



TENNESSEE DEPARTMENT OF TRANSPORTATION

Design-Build RFP

Book 1 Instructions to Proposer (ITP)

Industry Review Draft

Gallatin Pike (SR-6) Safety Project

Gallatin Pike: Walton to Wiley and Liberty to Northside

Davidson County, Tennessee

Project Identification Number (PIN): **125526.09 (Walton to Wiley)** and **132524.00 (Liberty to Northside)**

State Project Number: **19025-1233-94 and 19025-3233-94 (Walton to Wiley)** and **19S006-F1-006 and 19S006-F3-006 (Liberty to Northside)**

Federal Project Number: **HSIP-6(145) (Walton to Wiley)** and **HSIP-6(155) (Liberty to Northside)**

Contract# **DB2504**

RFP: September 2025

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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”) respondent to TDOT’s request for proposal (RFP) to solicit competitive proposals for Gallatin Pike (SR-6) Safety 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, 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 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,
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 \$2,500,000.00 (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

Project Limits/Location: Gallatin Pike (SR-6) from Walton to Wiley and from Liberty to Northside

This Project includes:

- Implementing pedestrian safety infrastructure, including physical separation in the shoulders, delineators, signage, and traffic signal improvements; and
- Improving sidewalks, a multi-use path, crosswalks, turning radii reduction, commercial access consolidation, and channelization markings within the Project limits.

Project Construction Funding: The funding source for the Project is federal and state funding.

Environmental Clearance: TDOT has completed two National Environmental Policy Act (NEPA) Categorical Exclusions for the Project.

Existing Utilities are listed in Section 8 of RFP Book 3.

Restrictions and Constraints:

- Maintenance of traffic (MOT) and business access limitations along SR-6 that could impact the traveling public (motorists, transit, bicycles, and pedestrians).

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. Implement pedestrian safety measures, such as improved sidewalks and crosswalks, along SR-6 (Gallatin Pike).
2. Incentivize new contractor teams to participate in TDOT's alternatively delivered program.
3. Minimize impacts to business access and traveling public along SR-6 during construction.
4. Successfully mitigate known risks related to right-of-way acquisitions and utility relocations.

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
Advertising of RFP for industry review	September 16, 2025
Contractor outreach during TDOT's ROW and Utility mitigation efforts	September 2025 to April 2026
Issuance of final RFP and addenda (additional confidential one-on-one meetings)	May 2026 to August 2026
Proposal due date	September 2026
Notice of award	October 2026
Anticipated award of design-build contract	November 2026
Anticipated initial notice to proceed	December 2026

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.
- Prepare all documents necessary to obtain the Project's environmental 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:

Jonathan Vogel, P.E.
jonathan.vogel@tn.gov
Region 3 – Alternative Delivery
Region 3 Annex
6638 Centennial Blvd.
Nashville, TN 37209
Phone: 615-308-0678

Starting with release of the final RFP, 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, TDOT Functional areas (Preconstruction, Survey, ROW, and Utilities)
3. Stakeholder/Stakeholder Groups:
 - a. Federal Highway Administration (FHWA)
 - b. City of Nashville and the Nashville Department of Transportation
 - c. WeGo Public Transit

- d. Area Emergency Service Providers
- e. Tennessee Department of Environment and Conservation (TDEC)
- f. Local property owners, hospitals, businesses, and commercial developments
- g. Impacted utilities (as listed in Section 8 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 or submitted in a sealed envelope or package 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

Starting with release of the final RFP, 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) 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 (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. TDOT will release these questions to all Proposers following the process in Section 1.5.4.3.

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.

Additionally, a Proposer may submit questions that it deems “confidential,” which TDOT will evaluate and individually respond to following the process in Section 1.5.4.3. If the Proposer elects to submit any confidential questions, the Proposer should submit a separate Form QR clearly noting the file name and related questions to be “Confidential”.

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 beginning with release of the final RFP, TDOT provides responses to all:

- Requests for answers;
- Confidential requests; 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.

TDOT reserves the right to disagree with Proposer's assessment as to the confidentiality of information in the interest of maintaining a fair procurement process. Under such circumstances, TDOT will inform the Proposer and may allow the Proposer, within a time period set by TDOT, to withdraw the question, rephrase the question, or have the question answered non-confidentially or, if TDOT determines that it is appropriate to provide a general response, TDOT will modify the question to remove information that TDOT determines is confidential. If a Proposer fails to respond to TDOT within the time period set by TDOT, such failure shall be deemed to be the Proposer's consent to TDOT's answering of the question non-confidentially.

1.5.5 Prohibited Communications and Contingency Fee

Commencing with the issuance of the final 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 communication 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 8 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. American Structurepoint,

2. Gresham Smith,
3. Avenue Consultants,
4. HNTB Corporation,
5. O.R. Colon,
6. HMB, and
7. 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 Major Participant, 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 Disadvantaged Business Enterprise (DBE) Program Requirements

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

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

<http://www.tn.gov/tdot/topic/small-business>

Consistent with this policy, TDOT does not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any federal-aid contract because of sex, race, religion, or national origin.

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

- The assigned DBE goal for the Project is 5.5%

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

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,
- 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 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 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

TDOT does not anticipate alternative technical concepts (ATCs) on this Project. *To discuss with the industry as part of this Industry Review Draft process.*

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. 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 sent 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.

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

- Enter proposer name_DB2504 SR6 Safety Project_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 two (2) pages for the qualification information (excluding the cover letter, Form Bs, and listed forms). The Proposer is to place the required forms after a tab labeled "Forms."
- **Technical Proposal: Volume II (Technical Approach)** – Responses under Volume II shall be limited to a maximum of five (5) pages, not including cover/title page or section dividers. 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 tab 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 8.5" by 11" pages count as one (1) page towards any assigned page limits, and all 11" by 17" pages count as two (2) pages towards any assigned page limits.

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 EBS 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.

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 (not to exceed one page) that includes:

- The Proposer's desire to be considered for the Project;
- The official names and roles of all Principal Participants, 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 two (2) pages in total when answering the prompts in Section 3.2.2.1 through Section 3.2.2.3. 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. **Note:** There are no Level "2" Personnel required for this Project.

- 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 four (4)** project descriptions that have been completed in the last 15 years, including at least **two (2)** 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 \$5,000,000.00.

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 Design and Construction Approach

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

- 1. **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;
 - b. Maintenance of traffic through the work zone;
 - c. Access management (including maintaining business access); and

- d. Drainage.
- 2. **Construction staging and phasing.** Illustrate the Proposer's construction staging and phasing plan, indicating the timing and sequencing of the Proposer's major work activities.
- 3. **Issue/risk.** Include a narrative description of challenges/risks and mitigation strategies that the Proposer believes are significant to both the Proposer and TDOT.
- 4. **Safety.** Provide the following safety information for each construction firm under the Proposer's team covering the period 2020 to present:
 - a. Experience modification rates (EMRs).
 - b. List of any OSHA/TOSHA citations received, including the cause for the citation.
 - c. List of any incidents that resulted in significant injury, loss of life, or major property damage.

3.3.2 Open-ended DBE Performance Plan (OEPP)

The Proposer is to provide an open-ended DBE Performance Plan (OEPP) using Form 1247A-OEPP in Special Provision 1247DB, which includes:

- A commitment to meet the Project's DBE goal listed in Section 1.9.
- Details for the types of subcontracting work or services (with projected dollar amounts) that the DBT will solicit DBEs to perform.
- An estimated time frame in which actual DBE subcontracts are to be executed.

Note: Once the design-build contract is awarded, the Design-Builder will be required to continually use good faith efforts to meet or exceed the DBE goal and update its OEPP (as needed) in accordance with SP1247DB.

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:

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

3.4.2 Preliminary Roadway Schematic/Concept Plans

The Proposer is to submit half-size plan sheets or roll plots of its preliminary roadway schematic/concept plans for each PIN. **Note:** it is not the intent for the Proposer to have to submit fully developed design plans. Instead, the preliminary schematic/concept plans are to include, at a minimum, the following:

- Show plan view of design concepts with key elements noted (including access locations, utilities, drainage features, and traffic signals)

- Show typical sections for the roadway mainline
- Depict the Planned ROW Limits from the base technical concept/BTC
 - i) As applicable, the Proposer shall provide clear annotations/callouts for any additional right-of-way that the Proposer may require to accommodate its construction work or its design modifications compared to base technical concept/BTC
 - ii) If the Proposer requires additional right-of-way (temporary or permanent) to accommodate its work, the Proposer shall also include in this section a right-of-way acquisition table similar in form to Table 1 and Table 2 in Book 3 that lists the:
 - Tract No. (from Table 1 and Table 2 in Book 3)
 - Property owner (from Table 1 and Table 2 in Book 3)
 - Area to be acquired for the base technical concept/BTC (from Table 1 and Table 2 in 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 Proposal CPM Schedule

The Proposer is to prepare a Proposal CPM schedule to a Level IV work breakdown structure (WBS) to represent all design and construction work beginning at the Project's notice to proceed and extending through the Project's substantial completion (a "Contract Completion Date"). 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, Chapters 2, 3, and 9 of the *Design-Build Standard Guidance*, and as consistent with TDOT's Project Sections and Pay Items (see list below).

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 schedule is to provide relevant detail, including right-of-way (for timing to acquire any proposed properties), environmental, third-party/Utilities, Department, administration, design, procurement, construction, contractual milestones, and major closure activities. The Proposal CPM schedule **shall not** include any cost-loading.

Project Section and Pay Items

The Proposer is to submit a description of Pay Item Breakdowns, including the physical features and activities included in the Pay Item and all work included in the Pay Item Totals, as reflected on the Schedule of Items.

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

- 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
- Project photography and videography
- Road and Drainage excavation

204-05.50 Design-Build Geotechnical

- Borings
- Geotechnical Investigations
- Sinkholes

209-01.50 Design-Build Environmental Management

- EPSC measures, EPSC installation
- EPSC inspections

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

604-50.50 Design-Build Minor Structures (Other)

- Box Culvert
- Retaining Walls
- Temporary structures
- Minor Structure Repair

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
- Concrete Median Barrier
- Guardrail
- Changeable Message Sign
- Traffic Control

713-15.25 Design-Build Signing

- Footings
- Installation
- Removal and Disposal

716-99.50 Design-Build Striping/Pavement Markings

- Material
- Pavement Markers

717-99.95 Design-Build Mobilization

725-07.95 Design-Build ITS

730-01.95 Design-Build Traffic Signals

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 in compliance 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 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 Schedule of Items.

3.5.3 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 has 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:
Design and Construction Approach	65 to 100 points
Open-Ended Performance Plan	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:

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

Where, A = Contract Amount

B = The amount of one calendar day to be \$1,000.00 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 **TBD (in development for final RFP)** 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.