



TENNESSEE DEPARTMENT OF TRANSPORTATION

Design-Build RFP

Book 1 Instructions to Proposer (ITP)

Interstate 24

Interchange at Epps Mill Road/Buchanan Road; Epps Mill Road,
From west of Capital Way to SR-2 (US-41)
Rutherford County, Tennessee

Project Identification Number (PIN): **124683.06**

State Project Number: **75I024-S0-009, 75CCOU-S1-002, 75I024-S1-010,
75CCOU-S2-002, 75I024-S2-010, 75CCOU-S3-002, 75I024-S3-010**

Federal Project Number: **N/A**

DB Contract# **DB2505**

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Addendum #1 November 14, 2025

Addendum #2 December 5, 2025

Addendum #3 December 15, 2025

Addendum #4 January 16, 2026

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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”) that TDOT has shortlisted for the request for proposal (RFP) to solicit competitive proposals for **I-24 Interchange at Epps Mill Road/Buchanan Road** (the Project). The instructions and details described herein follow the processes and practices described in this RFP and TDOT’s *DB Procurement Best Practices*.

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 prior to the Proposal due date, responsive Technical Proposals, sealed Price Proposals, and other required pre-award submittals.

1.1 Project Description

1.1.1 Project Limits and Existing Conditions

Project Limits/Location: Interstate I-24 interchange at Epps Mill Road/Buchanan Road, from west of Capital Way to SR-2 (US-41)

The proposed project widens Epps Mill Road from State Route 2 (US-41) (L.M. 0.00) to just past Capital Way (L.M. 0.86) including ramp improvements at the interchange (Exit 89) with Interstate 24 (I-24). The project replaces the Epps Mill Road bridge over I-24 and realigns Epps Mill Road for the bridge construction staging. The project also includes realignment of Epps Mill Road at the intersection with SR 2.

The bridge (ID 75I00240041) over I-24 is 32'-4" wide and is a two-span 300 ft. long haunched steel welded plate girder bridge with a sufficiency rating of 75.0. The bridge is approaching its end of service life and will be replaced as part of this Project.

1.1.2 Project Description

This Project includes ...

Widening Epps Mill/Buchanan Road:

- Between State Route 2 (US-41) (L.M. 0.00) and Capital Way (L.M. 0.86)
- Epps Mill Road shall be widened to three, 12-ft wide lanes (one lane in each direction with a 12-ft center turn lane)

- The area within the ramp terminals will be full-access control and partial-access control outside of the ramp terminals.

Replacement of the Bridge on Epps Mill Road over I-24:

- Replacement of the bridge shall facilitate proposed widening of Epps Mill Road
- The new bridge shall include a 5.5-ft wide sidewalk on both sides.

Realignment of the on-ramps and off-ramps at the I-24 at Epps Mill Road interchange:

- Extend eastbound and westbound acceleration/deceleration lanes on I-24.
- The Project will not alter the thru-lanes along I-24 EB or WB

Realignment of Epps Mill Road at the intersection with SR-2 (Manchester Pike):

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

Environmental Clearance: A Tennessee Environmental Evaluation Report (TEER) document is complete.

Existing Utilities: Existing utilities include Middle Tennessee Electric Membership Corporation, CenturyLink/Lumen, City of Murfreesboro, Consolidated Utility District of Rutherford County, Colonial Pipeline, AT&T, Comcast Cable Communications LLC, and AT&T Long Haul Transmission.

Owner-Furnished Materials:

- Advanced Functional Plans
- Preliminary Geotechnical Reports
- Preliminary Utility Information
- TEER document
- Concept Report
- Survey data files
- Environmental technical studies

Restrictions and Constraints: Click or tap here to enter text.

- Avoid Pearson and Cobb Cemeteries with at least a 10 ft. buffer.
- Maintenance of Traffic (MOT): See SP108B in Book 2 and Section 10.3 in Book 3 for MOT information.

1.2 Project Goals

The Project is intended to achieve the following goals:

1. Provide a design and construction approach that minimizes inconvenience to the traveling public.
2. Optimize cost efficiency through design and construction innovation to complete the Project within the allocated budget.
3. Provide a management system or approach that ensures the requirements of the project will be met or exceeded.

4. Minimize project delivery timeframes through streamlining the design and construction process and mitigating potential delays through proactive planning and coordination to obtain final project acceptance no later than September 30, 2029.

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 | October 31, 2025 |
| Confidential (One-on-One) Meetings*: RFP terms and risk allocation | November 10, 2025 |
| Confidential (One-on-One) Meetings*: 1 st Round ATC discussions | November 17, 2025 |
| Confidential (One-on-One) Meetings*: 2 nd Round ATC discussions | December 3, 2025 |
| Deadline for submittal of Form QR, requests for QPL determination, organizational or Key Individual change requests, SOQ conflicts of interests update, and/or alternate technical concepts (ATCs) | December 10, 2025 10:00 AM CDT |
| Deadline for TDOT's last response on Form QR, requests for QPL determination, organizational changes, SOQ resubmittals, and/or alternate technical concepts (ATCs) determination | January 16, 2026 10:00 AM CDT |
| Deadline for issuance of last addendum | |
| Technical Proposal and Price Proposal Due Date | March 6, 2026 10:00 AM CDT |
| Public Price Proposal opening | March 17, 2026 |
| Notice of Best Evaluated Design-Builder | Late Spring 2026 |
| Anticipated award of design-build contract (or rejection of all Proposal) | Late Spring 2026 |
| Anticipated issuance of initial notice to proceed | May 15, 2026 |

* Confidential one-on-one meetings are optional.

1.4 General Design-Builder Project Obligations

If awarded, 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 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:

Mr. Miller Bernhardt, PE
Alternative Delivery Manager
Miller.Bernhardt@tn.gov
Region 3 Bld A
6601 Centennial Blvd
Nashville, TN 37209
Phone: (615) 840-3954

The above listed point of contact is to be the Proposer's single point of contact for all communications during the procurement process prior to the Proposal due date. 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:

5. TDOT Project Management Team
6. Project Owner's Representative: Neel-Schaffer Inc.
7. TDOT Specialty Groups: Construction, Environmental, Community Relations, Roadway Design, Structures, Traffic Operations, and Utilities.
8. Stakeholder/Stakeholder Groups:
 - a. *Federal Highway Administration (FHWA)*
 - b. Rutherford County
 - c. Rutherford County Emergency Service Providers; Tennessee Highway Patrol
 - d. Tennessee Department of Environment and Conservation (TDEC)
 - e. Local hospitals, businesses, and commercial developments
 - f. Impacted Utility Companies
 - g. Regulatory stakeholders.

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. The intent of the one-on-one meetings is to discuss:

- Issues, risk allocation, and clarifications regarding the RFP terms and overall Project details as part of an industry review process for a draft RFP release (if used).
- The Proposer's questions and TDOT feedback on its ATC submittals after release of the final RFP.

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 provide 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 are 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 thirty (30) days prior to the Proposal due date, 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 Request for Qualifications (RFQ) 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 Selection Committee;
2. FHWA, utility companies, Rutherford County, local emergency service providers, TDEC; and
3. 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. Prohibited communications do not include contact with regulatory/county/city officials for the limited purpose of obtaining information regarding available detour routes and conditions associated with such use or regulatory/county/city guidelines.

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 RFQ or 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 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 RFQ or RFP for the Project if (i) the NEPA or TEER document for the Project is not complete prior to the date on which the RFQ or 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 RFQ or 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:

4. Neel-Schaffer Inc.; TTL Inc.; O.R.Colon Associates, LLC; HMB Professional Engineers LLC, 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 if:

- The Proposer finds that a Principal Participant, Major Participant, lead designer, or any Key Personnel listed in its statement of qualifications (SOQ) 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),
- The Proposer’s organization has changed since submittal of the Proposer’s SOQ, or
- Additional potential conflicts of interest have developed since the Proposer’s submittal of its SOQ.

If the Proposer’s organization has changed and the change has been approved by TDOT, or additional potential conflicts of interest have developed since the Proposer’s SOQ submittal, the Proposer is to submit a new SOQ for the section in question and make a full disclosure of all potential organizational conflicts of interest, as described in TDOT Rule 1680-05-04-.07(5) and 23 CFR § 636.116, other than those already disclosed in the SOQ. The Proposer is to submit any revised SOQ section(s) for TDOT review prior to the deadline listed in Section 1.3.

If the Proposer’s organization has not changed and no additional potential conflicts of interest have developed since initial submittal of the Proposer’s SOQ, the Proposer is to submit a signed statement that no potential organizational conflicts of interest currently exist other than those already disclosed within the Proposer’s SOQ. The *Design-Build Standard Guidance* and the COI Guidelines provided with Form COI

includes additional details regarding the state's conflict of interest standards and disclosure regarding former TDOT employees.

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 the National Environmental Policy Act (NEPA). Such applicable law also applies to Proposer teams and teaming and may preclude certain firms and their entities from participating on a Proposer team.

1.7 Changes in Proposer Organization or Key Personnel after Submittal of the SOQ

The Proposer must submit with any response to this RFP the same information about the proposed Principal Participant, lead designer, Major Participant, or other team member that was originally submitted in the SOQ in response to the RFQ, including legal and financial information (pass/fail) and technical evaluation information. If a team member is proposed to be added, deleted, or substituted, the Proposer must submit such additional information as may be required by TDOT to demonstrate that the changed organization still meets the RFQ criteria upon which shortlist selection was based.

1.7.1 Changes to Key Individuals

By listing "Key Individuals" in the SOQ, the Proposer agrees to make the listed personnel available to complete the work, at whatever level and capacity the Project requires. In order for a Proposer to remain qualified to submit a Proposal and be awarded the contract after it has been placed on the shortlist, unless otherwise approved in writing by TDOT, the Proposer's Key Individuals as identified in the SOQ must remain intact for the duration of the procurement (i.e., until execution of the contract).

"Key Individuals" identified in the SOQ are not to be modified during the RFP procurement process or in the Proposal without written approval of TDOT. TDOT may revoke an awarded contract if any Key Personnel/Individual is removed, replaced, or added to without TDOT's written approval.

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

To secure TDOT's approval, the Proposers is to provide a written request to the TDOT primary point of contact by the deadline listed in Section 1.3 that includes:

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

In its discretion, TDOT uses the criteria specified in the RFQ and the qualification submitted by the Proposer in the SOQ to evaluate all requests.

The written approval to modify the Key Personnel shall be included in Technical Proposal Volume I. A Proposer's failure to comply with this requirement may be justification for removing the Proposer from further consideration for this Project.

1.7.2 Changes to the Proposer's Organization

By listing "Major Participants" in the SOQ, the Proposer agrees to make the listed team members available to complete the work, at whatever level and capacity the Project requires. In order for a Proposer to remain qualified to submit a Proposal, unless otherwise approved in writing by TDOT, the Proposer's organization as identified in the SOQ must remain intact for the duration of the procurement (i.e., until execution of the contract).

"Major Participants" identified in the SOQ are not to be modified during the RFP procurement process or in the Proposal without written approval of TDOT. TDOT does not approve requests for modification without justification. Examples of justification could include changes in the ownership of Proposer or Major Participants identified in its SOQ, including additions, deletions, reorganizations, changes in equity ownership interests, and/or role changes in or of any of the foregoing.

To secure TDOT's approval, the Proposers is to provide a written request to the TDOT primary point of contact by the deadline listed in Section 1.3 that includes:

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

If a request is submitted, the Proposer shall provide such additional information as may be required by TDOT (including a consent to assignment) that demonstrates that the changed team meets the RFQ and RFP criteria. In its discretion, TDOT uses the criteria specified in the RFQ and the qualification submitted by the Proposer in the SOQ to evaluate all requests.

The written approval to modify the Proposer's organization shall be included in Technical Proposal Volume I. A Proposer's failure to comply with this requirement may be justification for removing the Proposer from further consideration for this Project.

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 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.

1.10 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,
- Organizational change requests,
- SOQ section resubmittal to address organizational conflicts of interests,

- Alternate technical concepts (ATCs),
- Information discussed at any confidential procurement-related meeting, and
- Technical Proposal and Price Proposal.

1.11 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.

1.12 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 best and final 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.

1.13 Cost of Preparation and Stipend

A stipend of \$95,000.00 is to be awarded to each shortlisted 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, 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 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.

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.

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 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 one (1) electronic copy in Adobe.pdf format that is searchable alongside a completed Form ATC for each ATC submittal to the TDOT primary point of contact per Section 1.5.

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. 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 reflect 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 the Technical Proposal electronically and include the following:

- Recipient is the TDOT primary point of contact at the address listed in Section 1.5;
- Subject Line “DB2505 Design-Build Technical Proposal – Procurement Sensitive Information”;
- Proposer’s name, contact person’s name, mailing address, “I-24 Interchange at Epps Mill Road/Buchanan Road (DB2505)”.

Technical proposals will remain unopened until the Technical Proposal Due Date listed in Section 1.3.

All narrative sections in the Technical Proposal are to be Arial font with a minimum font size of 11-points on letter (8-½ inch x 11-inch) page. The Proposer may use smaller font sizes for charts, diagrams, graphs, and tables. The proposer may use tabloid (11-inch by 17-inch) page for CPM schedule, drawings, or sketches.

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

- **Technical Proposal: Volume I (Cover Letter, Forms, and Evidence of Authority)** – There is *no page limit* on the information required to be submitted under Volume I. 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 35 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 for each major section described in Section 3.4.

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 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, Forms, and Evidence of Authority)

3.2.1 Cover Letter

The Proposer is to provide a cover letter (a maximum of two pages) 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.

Additionally, if the Proposer requests to add, delete, or substitute a Principal Participant, or substitute its lead designer or any Key Personnel that it identified in its SOQ, the Proposer must make such request in this cover letter. In addition to including such a substitution or change request in its cover letter, the Proposer must follow the procedures and submit the information required under this RFP.

3.2.2 Forms

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

- 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;
- Form COI – Conflict of Interest Disclosure Statement; and
- Form LC – Lobbying Certification (submit a blank form if not applicable).

3.2.3 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.

3.2.4 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.

3.2.5 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.

3.3 Technical Proposal Volume II (Technical Approach)

The Proposer's Technical Approach (Volume II) is to consist of three sections in response to this RFP and the Project's goals, scope of work, and Reference Documents provided by TDOT.

- Project Management Approach (see Section 3.3.1)
- Design Approach (see Section 3.3.2)
- Construction Approach (see Section 3.3.3)

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.**
 - a. 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).
 - b. List the city and state where all Key Personnel (both level "1" and level "2" personnel) and Proposer design and construction staff are to be located for the duration of the Project.
2. **Project Administration.** Describe the Proposer's administrative and operational approach to perform the work, including:
 - a. Communication and coordination procedures between TDOT and the Proposer and how the Proposer's design staff is to interface with its construction staff;
 - b. An approach for controlling costs and administering change management for both Proposer/Design-Builder-initiated (from the design or in the field) and TDOT-initiated changes;
3. **Issue/Risk.** Include a risk register or matrix identifying no fewer than ten (10) risks that the Proposer believes are the most significant risks to both the Proposer and TDOT.

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.
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;
 - a. Geotechnical, including any geotechnical investigations to be performed by the Proposer;
 - b. Maintenance of traffic (MOT);
 - c. Environmental permits;
 - d. Structures, including identification of:
 - i. All bridge types to be constructed, including any special design features or constructability techniques required; and
 - ii. The types and locations for any retaining walls and/or noise walls (as applicable) required;

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.
2. **Safety.**
 - a. Discuss the Proposer's overall approach to work zone safety.
3. **Site maintenance.** Detail how the Proposer is to maintain the Project site during the construction phase, including both routine (e.g., sweeping, mowing) and emergency maintenance procedures.

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 II (Technical Approach). TDOT may reference the information presented in these Volume III appendices to further evaluate what is presented in Volume II (Technical Approach).

3.4.1 Key Personnel (Level "2" Personnel) Resumes

The Proposer is to provide resumes (not to not exceed one (1) page for each resume) for the following Level "2" Personnel:

- Design Lead Engineer – Structures

- Design Lead Engineer – Roadway
- Design Lead Engineer – Geotechnical
- Design Lead Engineer – Maintenance of Traffic
- Erosion Prevention and Sediment Control Inspector
- Utility Coordination Lead
- Construction Lead – Structures
- Construction Lead – Maintenance of Traffic

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, include details sufficient to illustrate color, texture, pattern, emblems, proportion, corridor consistency, or other such visual effects. For those details used in multiple locations, typical details will suffice with the locations for use noted in narrative or graphic form.

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.

3.4.3 ATC Approval Letter 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 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 both as a hard copy (in color) and electronically in 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

109-04.50 Design-Build ROW Services

- Appraisal
- Acquiring
- Public meetings if required

109-10.01 TRAINEE

Trainee at the unit price \$0.80 per hour for each hour approved training provided, as indicated in SP1240

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
- SlideRock Fall Mitigation

209-01.50 Design-Build Environmental Management

- EPSC measures, EPSC installation
- EPSC inspections
- Permit 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)
- Treated Permeable Base Or Lean Concrete Base
- Any Portland Cement Concrete Pavement (\leq 10 in. Thickness)
- Any Portland Cement Concrete Pavement ($>$ 10 in. Thickness)
- Tack, Prime coat

604-10.95 Design-Build Bridges

- Components (steel, deck drains, etc.)
- Bridge
- ABC superstructure units
- Bridge Repairs
- Inspections

604-50.50 Design-Build Minor Structures (Other)

- Removal of Existing Buildings and Improvements
- Box Culvert
- Retaining Walls
- Endwalls
- Wingwalls
- Temporary structures
- Minor Structure Repair
- Noise Walls

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
- Project photography and videography

714-40.75 Design-Build Utilities

- Coordination
- Relocation
- Lighting

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

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, and 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 Technical Proposal (all three volumes that include all completed forms) have been submitted in both hard copy and electronic format 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 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 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 | Evaluation Considerations for Each Rating |
|------------------------|--|
| Technically Acceptable | The Technical Proposal demonstrates a general understanding of the subject and related approach (at a minimum). The Technical Proposal communicates an average level of quality and meets the stated requirements of the RFP (at a minimum). |
| Poor | The Technical Proposal has demonstrated a minimal understanding of the subject and contains numerous weaknesses and deficiencies in its approach. The Technical Proposal demonstrates little or no level of quality or value. The Proposer's approach raises 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 "technically acceptable" considers the following evaluation criteria. Each section of a Proposer's Technical Proposal (Volume II) must receive a score of 65 points or higher for the Technical Proposal (as a whole) to be considered "technically acceptable".

| Response Categories | Weighting/Scoring |
|---|--|
| Volume I (Cover Letter, Forms, and Evidence of Authority) | Pass/Fail |
| Volume II (Technical Approach) | The section is considered "technically acceptable" if it receives: |
| Project Management Approach | Pass |
| Design Approach | Pass |
| Construction Approach | Pass |
| 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 \$8,000 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 1,249 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

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.