshop, quantity reconciliation meeting, and reconciliation) for each milestone submittal.
- Establishing the Communication and Document Control Plan.

### 4.3 Meetings and Deliverables

The CM/GC Contractor is required to attend the following meetings and produce the following deliverables at the milestones and times described below.

Task	Work Product	Unit	Total Quantity	Timing (as applicable)			
				Functional Design	Plan-in-Hand	GMP (100%)	Other
1	Review as-builts, current design, and site conditions review	EA	1	-	-	-	Prior to kickoff
<b>Description:</b> CM/GC Contractor to review all provided Project information, including previous project as-builts, current design plans (informal review), and a site conditions review.							

Task	Work Product	Unit	Total Quantity	Timing (as applicable)				
				Functional Design	Plan-in-Hand	GMP (100%)	Other	
Regular Meetings	2	Attend and participate in regular team meetings	EA	35	-	-	-	Bi-weekly
	<p><b>Description:</b> CM/GC Contractor to attend and actively participate in one-hour team meetings with TDOT staff, the Design Team, and the ICE to initially establish and continue to coordinate on Project details (e.g., scope and schedule), design progression, construction means and methods, communication and document control protocols, third-party impacts, and other management and Project information.</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., via a comment and resolution form, redlined drawings, written reports or memos, and/or electronic track changes to documents provided).</p>							
	3	Attend and participate in estimate coordination meetings	EA	20	-	-	-	Bi-weekly
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in each one-hour estimate coordination meeting among the CM/GC Contractor, TDOT staff, and the ICE to establish and refine estimate assumptions and methodologies, to schedule milestone meetings and estimate follow up, and to communicate changes in scope, quantities, or phasing—all to ensure a consistent foundation for each respective estimate.</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., via a comment and resolution form, redlined drawings, written reports or memos, and/or electronic track changes to documents provided).</p>								
Deliverables	4	Develop and update baseline construction schedule & phasing	EA	3	✓	✓	✓	
	<p><b>Description:</b> CM/GC Contractor to develop the construction phase (and any early work package) baseline schedule and phasing plan(s) for review. CM/GC Contractor to revise its baseline schedule and phasing plan based on comments received and progression of the Project during each milestone estimate period.</p> <p>The schedule is to include the Project's construction phase duration (including any early work packages), identifying key milestones, deliverables, and dependencies/logic, along with durations for procurement, shop drawing submittal and review, material submittals, construction work/management, and closeout.</p>							
	5	Develop and maintain an innovation tracking and report on performance	EA	3	✓	✓	✓	
<p><b>Description:</b> CM/GC Contractor to develop, propose, and track opportunities and quantify benefits from Project innovations throughout the preconstruction phase, including proposing criteria to evaluate suggestions and select improvements that offer the best overall value in terms of cost, schedule, and quality improvements.</p> <p>CM/GC Contractor to prepare, modify, and maintain an "innovation" register, which identifies the person and/or entity that proposed the idea, the value of the idea (in terms of cost, savings, risk reduction/mitigation, or schedule impact/benefit), and the ideas that were incorporated by the Project team into the final design documents. Update the matrix during each milestone estimate period.</p>								
6	Develop Material Sourcing Plan	EA	1	-	-	-	Prior to award	
<p><b>Description:</b> CM/GC Contractor to draft and finalize a material sourcing plan to apply during the construction contract and for all construction activities. The plan is to document material sources, access logistics, haul routes, haul requirements, and other related items. The plan is subject to TDOT approval and is to be finalized prior to awarding a construction contract.</p>								

Task	Work Product	Unit	Total Quantity	Timing (as applicable)			
				Functional Design	Plan-in-Hand	GMP (100%)	Other
7	Develop Quality Control Plan	EA	1	-	-	-	Prior to award
<b>Description:</b> CM/GC Contractor to draft and finalize a quality control plan to apply during the construction contract and for all construction activities. The plan is to document applicable references and definitions, general requirements that describe quality methods and workflow processes, management and staff responsibilities, and an approach to measure, analyze, and improve results or output. The plan is subject to TDOT approval and is to be finalized prior to awarding a construction contract.							
8	Develop Worker and Public Safety Plan	EA	1	-	-	-	Prior to award
<b>Description:</b> CM/GC Contractor to draft and finalize a worker and public safety plan to apply during the construction contract and for all construction activities. The plan is to address safety means and methods for all contractor entities, TDOT staff, consultant staff, and the travelling public, including approach to measure, analyze, and improve results or output. The plan is subject to TDOT approval and is to be finalized prior to awarding a construction contract.							
9	Develop subcontracting and diversity plan	EA	1	-	-	-	Prior to award
<b>Description:</b> CM/GC Contractor to draft and finalize a subcontracting and diversity plan to apply during the construction contract and for all construction activities. The plan is to address procurement and bidding processes, subcontractor contract requirements, and efforts to meet the DBE goals and requirements, as well as monitoring and reporting requirements for subcontractors (generally) and DBEs (specifically). The plan is subject to TDOT approval and is to be finalized prior to awarding a construction contract.							
10	Provide constructability review comments on the plans	EA	2	✓	✓	-	-
<b>Description:</b> CM/GC Contractor to provide a constructability review of the plans, specifications, and related reports for the listed design milestone submittals.							
11	Develop and submit cost estimate submittal (and backup)	EA	2	✓	✓	-	-
<b>Description:</b> CM/GC Contractor to provide its estimate for the construction work (and any early work packages) on the bid/estimate form provided by TDOT. The estimate submittal is to include all costing backup information, including estimate software output, known subcontractor bids/quotes, documentation to support estimate assumptions, etc.							
12	Resubmit estimate	EA	2	✓	✓	-	-
<b>Description:</b> After the estimate reconciliation meeting, CM/GC Contractor to revise and resubmit its estimate for the construction work (and any early work packages) on the bid/estimate form provided by TDOT. The estimate resubmittal is to include all revised costing backup information, including estimate software output, known subcontractor bids/quotes, documentation to support estimate assumptions, etc.							
13	Develop and submit GMP submittal (and backup)	EA	Up to 3	-	-	✓	-
<b>Description:</b> CM/GC Contractor to provide its GMP submittal for the construction work (and any early work packages) on the form provided by TDOT. The GMP submittal is to include all costing backup information, including estimate software output, all subcontractor bids/quotes, documentation to support estimate assumptions, etc. TDOT may require the GMP to be submitted up to three times.							

Task	Work Product	Unit	Total Quantity	Timing (as applicable)			
				Functional Design	Plan-in-Hand	GMP (100%)	Other
14	Milestone Estimate Process						
14a	Attend constructability workshop	EA	2	✓	✓	-	-
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in the half-day constructability workshop during each milestone estimate period, providing comments from its review during the workshop.</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., via a comment and resolution form, redlined drawings, written reports or memos, and/or electronic track changes to documents provided).</p>							
14b	Attend risk management workshop	EA	2	✓	✓	-	Through-out
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in the half-day risk management workshop during each milestone estimate period and throughout the preconstruction phase. For each meeting/workshop, CM/GC Contractor to identify, quantify, document, and implement overall Project, TDOT management, relevant preconstruction, and known construction risks and risk avoidance, reduction, and mitigation strategies, as well as monitor and provide written input into a Project risk register.</p> <p>Although the risk register is to be maintained by TDOT, CM/GC Contractor to participate in the preparation and updating of the risk register, and to continuously communicate its assumptions regarding impacts to risk as the design progresses (minimally during each milestone estimate period).</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., updated risk register).</p>							
14c	Attend quantity reconciliation meeting	EA	Up to 3	✓	✓	✓	-
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in the half-day quantity reconciliation meetings during each milestone estimate period to compare quantity take-offs between the estimators and to agree upon a common set of quantities used as the basis for the price. For each meeting/workshop, CM/GC Contractor to lead discussion of its work breakdown structure, items of work to price, units of measurement, and related quantities in coordination with TDOT and the ICE (if used).</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., revised quantity worksheet).</p>							
14d	Attend subcontractor and vendor selection meeting	EA	Up to 2	✓	✓	✓	-
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in the half-day subcontractor and vendor selection meetings during each milestone estimate period. For each meeting/workshop, CM/GC Contractor to lead discussion on subcontractor quotes and to explain how the quotes are distributed within the bid items, to clarify any support services required for each subcontractor or vendor, to demonstrate to TDOT that it has solicited the minimum number of quotes from the subcontractors/vendors (where feasible), and to review any relevant pricing exclusions from the quotes.</p> <p>During the meeting, the CM/GC Contractor is to provide TDOT and the ICE a list of subcontractors or vendors contacted to document the solicitation outreach efforts, including any subcontractors or vendors that were unresponsive.</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT.</p>							

Task	Work Product	Unit	Total Quantity	Timing (as applicable)			
				Functional Design	Plan-in-Hand	GMP (100%)	Other
14e	Attend estimate reconciliation meetings	EA	Up to 5	✓	✓	✓	-
<p><b>Description:</b> CM/GC Contractor to attend and actively participate in an all-day estimate reconciliation workshop during each milestone estimate period and during the GMP submittal process. CM/GC Contractor to offer insight on its estimate assumptions and methodologies, schedule and phasing approach, and backup material in support of its costs.</p> <p>CM/GC Contractor to complete meeting actions and follow-up assignments, as requested, in a timely manner and in a format acceptable to TDOT (e.g., via a comment and resolution form, redlined drawings, written reports or memos, and/or electronic track changes to documents provided).</p>							

## **Appendix A: Sample CM/GC Services Contract**

A template/sample of the CM/GC construction contract is available on the Project website at <https://www.tn.gov/tdot/alternative-delivery/construction-cm-gc-services.html>

By submitting a Proposal, the Proposer acknowledges it has reviewed the CM/GC construction contract and agrees that the terms and conditions of the contract are acceptable without reservation.

## Appendix B: CM/GC Fee Percentage Inclusions and Exclusions

	<b>Costs <span style="color: green;">NOT</span> TO BE included in CM/GC Fee Percentage</b>	<b>Costs TO BE included in CM/GC Fee Percentage</b>
<b>Item</b>	<b>Costs for the categories below to be negotiated and included in the direct “Cost of the Work”</b>	<b>Other indirect and non-reimbursable costs to be included in the CM/GC fee percentage are listed below</b>
E.1	Mobilization	Project Principal – all costs
E.2	Project Manager	Cost Estimator services during Construction Phase –all costs. <i>(Note: Cost Estimator services during Pre-construction Phase are reimbursable as included in the Pre-construction Services Fee</i>
E.3	Construction Manager/Superintendent	Project Manager relocation, housing, and subsistence costs.
E.4	All other on-site, construction management staff as approved by the Agency	Construction Manager/Superintendent relocation, housing, and subsistence costs.
E.5	On-site administrative staff, including clerical and secretarial staff	Additional CM/GC staff relocation, housing, and subsistence cost.
E.6	All project direct costs related to Safety	Home, branch and regional office administrative support staff and all related costs
E.7	All project direct costs related to Quality Control	Home, branch and regional office safety support staff and all related costs
E.8	Project office costs for cleaning, set up/demobilization, maintenance, security, utilities, rent/lease, equipment, and furniture	Home, branch and regional office quality control support staff and all related costs
E.9	Materials and equipment handling, including shipping/transport to site and storage costs	Profit
E.10	Job site temporary toilet facilities and maintenance	
E.11	Construction rental equipment	
E.12	Actual cost of permits	
E.13	All project direct costs related to implementation of Agency-approved DBE program	
E.14	Construction equipment and vehicles at Proposer’s internal cost rate, including costs of maintenance and fuel	
E.15	All costs related to cell phones, radios, fax machines, pagers, computers, and software.	
E.16	All costs of capital and interest; licenses and taxes required by law.	
E.17	Miscellaneous project office costs, including but not limited to, drinking water, printing, reproduction, postage, delivery, and supplies	

## **Appendix C: Affidavit, Attestation, Certificate of Final Indirect Costs Forms**

**Appendix C: Affidavit, Attestation, Certificate of Final Indirect Costs Forms**

<b>AFFIDAVIT REGARDING PROHIBITED COMMUNICATIONS, CONTINGENCY FEES AND CONFLICTS OF INTEREST</b>	
<b>PROJECT NAME:</b>	
<b>CMGC CONTRACT #:</b>	
<b>PROPOSER LEGAL ENTITY NAME:</b>	

The Proposer, identified above, does hereby attest, certify, warrant, and assure that the Proposer, and its member firms (if any), agents, subcontractors, or employees:

1. Have not communicated, with any member of the selection committee, or with any employee or official of the Department, concerning the review or evaluation of any Proposal, except that a Proposer may communicate with those Department employees who are specifically listed in the RFP as appropriate points of contact and in accordance with procedures established in the RFP that allow Proposers to communicate with entities such as utilities and permit agencies;
2. Have not offered or paid, and will not offer or pay, a contingency fee of any type that is directly tied to specific actions or work designed to help the Proposer obtain a contract through this RFP process; and
3. Have not received any compensation for assisting the Tennessee Department of Transportation in preparing this RFP.

**PROPOSER SIGNATURE**

NOTICE: This affidavit MUST be signed by an individual empowered to contractually bind the Proposer. If said individual is not the chief executive or president, this document shall attach evidence showing the individual's authority to contractually bind the Proposer.

**PRINTED NAME AND TITLE OF SIGNATORY**

STATE OF TENNESSEE  
 COUNTY OF \_\_\_\_\_

Personally appeared before me, [name of authorized signatory for the Proposer identified above], with whom I am personally acquainted, and who acknowledged that the statements contained in this affidavit are true to the best of his knowledge, information and belief.

Witness my hand, at office, this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**Acknowledgement and Attestation Form (Partnerships Form)**

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_ CMGC Contract #: \_\_\_\_\_

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Construction Management/General Contractor Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on \_\_\_\_\_ at \_\_\_\_\_  
Date City

\_\_\_\_\_ State of \_\_\_\_\_  
County State

1) \_\_\_\_\_ 2) \_\_\_\_\_  
Partner Signature Partner Signature

Typed Name: \_\_\_\_\_ Typed Name: \_\_\_\_\_

Notary: \_\_\_\_\_  
Notary Signature Date

Commission Expires: \_\_\_\_\_

Note: Add additional signature if there are more than two partners.

**Acknowledgement and Attestation Form (Joint Venture Form)**

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_ CMGC Contract #: \_\_\_\_\_

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Construction Management/General Contractor Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on \_\_\_\_\_ at \_\_\_\_\_  
Date City  
\_\_\_\_\_ State of \_\_\_\_\_  
County State

1) \_\_\_\_\_  
Venture Partner Binding Signature Date

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Type of Business: \_\_\_\_\_

\_\_\_\_\_  
Witness Date

Typed Name: \_\_\_\_\_

2) \_\_\_\_\_  
Venture Partner Binding Signature Date

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Type of Business: \_\_\_\_\_

\_\_\_\_\_  
Witness Date

Typed Name: \_\_\_\_\_

1. Add additional venture partners as necessary.
2. Witnesses of venture partners shall be corporate secretary for corporations, partners for partnerships, and notaries for sole proprietorships.
3. Please attach joint venture agreement.
4. Type of business shall identify the venture partner as a corporation, venture, partnership, sole proprietorship, or other legal entity.

**Acknowledgement and Attestation Form (Corporate Form)**

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_ CMGC Contract #: \_\_\_\_\_

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Construction Management/General Contractor Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on \_\_\_\_\_ at \_\_\_\_\_  
Date City

\_\_\_\_\_ State of \_\_\_\_\_  
County State

\_\_\_\_\_  
Corporate Officer Signature Date

\_\_\_\_\_  
Secretary Date

Typed Name: \_\_\_\_\_ Typed Name: \_\_\_\_\_

Note: Use full corporate name and attach corporate seal here.

Seal

**Acknowledgement and Attestation Form (Sole Proprietorship Form)**

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_ CMGC Contract #: \_\_\_\_\_

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Construction Management/General Contractor Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on \_\_\_\_\_ at \_\_\_\_\_  
Date City

\_\_\_\_\_ State of \_\_\_\_\_  
County State

\_\_\_\_\_ Respondent Date

Typed Name: \_\_\_\_\_ Typed Name: \_\_\_\_\_

Notary: \_\_\_\_\_  
Notary Signature Date

Commission Expires: \_\_\_\_\_

## **Certificate of Final Indirect Costs**

**Instructions:** Where contract terms and payment are negotiated based on individual elements of costs, the CMGC Contractor must provide an indirect cost rate established in accordance with the federal cost principles (as specified in 2 CFR part 200, subpart E), and it shall include a certification by an official of the CMGC Contractor that all costs are allowable in accordance with the federal cost principles.

An official of the CMGC Contractor shall be an individual executive or financial officer of the CMGC Contractor's organization, at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has the authority to make representations about the financial information utilized to establish the indirect cost rate proposal submitted.

The certification of final indirect costs shall read as follows and be submitted with the Proposal as detailed in the RFP:

**Certificate of Final Indirect Costs**

Project Name: \_\_\_\_\_

CMGC Contract #: \_\_\_\_\_

This is to certify that I have reviewed this Proposal to establish final indirect cost rates and to the best of my knowledge and belief:

1. All costs included in this Proposal (dated \_\_\_\_\_) to establish final indirect cost rates for (identify period covered by rate: \_\_\_\_\_) are allowable in accordance with the cost principles of the Federal Acquisition Regulation (FAR) under title 48, Code of Federal Regulations (CFR), part 31; and
  
2. This proposal does not include any costs which are expressly unallowable under applicable cost principles of the FAR under 48 CFR part 31.

Firm: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Certifying Official: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

# CM/GC QUESTION REQUEST FORM D

PROJECT: I-40 Bridge over French Broad

CONTRACT No.: CMGC08

DATE:

RFP Section ID	Question	Reserved for Agency Response

**CM/GC QUESTION REQUEST  
FORM D**

<b>RFP Section ID</b>	<b>Question</b>	<b>Reserved for Agency Response</b>