



TENNESSEE DEPARTMENT OF TRANSPORTATION

## **Design-Build RFP**

### **Book 1 Instructions to Proposer (ITP)**

#### **I-24 Shellmound Bridges**

Marion County, Tennessee

Project Identification Number (PIN): **130900.00 and 130902.00**

State Project Number: **58100-1186-04 and 58100-1187-04**

Contract# **DB2503**

**Final RFP: January 2026**

**Addendum No. 1: February 2026**

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## Table of Contents

1	Project and Procurement Information.....	1
1.1	Project Description .....	1
1.2	Project Goals .....	2
1.3	Procurement Schedule/Submittal Deadlines .....	3
1.4	General Design-Builder Project Obligations .....	3
1.5	RFP Communication .....	4
1.5.1	General Procurement Communication Protocols .....	5
1.5.2	General TDOT Communication Protocols.....	5
1.5.3	Confidential (One-on-One) Meetings .....	5
1.5.4	RFP Questions and Addenda Process .....	6
1.5.5	Prohibited Communications and Contingency Fee .....	7
1.6	Organizational Conflicts and Ineligible Firms.....	8
1.7	Reserved .....	9
1.8	Nondiscrimination in Contracting/EEO Requirements .....	9
1.9	Reserved .....	9
1.10	Proposal Modifications or Withdrawal.....	9
1.11	Confidentiality .....	10
1.12	Proposal Meetings .....	10
1.13	Modifying or Issuing a New RFP .....	11
1.14	Cost of Preparation and Stipend .....	11
1.15	Required Percentage of Construction Work .....	12
1.16	Prequalification and Licenses.....	12
2	Alternative Technical Concepts.....	13
2.1	Eligibility and Disclaimers.....	13
2.2	Submittal Requirements.....	13
2.2.1	TDOT Review.....	15
2.2.2	ATC Inclusion in the Proposal.....	15
3	Proposal Submittal Instructions.....	16
3.1	Submission and Format Requirements .....	16
3.1.1	Technical Proposal .....	16
3.1.2	Price Proposal .....	17

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3.1.3	Forms .....	17
3.2	Technical Proposal Volume I (Cover Letter, Qualifications, Forms, and Evidence of Authority)..	17
3.2.1	Cover Letter.....	17
3.2.3	Forms .....	19
3.2.4	Evidence of Corporate Existence; Certificate of Authority .....	19
3.2.5	Evidence of Authority to Enter into Joint Venture; Execute Joint-Venture Agreement .....	20
3.2.6	Evidence of Proposal Signatory Authority .....	20
3.2.7	Evidence of Ability to Obtain a Performance and Payment Bonding .....	20
3.2.8	Other Evidence of Qualifications.....	20
3.3	Technical Proposal Volume II (Technical Approach).....	21
3.3.1	Project Management Approach .....	21
3.3.2	Design Approach .....	22
3.3.3	Construction Approach .....	22
3.4	Technical Proposal Volume III (Technical Approach Appendices).....	23
3.4.1	Key Personnel Resumes .....	23
3.4.2	Preliminary Roadway Schematic/Concept Plans .....	24
3.4.3	ATC Approval Letters and Form ATC .....	24
3.4.4	Proposal CPM Schedule.....	24
3.5	Price Proposal Content and Disclaimers .....	25
3.5.1	Price Proposal Contents.....	25
3.5.2	Instructions Regarding Preparation.....	25
3.5.3	Project Section and Pay Items.....	25
3.5.4	Price Proposal Disclaimers.....	28
4	Evaluation and Selection Process.....	29
4.1	Responsiveness Criteria .....	29
4.1.1	Clarification, Waiver, or Omitted Proposal Responses.....	29
4.2	Selection Criteria.....	29
4.2.1	Relative Weights and Scoring of the Proposal .....	29
4.2.2	Determining a Total Proposal Score and Selection of the Apparent Design-Builder.....	31
5	Contract Execution; Delivery of Required Documents.....	32
5.1	Selected Design-Builder Required Submittals.....	32
5.2	Modification of Contract .....	32
5.3	Federal-Aid Construction Project Requirements.....	33

# 1 PROJECT AND PROCUREMENT INFORMATION

This **RFP Book 1 (ITP/Instructions to Proposers)** is issued by the Tennessee Department of Transportation (“TDOT”) to all firms and teams of firms (the “Proposers”) responding to TDOT’s request for proposal (RFP) to solicit competitive proposals for the I-24 Shellmound Bridges design-build project (Project). The instructions and details described herein follow the processes and practices described in this RFP.

TDOT hereby invites such Proposers to submit competitive, sealed proposals (“Proposals”) for completing the Project’s administration, preconstruction coordination, design, and construction work as more specifically described in **RFP Book 2 (Design-Build Contract)** and **RFP Book 3 (Project Specific Information)** (collectively the “Contract Documents”).

This **RFP Book 1 (ITP)** contains:

- A description of the Project, general proposal procedures, and the RFP’s procurement process;
- Submittal requirements for the Proposer’s Technical Proposal, Price Proposal, alternative technical concepts (ATCs), and other necessary pre-award forms and documents;
- The evaluation criteria used to review and score a Proposer’s Technical Proposal and Price Proposal; and
- The post-selection procedures and documents needed to award the Project to the apparent Design-Builder.

The Proposers shall use **RFP Book 1 (ITP)** in conjunction with the other RFP documents to develop and submit all proposed ATCs, responsive Technical Proposals, sealed Price Proposals, and other required pre-award submittals.

Additionally, the term “Major Participant” is used throughout to mean any of the following entities:

1. All general partners or joint venture members of the Proposer/design-builder (also known as a Principal Participant),
2. Each member of the Proposer’s organization with primary responsibility for construction,
3. Each member of the Proposer’s organization with a proposed subcontract greater than or equal to \$3,000,000.00 (excluding subcontracts with suppliers),
4. The lead engineering/design firm(s), and
5. Each subconsultant responsible for performing more than thirty percent (30%) of the design value.

## 1.1 Project Description

This Project includes the replacement of the two bridges in Marion County: 1) PIN 130900.00 (I-24 Westbound bridge over Shellmound Road at MM 157.35) and 2) PIN 130902.00 (Shellmound Road bridge over I-24 Eastbound at MM 157.32).

**Project Limits/Location:** Marion County Route Interstate 24 Westbound beginning at log mile 1.29 to end log mile 1.40; and Marion County Route L.R. 02161.

**Project Description:** The need to replace the bridges is due to the existing conditions for each bridge:

- Built in 1965

- Sufficiency rating is FAIR (as of July 2024)
- Typical section does not meet current TDOT standards

**130900.00:** The existing I-24 Westbound bridge is a 3-span crossing over Shellmound Road with an overall structure length of 139 feet, 6 inches. The Project will design and construct a new interstate bridge to meet the minimum required vertical clearance of 16 feet 6 inches to clear the Shellmound Road typical section. The new bridge shall have two 12-foot travel lanes with 12-foot inside and outside shoulders, adhering to the I-24 typical section. The I-24 Westbound roadway approaches shall have two, 12-foot travel lanes with 12-foot inside and outside shoulders, adhering to the I-24 typical section detailed in Book 3.

**130902.00:** The existing Shellmound Road bridge is a 3-span crossing over I-24 Eastbound with an overall structure length of 106 feet. The existing structure has a 15-foot, 6-inch clearance and a 32-ton load limit. The Project will design and construct a new bridge over I-24 Eastbound having two 11-foot travel lanes with 6-foot shoulders. The new bridge shall provide a minimum of 16 feet, 6 inches of vertical clearance over I-24 Eastbound and span a horizontal clearance that will accommodate two 12-foot travel lanes, a future 12-foot travel lane, and 12-foot inside and outside shoulders adhering to the I-24 typical sections detailed in Book 3.

**Project Construction Funding:** The funding source for the Project is State funding.

**Environmental Clearance Status:** TDOT has completed a National Environmental Policy Act (NEPA) document for the Project included in the Reference Documents. The NEPA document and Book 3 detail all required environmental commitments included for the Project.

**Existing Utilities** are listed in Section 7 of RFP Book 3.

**Project Design Data and Standards:** All related work is to conform to all applicable state and federal regulations and recognized industry, safety, environmental, and design standards. TDOT projects are to adhere with TDOT and FHWA design criteria. The TDOT Project Manager is to resolve, in his/her discretion, any perceived conflicts in criteria or standards.

The Design-Builder is to obtain and apply all currently adopted references, including TDOT standards and specifications, manuals, and software.

The Design-Builder is to select materials and methods specified for construction to minimize the initial construction cost and long-term maintenance cost to the State of Tennessee. Non-typical construction materials and methods must be approved in writing by TDOT as defined in Section 1.5.4.2.

For all innovative or alternative materials or equipment proposed, the design-builder must verify, submit, and obtain approval for any new or innovative materials or equipment proposed during the Project's design and construction phases.

## 1.2 Project Goals

The Project is intended to achieve the following goals:

1. Maximize the project budget to construct all Project improvements, in addition to implementing improvements that will enhance on-going maintenance of traffic during construction, while also improving future I-24 and Shellmound Road operations.
2. Minimize delays and inconvenience to the surrounding communities by maintaining local access and accommodating residents and travelers using Shellmound Road—all while maximizing worker and public safety during construction.

3. Establish a close working relationship between TDOT and the Design-Builder to facilitate open communication, mitigate Project risks, and drive timely decision-making.
4. Optimize design through innovation and constructability that eliminates ROW and utility impacts (specifically for any proposed Shellmound over I-24 Eastbound improvements).

### 1.3 Procurement Schedule/Submittal Deadlines

The following procurement schedule and submittal deadlines are set out below. TDOT will not consider any submittal received after the deadlines stated below.

Event/Submittal	Date/Time
TDOT issues RFP (Industry Review Draft)	December 2025
Mandatory Pre-Proposal Meeting	December 10, 2025 2:00 PM EST
Proposer's Deadline for submittal of initial Form QR on the RFP and request for Confidential (One-on-One) Meetings	December 19, 2025 1:00 PM EST
Confidential (One-on-One) Meetings	January 9, 2026
TDOT issues Final RFP	January 15, 2026
Proposer's deadline for submittal of Form QR regarding specific questions for utility owners <sup>1</sup>	January 20, 2025 1:00 PM EST
Proposer's final deadline for submittal of Form QR, requests for QPL determination, and/or alternate technical concepts (ATCs)	February 5, 2026 1:00 PM EST
TDOT's last response on Form QR, requests for QPL determination, organizational changes, SOQ resubmittals, and/or alternate technical concepts (ATCs) determination  TDOT's issuance of last addendum	February 18, 2026
Proposer's Technical Proposal and Price Proposal Due Date	March 20, 2026 1:00 PM EST
Public Price Proposal opening	April 2026
Notice of Best Evaluated Design-Builder	April/May 2026
Anticipated award of design-build contract (or rejection of all Proposal)	April 2026
Anticipated issuance of initial notice to proceed <sup>2</sup>	May 15, 2026

<sup>1</sup> When submitting questions on Form QR for the utility owners, the Proposer should specify the applicable utility owner in each question so that TDOT may direct these questions appropriately.

<sup>2</sup> Proposer shall use the assumed issuance date as the Project start date for its Proposal CPM schedule.

### 1.4 General Design-Builder Project Obligations

If awarded and in accordance with Contract Book 3, the Design-Builder's obligations generally include the following, all of which are more specifically described in the Contract Documents.

- Furnish all design services, quality management, materials, equipment, labor, transportation, and incidentals required to complete the Project according to the Readiness-for-Construction plans (RFC plans), TDOT's Standard Specifications (as amended), and the Contract Documents.
- Perform the construction work according to the line(s), grade(s), typical sections, dimensions, and other details shown on the RFC plans, as modified by change order or other written directive issued by TDOT.
- Perform all work necessary to comply with the Contract Document requirements.
- Determine the full Project requirements through a comprehensive examination of the RFP, the Project site, and all Contract Documents.
- Identify and obtain all necessary clearances required to construct the Project.
- Coordinate the construction/relocation of utilities with the appropriate utility owners.
- Prepare necessary documentation and lead the acquisition process to obtain the necessary right-of-way to complete the Design-Builder's design and construction Work.
- Prepare all documents necessary to obtain the Project's water quality permits.
- Follow all reference guidance as stated in TDOT's *Design-Build Standard Guidance* and the specific technical requirements detailed in **Book 3 (Project Specific Information)**.
- Coordinate/communicate with all stakeholders listed in the RFP or as identified during the Project.

## 1.5 RFP Communication

The Regional Alternative Delivery Manager (the TDOT primary point of contact) for this procurement and the Project is:

Chanel Hippix  
chanel.hippix@tn.gov  
7508 Volkswagen Dr  
Chattanooga, Tennessee 37421  
Phone: 629-237-9482

The above-listed point of contact is to be the Proposer's single point of contact for all communications during the procurement process. The Proposer's single point of contact for communications during the procurement process shall be the only contact person to request information.

If awarded, the Design-Builder is expected to partner with the following:

1. TDOT Project Management – Alternative Delivery Team
2. TDOT Specialty Groups: Owner's Representative, CEI, respective functional areas (including Geotechnical, Structures, Roadway, Environmental Permitting, ROW, and Utilities)
3. Stakeholder/Stakeholder Groups:
  - a. Federal Highway Administration (FHWA)
  - b. Marion County
    - i) Marion County Highway Department
    - ii) County Mayor David Jackson

- iii) Jasper Mayor Jason Turner
- c. Area Emergency Service Providers
- d. Tennessee Department of Environment and Conservation (TDEC)
- e. Local property owners, hospitals, businesses, and commercial developments
- f. Impacted utilities (as listed in Section 7 of RFP Book 3)

### **1.5.1 General Procurement Communication Protocols**

All correspondence and submittals described in this **RFP Book 1 (ITP)** are to be submitted electronically addressed to the TDOT primary point of contact.

### **1.5.2 General TDOT Communication Protocols**

TDOT may post advance notices of addenda or other procurement information on the Project website and may also utilize e-mail alerts to all Proposers.

The Proposers may not rely on oral communications, or on any other information or contact that occurs outside the official communication process specified herein. Official communications will only be disseminated in writing, by email or via the website by TDOT.

### **1.5.3 Confidential (One-on-One) Meetings**

TDOT may conduct confidential (one-on-one) meetings with each Proposer on the dates set forth in Section 1.3, and on such other dates as designated by TDOT in writing to all Proposers.

TDOT reserves the right to disclose to all Proposers any issues raised during any of the one-on-one meetings; provided, however, that TDOT will not disclose such issues if TDOT determines that disclosure (a) would (x) impair the confidentiality of information submitted as part of this procurement or (y) reveal a Proposer's confidential business strategies or (b) is not necessary for purposes of fairness and transparency. Except for meetings that TDOT expressly indicates are optional, participation at such meetings by the Proposers is to be mandatory. Representatives of TDOT, FHWA, and their consultants may attend and participate in one-on-one meetings.

Any communication at the one-on-one meetings is subject to the following rules:

- The meetings are intended to provide clarification to Proposers to enhance understanding of and responsiveness to the RFP and to provide Proposers with a better understanding of the Project and Project-related documents or communications provided by TDOT.
- TDOT will not discuss with any Proposer any information submitted as part of this procurement (including other Proposals or other Proposers' ATCs) other than its own.
- Proposers shall not seek to obtain commitments from TDOT in the meetings or otherwise seek to obtain an unfair competitive advantage over any other Proposer.
- No aspect of these meetings is intended to provide any Proposer with access to information that is not similarly available to other Proposers. Accordingly, TDOT will reasonably attempt to provide material information about the Project or procurement that TDOT reveals or discusses in response to questions raised in a one-on-one meeting to all other Proposers.
- The discussions or any statements made by either party shall not be binding on such party.
- No part of the evaluation of Proposals will be based on the conduct or discussions that occur during these meetings.

During one-on-one meetings, Proposers may ask questions, and TDOT may provide responses. However, any responses provided by TDOT during one-on-one meetings may not be relied upon unless such questions were submitted in writing and TDOT provided written responses in accordance with Section 1.5.4. Such questions and responses are to be provided in writing to all Proposers, except to the extent such questions are deemed by TDOT to contain confidential or proprietary information relating to a particular Proposal or ATCs (unless, in either case, TDOT believes such disclosure is necessary in the interest of maintaining a fair procurement process or complying with applicable state and federal laws).

## **1.5.4 RFP Questions and Addenda Process**

### **1.5.4.1 QUESTIONS AND REQUESTS FOR CHANGE OF CONTRACT TERMS OR SPECIFICATIONS**

The Proposers may submit questions on the RFP, Reference Documents (including the base technical concept/BTC), Contract Documents (**Book 2 or Book 3**) provisions, and specifications that the Proposer considers unclear or incomplete.

To be considered, the questions must identify:

- The document title, page, and subsection where the language is located;
- A question or description of the unclear language or omission, or the specific discrepancies between identified provisions that result in ambiguity; and
- A reason for the requested change, supported by factual documentation, and the proposed change (as applicable).

All requests are to be submitted to the TDOT primary point of contact by the deadline listed in Section 1.3 and will only be accepted on Form QR in electronic format by email.

### **1.5.4.2 REQUESTS FOR QPL PRODUCT DETERMINATION**

In accordance with [TDOT's Materials and Tests SOP 1-9](#) (*Material Exceptions for Alternative Delivery Project*), the Proposer may request to use a product in lieu of a product on TDOT's qualified product list (QPL). For all requests, the Proposer 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); and
  - Proposed method of acceptance (see part 3 of the SOP for requirements).

The Proposer is to not submit any proprietary items, unless specified in accordance with 23 CFR § 635.411 and approved by TDOT prior to the request.

TDOT may reject any request without recourse by the Proposer. TDOT has no obligation 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. If a formal response has not been issued by TDOT thirty (30) days prior to the Proposal due date listed in Section 1.3, the product shall be deemed rejected.

Of note, certain Proposer QPL requests and TDOT responses may remain confidential, as determined by TDOT, until the time of awarding a design-build contract.

#### **1.5.4.3 TDOT RESPONSE TO QUESTIONS AND RFP ADDENDUM**

As it deems appropriate for the procurement process and in its discretion, TDOT provides responses to all:

- Requests for answers, and
- Requests for change of Contract Document terms or specifications.

If TDOT determines that a request raises an issue that should be resolved by amending an RFP provision, specification, or contract term, TDOT may issue a formal addendum clearly identifying the change as amending, revising, or modifying the RFP, specification, or contract term. TDOT may issue addenda up to the date listed in Section 1.3, unless TDOT extends the Proposal due date concurrent with issuance of an addendum.

TDOT is to post all addendum or response information in writing on the Project website for all Proposers to view. Of note, Proposer questions and TDOT responses are not confidential material.

#### **1.5.5 Prohibited Communications and Contingency Fee**

Commencing with the issuance of the 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 Documents, or procurement process described herein with:

1. Any employee of TDOT, including members of the Design-Build Review Committee (DBRC);
2. FHWA,
3. Utility companies/owners listed in Section 7 of RFP Book 3,
4. Local emergency service providers,
5. TDEC; and
6. Any TDOT staff, advisors, contractors, or consultants involved with the procurement, including those referenced in Section 1.6, except for communications expressly permitted by the RFP, or except as approved in writing in advance by TDOT, in its sole discretion.

Additionally, no member of Proposer's organization (employees, agents, Principal Participants, Major Participants, the lead designer, Key Personnel, or the Technical Manager) may communicate with members of another Proposer's organization to give, receive, or exchange information, or to communicate inducements, that constitute anti-competitive conduct in connection with this procurement.

The Proposers are also not to contact stakeholders (as listed in this Section) regarding the RFP content or the requirements for the Project. Stakeholder staff includes employees of city(ies) and county(ies) in which the Project or any part of it is located.

The foregoing restriction does not, however, preclude or restrict communications regarding matters unrelated to the RFP, Contract Documents, 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 may be disqualified at the sole discretion of TDOT, and any Proposer's failure to comply with this prohibition is to render it ineligible for proposing under this RFP.

Additionally, any person, firm, or entity submitting a Proposal and competing for a design-build 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 design-build contract through this procurement process.

## 1.6 Organizational Conflicts and Ineligible Firms

As defined in TDOT Rule 1680-05-04-.02(19), "organizational conflict of interest" means that because of other activities or relationships with other persons or entities, a Proposer is unable or potentially unable to render impartial assistance or advice to TDOT, or the Proposer's objectivity in performing the contract work is or might be otherwise impaired, or the Proposer has an unfair competitive advantage. As a general rule, no person or firm that has assisted TDOT in preparing the RFP will be allowed to participate as a Proposer or in any capacity on a Proposer's team; provided, however, TDOT may determine that there is not an organizational conflict of interest where (i) the role of a person or firm was limited to the provision of preliminary design, reports, or similar "low level" documents that may be incorporated into the RFP but did not include assistance in the development of the instructions to design-builders/proposers or evaluation criteria; or (ii) all documents and reports delivered to TDOT by the person or firm are made available to all potential design-builders.

Further, if a person or firm has participated in preparing the NEPA or TEER document for the Project, such person or firm shall not be allowed to respond to the RFP for the Project if (i) the NEPA or TEER document for the Project is not complete prior to the date on which the RFP has been advertised; or (ii) the person or firm has any continuing decision-making responsibilities with respect to the NEPA or TEER process for the Project after the date on which the RFP has been advertised.

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. Arcadis,
2. HDR,
3. Avenue Consultants,
4. HNTB Corporation, and
5. Affiliates (including parent companies, subsidiary companies, Persons under common ownership, joint venture 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 comply with the following disclosure requirements (in accordance with TDOT Rule 1680-05-04-.07(5) and 23 CFR § 636.116) if at any time during the procurement and contracting process:

- The Proposer finds that a Principal Participant, Major Participant (including the lead designer), or any Key Personnel are no longer eligible to be part of its organization or team for this procurement due to a conflict of interest (as defined in 23 CFR 636), or
- Additional potential conflicts of interest have developed since the Proposer's submittal of its Proposal.

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 design-build contract for the Project, TDOT may, in its sole discretion, terminate the contract. In either case, TDOT reserves all legal rights and remedies.

The 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, TDOT Rule 1680-05-04-.07(5) requirements, and the laws and rules relating to 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.

## **1.7 Reserved**

## **1.8 Nondiscrimination in Contracting/EEO Requirements**

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

The Proposer 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 on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or Tennessee constitutional or statutory law.

The Proposer 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 Reserved**

## **1.10 Proposal Modifications or Withdrawal**

Prior to the Proposal due date, a Proposer may submit written modifications identified either by redlined text or on the Proposer's letterhead indicating the revisions with reference to the Proposal or form section, subsection, paragraph (if applicable) and page number.

The Proposer must submit to the TDOT primary point of contact, either in person or via email, its Proposal modifications with an affirmation signed by each of the original signatories that the modifications amend the terms of the Proposal previously submitted.

If the initial Proposal has been modified by hand-written interlineations, strikeouts, or erasures, each such alteration must be initialed in blue ink by the signatory to the Proposal and submitted to TDOT's primary point of contact.

A Proposer may withdraw its Proposal, either in person or via email, prior to the Proposal due date by submitting written notice to the TDOT primary point of contact on the Proposer's letterhead signed by an authorized representative. The notice must include the name and telephone number of the Proposer's representative that will be contacted to arrange for the Proposer to retrieve the withdrawn Proposal.

A Proposer may also withdraw its Proposal in person prior to the Proposal due date upon presentation of identification and evidence of authorization to act for the Proposer. If possible, TDOT will return all Proposal materials at the time an in-person withdrawal is presented.

Withdrawal of a Proposal does not preclude a Proposer from subsequently submitting a new Proposal, so long as that new Proposal is properly submitted and received by the TDOT primary point of contact prior to the Proposal due date.

If the Proposer withdraws its Proposal and TDOT chooses to issue a new, revised, or modified RFP after the Proposal due date, the Proposer must state within its withdrawal written notice its request to be considered eligible to submit a Proposal in this instance. If the withdrawal is in person or the written notice does not state this request, the Proposer is no longer considered eligible for the Project and is not eligible to receive a stipend per Section 1.14.

Proposals received after the Proposal Due Date are to be returned unopened to the Proposer. TDOT does not consider any Proposal modifications submitted after the Proposal due date. Nor does TDOT acknowledge Proposal withdrawals submitted after the Proposal due date. In these instances, the Proposer is not eligible for a stipend per Section 1.14.

If the Proposer does not submit a Proposal by the Proposal due date and TDOT chooses to issue a new, revised, or modified RFP, the Proposer is to be considered non-responsive to the requirements set forth herein. As a result, the Proposer is not eligible to respond to any additional RFP requests from TDOT on this Project and is not eligible to receive a stipend per Section 1.14.

## **1.11 Confidentiality**

Documents submitted pursuant to this RFP are subject to the Tennessee Public Records Law, including without limitation T.C.A. §10-7-503 to 10-7-506. In accordance with T.C.A. § 10-7-504(a)(7), TDOT retains records submitted in response to this RFP as confidential until contract award, unless otherwise provided by law. TDOT shall not be liable for disclosure or release of information when authorized or required by law to do so. TDOT shall also be immune from liability for disclosure or release of information.

During the procurement process, the following Proposer submittals and TDOT responses are to remain confidential until after award of a design-build contract:

- Certain QPL requests and TDOT's approval,
- Alternative technical concepts (ATCs),
- Information discussed at any confidential procurement-related meeting, and
- Technical Proposal and Price Proposal.

## **1.12 Proposal Meetings**

If listed in Section 1.3, TDOT may elect to hold mandatory or volunteer meetings with the Proposers. If requested, the Proposer is expected to bring (a) appropriate members of its anticipated Key Personnel, and if required by TDOT, (b) senior representatives of the proposed designer and technical manager.

### **1.13 Modifying or Issuing a New RFP**

TDOT reserves the right, in its sole discretion, to:

- Reject any or all Proposals;
- Issue a new RFP;
- Cancel, modify, or withdraw the RFP in its entirety;
- Solicit subsequent “best and final offers” (BAFOs) from the Proposers; and
- Modify the RFP process (with appropriate notice to the Proposers).

A best and final offer (BAFO) is a request for a proposer to modify its Technical and/or Price Proposal after the Proposal due date because all Price Proposals exceed an acceptable range of TDOT’s estimate. If this does occur, TDOT will issue a BAFO RFP, which may make minor changes to the scope of work and/or contract requirements to allow Proposers to revise their technical and/or price proposals.

Alternately, TDOT reserves the right to redistribute a new or modified RFP, outside the issuance of a BAFO RFP, to the eligible shortlisted Proposers if in the judgment of TDOT that this is in the best interest of TDOT or the public.

This may occur at any time prior to the execution of the design-build contract, without incurring any obligations or liabilities.

### **1.14 Cost of Preparation and Stipend**

A stipend of fifty thousand dollars (\$50,000.00) is to be awarded to each Proposer that provides a responsive, but unsuccessful Proposal. If award of a design-build contract is not made, all shortlisted Proposers that have submitted responsive Proposal are eligible to receive the stipend.

If TDOT chooses to continue the process by revising, modifying, or issuing a new RFP, or issuing a BAFO RFP, a stipend is only to be paid to each eligible Proposer responding to the additional request and/or requirement.

Each responsive, but unsuccessful Proposer is to submit a request for stipend to the TDOT primary contact within thirty (30) days after the award of the design-build contract or the decision not to award.

If the Proposer requests and accepts the stipend, TDOT reserves the right to use any ideas, ATCs, or information contained in the Technical Proposals in connection with any design-build contract awarded for the Project, or in connection with any subsequent procurement, with no obligation to pay additional compensation to the unsuccessful Proposers. Unsuccessful Proposers may elect not to request a stipend,

and thus refuse payment, to retain any rights to its Proposal and the ideas, ATCs, and information contained therein.

The decision to issue a new RFP, a modified/revised RFP, or a BAFO RFP indicates TDOT's decision to continue with the award and not to cancel the Project. In these instances, TDOT is to pay the stipend only once after the conclusion of the entire procurement process.

## 1.15 Required Percentage of Construction Work

The Design-Builder must self-perform work valued at not less than 30% of the total work, excluding specialty items.

## 1.16 Prequalification and Licenses

Each Proposer, including any Proposer submitting as a joint venture, must be prequalified with the Construction Division as provided in TDOT Rule 1680-05-03, Prequalification of Contractors. The list of prequalified contractors may be found at: [Contractor Prequalification - Construction Division - TDOT - TN.gov](#).

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," as noted below.

1. Proposers that wish to submit a Proposal must be listed as prequalified by the Construction Division at [Contractor Prequalification - Construction Division - TDOT - TN.gov](#) by 10:00 AM CT at least two weeks prior to the Proposal due date.
2. Any Major Participant seeking to be approved under this RFP solicitation must also be qualified within the respective discipline or service type either by the Professional Services Division ([Consultant Information \(tn.gov\)](#)) or the Construction Division for each branch office participating on this Project by 10:00 AM CT at least two weeks prior to the Proposal due date.

A Tennessee contractor's license is required prior to the execution of a design-build contract.

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 does 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).

## 2 ALTERNATIVE TECHNICAL CONCEPTS

To accommodate innovation that may not be specifically allowed by the RFP, the Proposer has the option of submitting alternative technical concepts (ATCs). An ATC is a confidential query to TDOT that requests a variance to the requirements of the RFP or other Contract Documents that is equal or better in quality or effect as determined by TDOT, in its sole discretion, and that have been used elsewhere under comparable circumstances.

The Proposer may include an ATC in the Proposal only if the ATC has been approved by TDOT.

### 2.1 Eligibility and Disclaimers

An ATC shall in no way take advantage of an error or omission in the RFP. If, as determined by TDOT in its sole discretion, a Proposer's ATC is deemed to take advantage of an error or omission in the RFP, TDOT may revise the RFP without acknowledgment or disclosure of the ATC.

By approving an ATC, TDOT acknowledges that the ATC may be included in the design and Readiness-for-Construction (RFC) plans; however, approval of any ATC in no way relieves the Proposer of its obligation to satisfy:

- Other design-build contract requirements not specifically identified in the ATC submittal;
- Any obligation that may arise under applicable laws and regulations; and
- Any obligation mandated by the regulatory agencies as a permit condition.

The Proposer is required to submit an ATC if the Proposer proposes to deviate from any technical requirement in **RFP Book 3 (Project Specific Information)** or referenced TDOT or Project standard.

A proposed ATC is not acceptable if it:

- Merely seeks to reduce quantities, performance, or reliability, or seeks a relaxation of the contract requirements;
- Requires the addition of a separate TDOT or other agency project (such as expansion of the scope of the Project to include additional roadways);
- Requires a change in state or federal law;
- Increases the amount of time required for Substantial Completion; or
- Requests a change to the TDOT-specified pavement designs to reduce pavement section requirements.

### 2.2 Submittal Requirements

The Proposer may submit an ATC **at any time after release of the RFP (draft or final version) and until the deadline for ATC submittals** listed in the procurement schedule in Section 1.3. Of note, TDOT recommends that the Proposer not wait until the deadline to submit its initial version(s) of any ATC(s) on the chance that the ATC is deemed to be incomplete or would require resubmittal that could not happen after the ATC deadline.

The Proposer is to submit to the TDOT primary point of contact (as listed in Section 1.5.1) via email or secure file transfer link one (1) electronic copy in Adobe.pdf format that is searchable alongside a completed Form ATC for each ATC submittal. The Proposer is to clearly mark each submittal as "confidential".

Each ATC shall include the following information:

1. Description. Provide a detailed description and schematic drawings of the ATC configuration or other appropriate descriptive information (including, if appropriate, product details [i.e., specifications, construction tolerances, special provisions] and a traffic operational analysis, if appropriate).
2. Usage. Describe where and how the ATC is to be used on the Project.
3. Deviations. Reference all requirements of the RFP that are inconsistent with the proposed ATC, explain the nature of the deviations from said requirements, and submit a request for approval of such variance(s).
4. Analysis. Submit an analysis justifying use of the ATC and why the variance to the requirements of the RFP should be allowed.
5. Impacts. Discuss potential impacts on vehicular traffic, the environment, community, safety, Project life-cycle, design life, and future repair and maintenance.
6. History. Provide 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.
7. Risks/Opportunities. Describe any added risks or opportunities to TDOT and other entities associated with implementing the ATC.
8. Costs. Describe the ATC implementation costs to TDOT, the Proposer/Design-Builder, and other entities (right-of-way, utilities, mitigation, long term maintenance, etc.). Include an estimate of any cost savings that would accrue to TDOT or related third-party(ies) should the ATC be approved and implemented.
9. Schedule. Identify any reduction in the time to reach Substantial Completion resulting from implementing the ATC, including, as appropriate, a description of the methods and commitments to reducing time on the Project.
10. Environmental. Provide a preliminary analysis of potential impacts on environmental clearances (including impacts to any current environmental approvals, changes to an environmental permit application, and/or changes or need for additional governmental/environmental approvals) and an analysis of whether the Proposer believes a reevaluation or supplemental environmental document(s) would or would not be required and why if the ATC were to be approved and implemented.
11. Right-of-Way. Any change to the Project right-of-way is considered an ATC that requires TDOT review and approval. If the Proposer's ATC requires additional or modified right-of-way compared to the BTC, the Proposer is to submit an Initial Right-of-Way (ROW) Acquisition Exhibit containing the ROW Acquisition Sheets and ROW Acquisition Table that includes all proposed areas of right-of-way and easements and proposed Property Maps/Present Layouts that clearly depict the proposed acquisitions. The format of this submittal is to adhere to TDOT Roadway Design format.
12. Traffic modeling. If applicable, provide the Proposer's traffic modeling files and summary of the revisions made to the project's traffic model if the ATC modifies the Project's geometry, number of lanes, or other configuration element.

The Proposer shall include the ATC, if approved, in its Price Proposal if the Proposer elects to include the ATC in its Technical Proposal.

### **2.2.1 TDOT Review**

TDOT is to select a panel to review each ATC, which may include members of the Design-Build Review Committee (DBRC). The Proposer shall make no direct contact with any member of the review panel. Unapproved contact with any member of the review panel is to result in a disqualification of that ATC or, in TDOT's discretion, disqualification of the Proposer.

TDOT may request additional information regarding a proposed ATC at any time. TDOT intends to return responses to, or request additional information, within ten (10) business days of the original submittal. If additional information is requested, TDOT may provide a response within ten (10) business days of receipt of all requested information.

Under no circumstances is TDOT responsible or liable to the Proposer or any other party as a result of disclosing any ATC materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of TDOT or their respective officers, employees, contractors, or consultants.

TDOT reviews each ATC and intends to respond on Form ATC with one of the following determinations:

1. The ATC is approved for inclusion in the Proposal (with such conditions, modifications, or requirements as identified by TDOT in its approval);
2. The ATC is not approved;
3. The ATC is not approved in its present form, but may be approved upon satisfaction, in TDOT's sole discretion, of certain identified conditions that shall be met or certain clarifications or modifications that shall be made upon resubmittal;
4. 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 requirements of the RFP);
5. The submittal does not qualify as an ATC and may not be included in the Proposal; or
6. The ATC is deemed to take advantage of an error or omission in the RFP, in which case the ATC will not be considered, and the RFP is to be revised to correct the error or omission.

### **2.2.2 ATC Inclusion in the Proposal**

The Proposer may incorporate one or more approved ATCs as part of its Proposal, with specific discussion within the Technical Proposal. Except for incorporating an approved ATC, the Technical Proposal may not otherwise contain exceptions to, or deviations from, the requirements of the RFP. If TDOT responded to an ATC by stating that it is approved with certain conditions noted, these conditions must be stipulated and met in the Technical Proposal and design-build contract. In addition to providing assurances to meet all attached conditions, the Proposer is to also include a copy of the ATC approval letter with the approved Form ATC in Volume III of Technical Proposal as described in Section 3.

The Price Proposal shall account for all incorporated ATCs.

Approval of an ATC in no way implies that the ATC will receive a favorable review from the DBRC. The Technical Proposals is to be evaluated as aligned with the evaluation criteria listed in Section 4, regardless of whether ATCs are included.

### 3 PROPOSAL SUBMITTAL INSTRUCTIONS

The Proposal consists of two parts: 1) the Technical Proposal and 2) Price Proposal. By submitting a Price Proposal and executing the signature sheets contained in the RFP, the Proposer acknowledges that it understands the procurement process, submittal requirements, and evaluation criteria contained in this **RFP Book 1 (ITP)**.

#### 3.1 Submission and Format Requirements

##### 3.1.1 Technical Proposal

The Proposer is to submit its Technical Proposal electronically (in searchable PDF format with bookmarks) to the TDOT primary point of contact's email address listed in Section 1.5.1 with the subject line: "<<ContractNo>> Design Build Technical Proposal – Procurement Sensitive Information". 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 Technical Proposal materials must be submitted prior to the time and date for the Technical Proposal due date listed in Section 1.3. A Proposer may only submit one Technical Proposal in response to this RFP. The Proposer **shall not** submit a hardcopy of its Technical Proposal. Technical Proposals will remain unopened until the Technical Proposal Due Date listed in Section 1.3.

The Technical Proposal must adhere to the following naming convention for each volume of the Technical Proposal PDF files:

- Enter proposer name\_DB2503\_I-24 Shellmound Bridges\_Technical Proposal Vol. X

The Proposer is to organize its Technical Proposal into three electronic volumes in the order listed in this Section 3.1.1.

- **Technical Proposal: Volume I (Cover Letter, Qualifications, Forms, and Evidence of Authority)** – Responses under Volume I shall be limited to a maximum of three (3) pages for the qualification information (excluding the cover letter, Form Bs, and listed forms). The Proposer is to place the required forms after a cover page labeled "Forms."
- **Technical Proposal: Volume II (Technical Approach)** – Responses under Volume II shall be limited to a maximum of eight (8) pages, not including any cover/title page. All other information submitted in Volume II is to be counted in calculating page count.
- **Technical Proposal: Volume III (Technical Proposal Appendices)** – There is *no page limit* on the information required to be submitted under Volume III (Technical Approach Appendices). The Proposer is to include a cover page for each major section described in Section 3.4.

All narrative sections in the Technical Proposal 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 letter (8.5" by 11") pages count as one (1) page towards any assigned page limits, and all tabloid (11" by 17") pages count as two (2) pages towards any assigned page limits.

The Technical Proposal should present information clearly and concisely. Text or other information that is difficult to read may be disregarded, potentially resulting in either a lowered score or rejection of the Proposal as non-responsive.

### **3.1.2 Price Proposal**

The Proposer is to submit its Price Proposal using internet bidding with an electronic bid bond. The Proposer **shall not** submit a hardcopy of its Price Proposal. The internet bid and electronic bid bond executed by the Proposer and its surety is considered a complete Price Proposal to be printed at the time of the public opening.

TDOT posts letters recognizing RFP addenda/amendments to the electronic bidding file on the Alternative Delivery or internet bidding with electronic bid bond website. The Proposer is to acknowledge addenda by completing the Technical Proposal Signature Page (Form TPSP) and including the form in Volume I. Also, by submitting the electronic bid file within a Proposer's Price Proposal, the Proposer is acknowledging all addenda associated with the Price Proposal. It is the Proposer's responsibility to notify all affected manufacturers, suppliers, and subcontractors of any change. Failure to acknowledge receipt of addenda or to apply any applicable amendments to the electronic bidding file is grounds for rejection. The electronic bid "A" shall be the Total Bid Amount using any incorporated ATCs.

### **3.1.3 Forms**

The forms referenced in this **RFP Book 1 (ITP)** and **RFP Book 2 (Design-Build Contract)** can be downloaded from Alternative Delivery website.

## **3.2 Technical Proposal Volume I (Cover Letter, Qualifications, Forms, and Evidence of Authority)**

### **3.2.1 Cover Letter**

The Proposer is to provide a cover letter (a maximum of one page) that includes:

- The Proposer's desire to be considered for the Project;
- The official names and roles of all Principal Participants, Major Participants (including the lead designer), and the Project Manager; and
- A single point of contact and the address and telephone and email address to which communications should be directed.

An authorized representative of the Proposer's organization is to sign the cover letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives from all Principal Participants are to sign the letter.

### **3.2.2 Qualifications**

This section of Volume I must include the following sections under this Section 3.2.2. This section is to not exceed three (3) pages in total when answering the prompts in Section 3.2.2.1 through Section 3.2.2.2. The Proposer may respond in free form following the order of the sections listed below.

#### **3.2.2.1 LEVEL "1" PERSONNEL QUALIFICATIONS (CAPABILITY TO PERFORM)**

Provide individual biographies for the following Level "1" Personnel that meet the minimum qualifications listed below.

- Design-Builder Project Manager
- Design Manager
- Construction Manager

Each Key Personnel biography is to minimally address:

- Role and responsibilities under both the design and construction phases;
- Education, licenses, and/or certifications;
- Number of years of total experience, including number of years of experience on similar projects;
- Qualifications and relevant experience, including unique knowledge of the Project;
- Commitment of time and availability for both the design and construction phases; and
- Length of time with the firm or Proposer team.

Minimum Key Personnel Responsibilities and Qualifications:

The following provides Key Personnel roles, brief job responsibilities, and minimum qualifications for the listed staff assigned to the Project.

*Design-Builder's Project Manager* shall:

- a. Be responsible for overall design, construction, quality management, and contract administration for the Project, and must be available on the construction site as necessary for the duration of the Project;
- b. Have full responsibility for the prosecution of the work and shall have authority to bind the Design-Builder on all matters relating to the Project after award;
- c. Act as agent and be a single point of contact in all matters on behalf of Design-Builder after award;
- d. Have the authority to stop all work that does not meet the standards, specification, or criteria established for the Project;
- e. Be responsible for adherence to all environmental document and permit requirements and commitments if found on the Project; and
- f. Have at least three (3) years of experience managing on projects of similar scope and size.

*Design Manager* shall:

- a. Be responsible for ensuring that the overall Project design is completed and design criteria requirements are met;
- b. Work under the direct supervision of the Design-Builder's Project Manager;
- c. Must not be assigned any other duties or responsibilities on the Project, and must be available whenever major design activities are being performed;
- d. Be a registered professional engineer in the State of Tennessee; and
- e. Have at least five (5) years of recent experience in managing the design phase on projects of similar scope and size.

*Construction Manager* shall:

- a. Be on-site whenever any construction activities are being performed;
- b. Be responsible to manage the Design-Builder's workmanship inspections, implement quality planning, and oversee the Design-Builder's construction quality control;

- c. Not be assigned any other duties or responsibilities on the Project; and
- d. Have at least five (5) years of recent experience managing the construction phase on projects of similar scope and size.

**Note:** By listing “Major Participants” and “Key Personnel” in the Proposal, the Proposer agrees to make the listed team members and firms available to complete the work, at whatever level and capacity the Project requires. Major Participants and Key Personnel identified in the Proposal are not to be modified during the RFP procurement process without written approval of TDOT. TDOT may revoke an awarded contract if any Key Personnel or Major Participant is removed, replaced, or added to without TDOT’s written approval.

### **3.2.2.2 UNIQUE TECHNICAL QUALIFICATIONS**

Based on the Proposer’s understanding of the unique features for this Project, describe the Proposer’s specialized qualification or unique technical competence to perform the work necessary for Project success. Include only additional technical or specialized qualifications not covered elsewhere in the Proposal.

### **3.2.2.3 PROPOSER TEAM EXPERIENCE (PAST PERFORMANCE)**

Provide relevant project descriptions on **Form B** of the Proposer’s highway transportation experience in delivering projects of similar size, scope, and complexity.

The Proposer is to provide a **minimum of six (6)** project descriptions highlighting related bridge replacement and related roadway work that have been completed in the last 20 years, including at least **three (3)** highlighting the experience of the lead engineering firm.

Each Form B shall only be one (1) page. The Form B project descriptions will **not** count against the page limit for this Section 3.2.2.

### **3.2.3 Forms**

The Proposer is to include the following completed/executed forms in the order listed below in Volume I:

- Form A – the business name, address, business type (e.g., corporation, partnership, or joint venture), business information, and roles of the Proposer and each Major Participant.
  - Authorized representatives of the Proposer’s organization must sign Form A.
  - If the Proposer is a joint venture, all joint venture members must sign Form A.
  - Each joint venture member must certify the truth and correctness of the contents of the Proposal.
- Form TPSP – Technical Proposal Signature Page (**Note:** If the Proposer is a joint venture or partnership, each joint venture or partner must sign Form TPSP);
- Form C – Receipt of Addendum/Clarification;
- Form QR – RFP Question Request (include the most current Form QR with all TDOT answers);
- Form AT – Attestation regarding Personnel Used in Contract Performance; and
- Form LC – Lobbying Certification (submit a blank form if not applicable).

### **3.2.4 Evidence of Corporate Existence; Certificate of Authority**

The Proposer is to submit the following (as applicable):

- A Certificate of Good Standing issued by the Proposer’s state of residence; or

- For entities not in the State of Tennessee, a Certificate of Authority to transact business in Tennessee.

### **3.2.5 Evidence of Authority to Enter into Joint Venture; Execute Joint-Venture Agreement**

If the Proposer is a joint venture, the Proposer is to submit a copy of the joint venture agreement. Also, for each joint venturer, the Proposer is to submit the partnership agreement or corporate resolution authorizing it to enter into the joint venture and authorizing named individuals to execute the joint venture agreement on the joint venturer's behalf.

### **3.2.6 Evidence of Proposal Signatory Authority**

The Proposer is to submit bylaws, or the corporate resolution, partnership agreement, or joint venture agreement evidencing authority of each signatory to the Technical Proposal Signature Page (TPSP) and Proposal firm offer to execute it on behalf of the Proposer.

### **3.2.7 Evidence of Ability to Obtain a Performance and Payment Bonding**

The Proposer is to submit a letter from a surety company indicating that the Proposer is capable of obtaining Payment and Performance Bonds in the amount of \$22,000,000.00.

The surety submitting the letter must be a surety company or companies licensed by the State of Tennessee, as listed by the Tennessee Department of Commerce and Insurance authorized to do business in Tennessee and who is also listed in the current United States Department of the Treasury's "Listing and Approved Sureties" (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. Letters indicating "unlimited" bonding/security capability are not acceptable.

Approved performance and payment bonds are required at the time of contract execution. The final value of the bonds is to be equal to the amount of the Proposer's Price Proposal.

### **3.2.8 Other Evidence of Qualifications**

1. A copy of the **prequalification listing** showing all the firms required by Section 1.16.
2. **Identification of any organizational conflicts of interests** on Form COI required per TDOT Rule 1680-05-04-.07(5) and 23 CFR § 636.116 that discloses the following:
  - a. The Proposer must identify all relevant facts relating to past, present, or planned interest(s) of the Proposer (including the Major Participants, proposed Proposer members, and their respective chief executives, directors, and Key Personnel/Individual of the Project) that may result in, or could be viewed as, an organizational conflict of interest in connection with this RFP.
    - i) This includes preparation of TDOT reports, surveys, preliminary plans, and similar low-level documents that may be incorporated into the RFP.
    - ii) All documents and reports must be identified and assurances made that the information was delivered to a TDOT representative and to whom.
  - b. The Proposer, including any person or firm participating in the Proposer's team, must disclose:
    - i) Any current contractual relationships with TDOT, including identification of the TDOT contract number and project manager);
    - ii) Present or planned contractual or employment relationships with any current TDOT employee;

- iii) Current relationships between members of the Proposer's team on any other TDOT project, including identification of the TDOT contract number and project manager; and
- iv) Any other circumstances that might be considered to create a financial interest in the contract for the Project by any current TDOT employee if the Proposer is awarded the contract.

The design-builder must also disclose any current contractual relationships where the Proposer is a joint venture.

The foregoing is provided as a minimum requirement and shall not constitute a limitation on the disclosure obligations.

- c. For any fact, relationship, or circumstance disclosed in response to this Section on Form COI, the Proposer must identify steps that have been or will be taken to avoid, neutralize, or mitigate any organizational conflicts of interest.
- d. In cases where Major Participants on different Proposers/design-builder organizations belong to the same parent company or are affiliated with it, each Proposer/design-builder must describe how the participants will avoid conflicts of interest on Form COI.
- e. Participation by a Principal Participant or lead designer on multiple teams under this RFP shall be deemed an organizational conflict of interest disqualifying affected design-builders.

*If no conflict of interest or items of note listed in this Section 3.2.8, item 2, exist, the Proposer shall note "not applicable" on noted sections in Form COI and execute the certification accordingly.*

- 3. 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.
- 4. 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.
- 5. Certification that the Proposer, or any person or firm which is a member thereof, **has not defaulted** on a federal, state, or local government contract within the past five (5) years.

### 3.3 Technical Proposal Volume II (Technical Approach)

The Proposer's Technical Approach (Volume II) is to consist of two sections in response to this RFP and the Project's goals, scope of work, and Reference Documents provided by TDOT. The Proposer may respond in free form following the order of the sections listed below.

#### 3.3.1 Project Management Approach

The Proposer's project management approach is to include, at a minimum, a description of the specific processes and rationale related to:

1. **Team organization and structure.** Provide an organization chart depicting the Proposer's design and construction team, including the Proposer's quality and safety structure and all Key Personnel (both for level "1" personnel listed in the RFQ and the level "2" personnel listed in Section 3.4.1).
2. **Project Administration.** Describe the Proposer's administrative and operational approach to perform the work, including:
  - a. Communication procedures between TDOT and the Proposer and how the Proposer's design staff is to interface with its construction staff.
  - b. Coordination procedures for how the Proposer will provide information to TDOT related to Project impacts on affected property owners and the traveling public over the duration of the design and construction phases.
  - c. Design and construction quality management to ensure quality submittals, workmanship, and how the quality staff maintains independence.
3. **Issue/risk.** Include a risk register or matrix identifying no fewer than five (5) risks that the Proposer believes are the most significant risks to both the Proposer and TDOT. The Proposer is to include in its response:
  - a. An evaluation/assessment of issue/risk magnitude and probability.
  - b. An approach and course of action to mitigate (i.e., eliminate or reduce) the likelihood of the issue/risk and any associated impacts on the Project.

### 3.3.2 Design Approach

The Proposer's design approach is to include, at a minimum, a description of the following:

1. **Design development and review logistics.**
  - a. Describe how the Proposer facilitates a design development and review process to ensure quality submittals and responsiveness in resolving TDOT and other agency comments.
  - b. Describe the Proposer's process to address design deficiencies at each stage of design development and track changes in a way to accommodate TDOT's review of the design submittals.
2. **Proposer-specific technical solutions.** Describe the Proposer's design approach (e.g., technical solutions), and identify any element of the Proposer's design that could be considered innovative, including a description of alternatives considered, with respect to each of the following design disciplines:
  - a. Roadway, including any drainage modifications/designs to be implemented
  - b. Geotechnical, including any potential geotechnical foundations and necessary investigations to be performed by the Proposer
  - c. Structures, including proposed span configuration for both bridge locations
  - d. Utilities, including how utility conflicts are addressed/mitigated and including any special utility design considerations

### 3.3.3 Construction Approach

The Proposer's construction approach is to include, at a minimum, a description of the following:

**1. Construction staging and phasing.**

- a. Illustrate the Proposer’s construction staging and phasing plan, indicating the timing and sequencing of the Proposer’s major work activities.
- b. Describe any traffic control strategies and how traffic is to be maintained for each construction phase, including how the Proposer plans to maintain at least one ingress and one egress point for all property owners located between the bridge locations at all times
- c. Depict all proposed detours, haul routes, and staging areas (including staging ingress and egress).

**2. Safety.** Discuss the Proposer’s overall approach to work zone safety, including approach to demolition to keep the travelling public safe and area accessible to the local property owners.

**3. Utility coordination/work.** Describe the Proposer’s plan to coordinate and construct (as applicable) the required utility protections, adjustments, and/or relocations. The Proposer is to highlight innovative utility protection approach(es), describe how the utility work will prevent interruption to customer service, and include logical utility work sequencing that reduces or eliminates cost and schedule risk.

**3.4 Technical Proposal Volume III (Technical Approach Appendices)**

The Proposer is to include the following submittals as appendices to support the narrative in Volume I (Qualifications) and Volume II (Technical Approach). TDOT may reference the information presented in these Volume III appendices to further evaluate what is presented in Volume I (Qualifications) and Volume II (Technical Approach).

**3.4.1 Key Personnel Resumes**

The Proposer is to provide resumes (not to not exceed one (1) page for each resume) for the following Key Personnel.

▪ **LEVEL “1” PERSONNEL RESUMES**

- Design-Builder Project Manager
- Design Manager
- Construction Manager

▪ **LEVEL “2” PERSONNEL RESUMES**

- Quality Manager, who has at least three (3) years of experience overseeing quality for either the design or construction phases on projects of similar scope and size
- Design Lead Engineer – Roadway, who has a PE in the state of Tennessee and has at least four (4) years of roadway design experience
- Design Lead Engineer – Structures, who has a PE in the state of Tennessee and has at least four (4) years of structural design experience
- Design Lead Engineer – Geotechnical, who has a PE in the state of Tennessee and has at least four (4) years of geotechnical design experience with the Proposer’s proposed foundations

- Construction Lead – Structures, who has at least four (4) years of structural construction experience
- Construction Lead – Maintenance of Traffic, who has at least three (3) of experience with implementing interstate maintenance of traffic regimes and local road closures

### 3.4.2 Preliminary Roadway Schematic/Concept Plans

The Proposer is to submit half-size plan sheets of its preliminary roadway schematic/concept plans. It is not the intent for the Proposer to submit fully developed design plans, but instead, the preliminary schematic/concept plans are to include, at a minimum, the following:

- Show plan view of design concepts with key elements noted;
- Show preliminary drawings of bridge elements (as applicable);
- Identify preliminary horizontal and vertical alignments of all roadway elements; and
- Show typical sections for the roadway mainline.

For those details used in multiple locations, typical details will suffice with the locations for use noted in narrative or graphic form.

If the Proposer requires changes to or additional right-of-way (temporary or permanent) to accommodate its work, the Proposer shall also include specific plans depicting the Planned ROW Limits compared to the base technical concept/BTC. These plans shall include a right-of-way acquisition table that lists the:

- Tract No.
- Property owner
- Area to be acquired for the base technical concept/BTC (from Section 6 of RFP Book 3)
- Additional area to be acquired for the Proposer's design
- Reason additional right-of-way is needed (e.g., temporary construction easement, temporary interest, permanent right-of-way because of a design change compared to the base technical concept/BTC)

### 3.4.3 ATC Approval Letters and Form ATC

The Proposer is to include a copy of each ATC approval letter with the approved Form ATC.

### 3.4.4 Proposal CPM Schedule

The Proposer is to prepare a Proposal CPM schedule that includes at least a Level IV work breakdown structure (WBS), inclusive of the Proposer's activities and sub-activities that represent all administration/management, design, ROW, utility/third-party coordination, permitting, environmental, procurement, Department, major closures, maintenance, and construction work for each bridge location beginning from the Project's notice to proceed and extending through the Project's substantial completion (a "Contract Completion Date") and final acceptance date. Each activity or sub-activity listed in the Proposal CPM schedule is not to exceed forty (40) days in duration.

The Proposer is to submit its schedule electronically in Adobe PDF format and Primavera format (.xer) meeting the requirements in Section 2.2 of **Book 3 (Project Specific Requirement)**, TDOT's Circular Letter 108.03.C, and Chapters 2, 3, and 9 of the *Design-Build Standard Guidance*.

The purpose of a Proposal CPM schedule is to ensure the Proposer has an adequate plan for execution of the work. The Proposal CPM schedule shall illustrate a meeting or exceeding of the Contract requirements

where Project risks are mitigated with schedule logic and work sequencing. The Proposal CPM schedule **shall not** include any cost-loading.

### 3.5 Price Proposal Content and Disclaimers

The Proposer is to submit responses for each element below, using the required forms as instructed and inputting the requested information into the internet bidding with electronic bid bond. All prices quoted shall be in U.S. currency as of the Proposal due date.

#### 3.5.1 Price Proposal Contents

The Proposer is to include the following as part of its Price Proposal.

- Electronic Price Proposal (including specified Contract Completion Time)
  - The Proposer is to specify the number of calendar days after receipt of the initial notice to proceed required for completion of the Project within its Price Proposal. Completion of the project is completion of all work to be done under the design-build contract (except for plant/vegetation establishment and punch list items as defined in the *Design-Build Standard Guidance*) and TDOT has provided final acceptance as stated in TDOT's Standard Specifications.
  - The number of calendar days specified by the Proposer in its Price Proposal is to be placed in the design-build contract prior to execution of said contract.
- Electronic Proposal Security in the amount of five percent (5%) of the Proposal Price.
  - The Proposal Security may be submitted in the form of a Proposal Bond or Proposal Guarantee issued by an insured institution or certified check payable to the Tennessee Department of Transportation.
  - If the Proposer bidder's bond is offered as guaranty, the bond must be made by a surety company that is qualified and authorized to transact business in the State of Tennessee and must be acceptable to TDOT.

#### 3.5.2 Instructions Regarding Preparation

The Proposer is to complete and submit its Price Proposal to comply with the following:

- Provide a lump sum price for each Pay Item Total in each Pay Item.
  - The lump-sum price shall represent the total price to complete and integrate all work represented by that Pay Item into the Project, inclusive of associated physical features, overhead, labor, materials, equipment, tools, transportation, and Project administration.
  - These **are not** bid items and will be used as a basis in developing the cost-loaded Project CPM schedule after award.
- Utilize the same titles, contents, and limits as are shown on the Schedule of Items.

#### 3.5.3 Project Section and Pay Items

The Proposer is to account for the following specific Pay Items to build up its Price Proposal. The bullets following each Pay Item are examples of activities to be priced as part of the respective lump-sum price for each Pay Item. Only the Pay Items need to be accounted for when submitting a Price Proposal.

105-01.20 Design-Build Construction Stakes, Lines & Grades

- Field Survey
- Construction Staking

105-01.55 Design-Build Design Services

(All Design Activities shall be included in this item.)

- Definitive Design and Reviews
- Interim Design and Reviews
- Readiness-for-Construction Plans and Reviews, Specification and quantity estimates
- Working Drawings
- As-Built Plans and Reviews

105-08.20 Design-Build Contract Management

- Project Administration
- Project progress (scheduling)
- Contract progress submittals for payment

109-04.50 Design-Build ROW Services

- Appraisal
- Acquiring
- Public meetings if required

203-01.95 Design-Build Grading & Roadways

- Road and Drainage excavation
- Borrow excavation (rock)
- Borrow excavation (other than solid rock)
- Undercutting

204-05.50 Design-Build Geotechnical

- Borings
- Geotechnical Investigations
- Sinkholes

209-01.50 Design-Build Environmental Management

- EPSC measures, EPSC installation
- EPSC inspections
- Permit sketch development, applications, and acquisitions

301-50.50 Design-Build Pavement

- Any aggregate base
- Any Bituminous Plant Mix Base (HM) (A, BM-2, Etc.)

- Any Bituminous Concrete Surface (HM) (D, E)
- Tack, Prime coat

604-10.95 Design-Build Bridges

- Demolition of existing structures
- Components (steel, deck drains, etc.)
- Bridge, including foundations
- ABC superstructure units
- Inspections

604-50.50 Design-Build Minor Structures (Other)

- Box Culvert
- Endwalls
- Wingwalls
- Temporary structures

610-10.50 Design-Build Drainage

- Catch Basins
- Storm Drainage System
- Side drain
- Under drain

712-01.75 Design-Build Maintenance of Traffic

- Work Zone Safety Plan
- Temporary Barrier Rail
- Guardrail
- Changeable Message Sign
- Traffic Control
- Project photography and videography

714-40.75 Design-Build Utilities

- Coordination
- Relocation

713-15.25 Design-Build Signing

- Footings
- Installation
- Removal and Disposal

716-99.50 Design-Build Striping/Pavement Markings

- Material
- Raised Pavement Markers
- Snowplowable Raised Pavement Markers

717-99.95 Design-Build Mobilization

### **3.5.4 Price Proposal Disclaimers**

The Proposer is cautioned that the total price proposed in the Price Proposal “Schedule of Items” (the “A”) is to become the Contract Amount upon contract execution and constitutes total compensation to the selected Design-Builder for performing the contract, including all minimum contract requirements.

The fact that a selected Proposer’s Technical Proposal may contain elements that do not meet or exceed all minimum contract requirements, as determined by TDOT (in its sole discretion), does not entitle the selected Proposer to receive compensation more than the amount of its Proposal Price as a condition of performing the minimum contractual requirements or any other design-build contract obligation. Nor shall such fact entitle the selected Proposer to perform below minimum contract requirements or fail to perform any other design-build contract obligation.

## 4 EVALUATION AND SELECTION PROCESS

TDOT evaluates all Proposals submitted in accordance with this **RFP Book 1 (ITP)**. As part of the evaluation and selection process, TDOT may reject all Proposals or any Proposal that:

- Does not comply with the requirements set forth in the RFP, TDOT Rule 1680-05-04, or applicable state law; or
- Does not meet the applicable standards of responsibility.

### 4.1 Responsiveness Criteria

Prior to any evaluation of the Technical Proposal or opening of the Price Proposal, TDOT completes a responsiveness check. A Proposer's failure to properly submit the following submittals in the prescribed format and organization may render the Proposal non-responsive:

- The electronic Technical Proposal (all three volumes that include all completed forms) has been submitted by the due date and adhering to the format and content requirements detailed in Section 1.3 and Sections 3.1 through 3.4 (respectively);
- The Electronic Price Proposal and Schedule of Items have been submitted as described in Section 3.5; and
- The Electronic Proposal Security (Proposal Bond or Proposal Guarantee) has been submitted as detailed in Section 3.5.

#### 4.1.1 Clarification, Waiver, or Omitted Proposal Responses

As permitted by law, the TDOT primary point of contact may seek clarification to request items that may be missing in a Proposal that do not affect the scoring of a Technical or Price Proposal. This includes any DBRC requests that a Proposer provide additional information used when developing its Price Proposal, which may be design assumptions, summary of quantities, mobilization assumptions, and construction staging assumptions.

Additionally, TDOT may waive minor informalities and irregularities it deems necessary or advisable.

Unless TDOT determines that a Proposal is not compliant with the RFP requirements or intentionally incomplete (i.e., is a nonresponsive Proposal), a Proposer should be aware that any omitted responses in its Technical or Price Proposal may be scored lower under the evaluation process described in Section 4.2.1.

### 4.2 Selection Criteria

TDOT is using a "lowest price-technically acceptable" (A+B) selection process to award a design-build contract to a responsive Proposer that demonstrates it meets the technical criteria and can deliver the best combination of price and time (A+B) to design and construct the Project.

#### 4.2.1 Relative Weights and Scoring of the Proposal

For the Price Proposal to be opened and scored, a Proposer's Technical Proposal must be noted as "responsive" in accordance with Section 4.1 and must achieve a **Pass or Technically Acceptable** rating from the DBRC's review of Volumes I, II, and III of the Technical Proposal. After completing the evaluation of the Technical Proposals, and on the date and time specified in Section 1.3, TDOT will publicly open the Price Proposals and post the total proposed contract amounts (A+B) submitted by the Proposers who have submitted responsive, qualified, and technically acceptable Proposals.

**4.2.1.1 TECHNICAL PROPOSAL SCORING**

Under a lowest price-technically acceptable process, the DBRC evaluates all responsive Technical Proposals using the ratings noted below.

Rating (and score)	Evaluation Considerations for Each Rating
Qualified/Technically Acceptable (65 to 100 points)	The Proposer’s qualifications are minimally acceptable, and the Technical Proposal demonstrates a general understanding of the subject and related approach (at a minimum). The Proposer’s qualifications and Technical Proposal communicate an average level of quality and meet the stated requirements of the RFP (at a minimum).
Poor (below 65 points)	The Proposer’s qualifications do not demonstrate clear capabilities or expertise to complete the Project, and the Technical Proposal has demonstrated a minimal understanding of the subject and contains numerous weaknesses and deficiencies in its approach. The Proposer’s qualifications and Technical Proposal demonstrate little or no level of quality or value. The Proposer’s qualifications and approach raise questions about the Proposer’s ability to successfully meet the Project goals or deliver the Project’s scope on-time and on-budget.

The method to determine if a Proposer is “qualified” and “technically acceptable” considers the following evaluation criteria. Each section of a Proposer’s qualification statements (in Volume I) and Technical Approach (in Volume II) must receive a score of 65 points or higher for the Technical Proposal (as a whole) to be considered qualified and technically acceptable.

Response Categories	Weighting/Scoring
Volume I	
Cover Letter	Not scored
Qualifications	The Proposer is considered “qualified” if it receives:
Proposer Team Experience (Past Performance)	65 to 100 points
Level “1” Personnel Qualifications (Capability to Perform)	65 to 100 points
Unique Technical Qualifications	65 to 100 points
Forms	Not scored
Evidence Submittals (Section 3.2.4 through 3.2.8)	Not scored
Volume II (Technical Approach)	The section is considered “technically acceptable” if it receives:
Project Management Approach	65 to 100 points
Design Approach	65 to 100 points
Construction Approach	65 to 100 points
Volume III (Technical Approach Appendices)	Not scored, but used by the DBRC to determine if Volume II is “technically acceptable”

**4.2.1.2 PRICE PROPOSAL SCORING**

TDOT scores a responsive Price Proposal in accordance with the following method:

$$Total\ Price\ Proposal = A + (B \times TIME)$$

Where, A = Contract Amount

B = The amount of one calendar day to be \$4,000.00 as stated in Special Provision 108B.

TIME = The number of calendar days (from the Initial Notice to Proceed) indicated by the Proposer's time needed to complete the Project (excluding punchlist items and vegetation establishment) in the Proposer's Price Proposal. "B" will become the contract completion time included in **Book 2 (Design-Build Contract)**.

It is intended that all design and construction be completed by the earliest feasible date to minimize public inconvenience and enhance public safety. Should the total number of calendar days that the Proposer includes in the Proposal under the "B" portion of the Proposal exceed one thousand three hundred and twenty (1,320) calendar days or be less than six hundred (600) calendar days, then TDOT may reject the Proposal. Additionally, a Proposer's failure to enter a value for "B" with its Price Proposal will deem the Proposal nonresponsive and will be a cause for rejection.

While the total Price Proposal ( $A + [B \times \text{TIME}]$ ) cost will be used by TDOT to determine the apparent best evaluated design-builder, reimbursement to the Proposer/Design-Builder is based solely on the total "A" value and any incentive or disincentive payment made in accordance with the design-build contract.

#### **4.2.1.3 PRICE REALISM, REASONABLENESS, AND BALANCE**

TDOT conducts a preliminary evaluation of the Price Proposal to determine if the prices set forth reflect price reasonableness in comparison to TDOT's cost estimate. In leading this evaluation, TDOT may request review of Proposer's price documents. In such cases, the Proposer is to be available upon TDOT's request to conduct a joint review of the price documents. If TDOT concludes that the Price Proposal does not reflect price reasonableness (e.g., outside the allowable ranges of the TDOT estimate or is unbalanced), TDOT may consider the Price Proposal as nonresponsive.

TDOT prepares a cost estimate prior to accepting the Price Proposals. This is used as a basis for the preliminary evaluation of the Price Proposal to determine if any are significantly unbalanced. An unbalanced Proposal is considered one containing a lump sum that does not reflect reasonable actual costs plus a reasonable proportionate share of the Proposer's anticipated profit, overhead costs, and other indirect costs anticipated for the performance of the items in question in comparison with TDOT's cost estimate. If TDOT concludes that the Price Proposal is unbalanced, TDOT may consider the Price Proposal non-responsive.

#### **4.2.2 Determining a Total Proposal Score and Selection of the Apparent Design-Builder**

Under a lowest price-technically acceptable process, selection of the apparent best evaluated design-builder is for the Proposal that has the lowest Price Proposal that is also responsive and has passed all "pass" and "technically acceptable" rating criteria. The apparent best evaluated design-builder is recommended for selection in accordance with the TDOT Rule.

TDOT is to post the notice of the apparent best evaluated design-builder on the Alternative Delivery website.

## 5 CONTRACT EXECUTION; DELIVERY OF REQUIRED DOCUMENTS

The selected Design-Builder is to execute one (1) original of the design-build contract electronically, together with the balance of the contract items (Technical (Exhibit A) and Price Proposals) and the required submittals listed in Section 5.1, to TDOT within ten (10) calendar days of the date of the delivery of the design-build contract by TDOT, or within such longer period as TDOT may set in writing prior to or during the response period established herein.

The selected Design-Builder's failure to execute and deliver the executed design-build contract and provide the required submittals within the response period will result in:

- Forfeiture of the Proposal Security (e.g., the Proposal Bond or Proposal Guarantee) as liquidated damages payable to the Tennessee Department of Transportation, and
- TDOT may award the contract to the next best evaluated Proposer.

If the selected Design-Builder is a joint venture or partnership, each joint venture member or partner must sign the contract on behalf of both itself and the Design-Builder.

If TDOT fails to execute the design-build contract and deliver to the selected Design-Builder an original of the contract within forty-five (45) calendar days following receipt of the apparent Design-Builder's executed contract and other required submittals, the Design-Builder has the right to withdraw the Proposal without penalty.

Nothing in this **RFP Book 1 (ITP)** obligates TDOT to enter a design-build contract with any Proposer/Design-Builder.

### 5.1 Selected Design-Builder Required Submittals

Within ten (10) calendar days of the date of the delivery of the design-build contract by TDOT, the selected Design-Builder is to provide TDOT, in writing, the following documents:

- Payment and performance bonds in the amount of 100 percent of the Contract Amount, on the form furnished by TDOT (Form CP&PB);
- Insurance certificate(s) evidencing the required insurance coverage for the Project (refer to the *Design-Build Standard Guidance* for more information);
- Evidence of Authority, including:
  - The names of all signatories to the anticipated design-build contract, their capacities, and the names of their respective principals (if not already provided);
  - Corporate resolutions or bylaws evidencing the authority of each named signatory to act for its principal in executing the design-build contract and to bind the principal to the terms of the design-build contract (if not already provided); and
- Evidence that the apparent Design-Builder and its personnel are properly licensed to perform the work (if not already provided).

### 5.2 Modification of Contract

TDOT may make modifications to the design-build contract as it may determine (in its sole discretion) to:

- Fully incorporate the terms of the selected Design-Builder's Proposal;

- Correct any inconsistencies, ambiguities, or errors that may exist in the Design-Builder's Proposal or the design-build contract; and/or
- Clarify design-build contract terms, including technical requirements and specifications, if any.

If TDOT (in its sole discretion) determines that the parties are unable to reach a mutually acceptable design-build contract, TDOT may terminate discussions with the apparent Design-Builder and either award the contract to the next best evaluated Proposer or reject all Proposals.

At any time and for any reason, TDOT may:

- Investigate the qualifications or documentation of any Proposer under consideration;
- Require confirmation of information furnished by a Proposer (including the selected Design-Builder); or
- Require additional evidence of qualifications or documentation to perform the work described in this RFP.

### **5.3 Federal-Aid Construction Project Requirements**

In addition to what is listed in all three RFP books, the following information applies to federal-aid construction projects:

**To report bid rigging activities call: 1-800-424-9071**

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 am to 5:00 pm eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.