



# Request for Qualifications

## SR 520 Pontoon Construction Design-Build Project

**ISSUE DATE: June 22, 2009**

**STATEMENTS OF QUALIFICATIONS**

**DUE DATE: July 31, 2009**



# Contents

- 1.0 Introduction..... 1
- 2.0 Project Background ..... 1
  - 2.1 Status of NEPA Review ..... 2
- 3.0 Procurement Process..... 3
  - 3.1 Procurement Schedule..... 3
  - 3.2 Contact Information..... 4
    - 3.2.1. Submittal Information Point of Contact..... 4
    - 3.2.2 WSDOT Technical Point of Contact ..... 4
  - 3.3 Questions, Clarifications and Addenda ..... 4
  - 3.4 Ex Parte Communications ..... 5
  - 3.5 Voluntary Meeting for Potential Submitters..... 5
  - 3.6 WSDOT Core Values and Project Goals ..... 6
- 4.0 Project Scope of Work ..... 6
  - 4.1 Design and Construction of New Pontoon Casting Facility..... 7
  - 4.2 Design and Construction of Concrete Pontoons ..... 8
  - 4.3 Moorage..... 9
  - 4.4 Estimated Cost ..... 9
  - 4.5 Estimated Time for Completion ..... 9
- 5.0 Teaming Parameters ..... 9
  - 5.1 Major Participant ..... 9
  - 5.2 WSDOT Consultant/Technical Support..... 9
  - 5.3 Organizational Conflicts of Interest ..... 10
  - 5.4 Team Continuity and Changes to Organizational Structure ..... 11
  - 5.5 Equal Employment Opportunity ..... 11
  - 5.6 Persons with Disabilities or Hearing Impairment..... 11
  - 5.7 Disadvantaged Business Enterprise Participation..... 11
  - 5.8 Disadvantaged, Minority and Women-Owned Business Enterprise Participation.... 11
  - 5.9 Training ..... 12
  - 5.10 Apprentice Utilization..... 12
- 6.0 SOQ Submittal Instructions and Format..... 12
  - 6.1 Due Date, Time, and Location ..... 12
  - 6.2 SOQ Organization ..... 13
  - 6.3 SOQ Format..... 14

|         |  |    |
|---------|--|----|
| 6.4     | SOQ Submittal Quantities .....                               | 15 |
| 7.0     | SOQ Content .....  | 15 |
| 7.1     | SOQ Section 1: Letter of Interest .....                      | 15 |
| 7.2     | SOQ Section 2: Management Team.....                          | 16 |
| 7.3     | SOQ Section 3: Pontoon Design and Casting.....               | 16 |
| 7.4     | SOQ Section 4: Facility Development .....                    | 16 |
| 7.5     | SOQ Appendix A: Forms.....                                   | 16 |
| 7.6     | SOQ Appendix B: Financial Information .....                  | 16 |
| 7.7     | SOQ Appendix C: Legal Information .....                      | 17 |
| 8.0     | Evaluation Process .....                                     | 18 |
| 8.1     | Evaluation of the SOQ.....                                   | 18 |
| 8.2     | Pass/Fail Evaluation Factors .....                           | 19 |
| 8.2.1   | SOQ Section 1. Letter of Interest (Pass/Fail) .....          | 19 |
| 8.2.2   | SOQ Appendix A. Forms (Pass/Fail) .....                      | 20 |
| 8.2.3   | SOQ Appendix B. Financial Information (Pass/Fail) .....      | 20 |
| 8.2.4   | SOQ Appendix C. Legal Information (Pass/Fail).....           | 20 |
| 8.3     | Qualifications Category and Scoring Element Evaluation ..... | 20 |
| 8.3.1   | Qualifications Categories .....                              | 21 |
| 8.3.1.1 | Design – Structural .....                                    | 21 |
| 8.3.1.2 | Construction – Structural .....                              | 21 |
| 8.3.1.3 | Design – Civil/Marine .....                                  | 21 |
| 8.3.1.4 | Construction – Civil/Marine .....                            | 21 |
| 8.3.1.5 | Environmental .....  | 21 |
| 8.3.1.6 | Community / Public Outreach.....                             | 22 |
| 8.3.2   | Scoring Elements.....  | 22 |
| 8.3.2.1 | Management Team .....  | 22 |
| 8.3.2.2 | Pontoon Design and Casting.....                              | 22 |
| 8.3.2.3 | Facility Development .....                                   | 22 |
| 9.0     | Protest Procedures .....                                     | 23 |
| 9.1     | Protests Regarding RFQ .....                                 | 23 |
| 9.2     | Protests Regarding Responsiveness and Short-listing .....    | 24 |
| 9.3     | Costs and Damages .....                                      | 25 |

**Tables**

Table 1– Procurement Schedule..... 3  
Table 2– Substantial Completion Dates ..... 9  
Table 3– SOQ Organization ..... 13  
Table 4– Proposal, Performance and Payment Bond Requirements .....17  
Table 5– Qualifications Scoring Element Evaluation .....20

**Appendices**

- Appendix A: Acknowledgment of Receipt of Addenda
- Appendix B1: Organizational Conflicts of Interest Disclosure and Avoidance/Neutralization Plan
- Appendix B2: Organizational Conflicts of Interest Certification

***State of Washington  
Department of Transportation  
  
Request For Qualifications for  
SR 520 Pontoon Construction  
Design-Build Project***

## **1.0 Introduction**

The Washington State Department of Transportation (WSDOT) is soliciting Statements of Qualification (SOQ) from entities (“Submitters”) interested in submitting proposals to design and construct a new pontoon casting and launching facility, located in the Grays Harbor area, and to design and construct pontoons at this new facility.

The estimated value of the Project is approximately \$300,000,000 to \$500,000,000, and is being funded by the Federal Highway Administration (FHWA) and the State of Washington.

By submitting an SOQ, Submitters agree to be bound by the requirements outlined in this Request for Qualifications (RFQ).

Persons with disabilities may request information contained within this RFQ to be prepared and supplied in alternate formats by calling collect 206-389-2839. Persons with hearing impairments may call 1-800- 833-6388 (Washington State Telecommunications Relay Service) and ask for 206-515-3683.

## **2.0 Project Background**

The SR 520 Pontoon Construction Design-Build Project is needed now to shorten the time required to replace the floating portion of Evergreen Point Bridge if it were damaged beyond repair in a major windstorm and closed to traffic. The Evergreen Point Bridge is a critical component of the Puget Sound region’s transportation infrastructure and carries one of two highways that span Lake Washington to link Seattle with the Eastside and beyond. If the bridge failed, the consequences to the region’s transportation system would be severe. Having new pontoons ready and available for bridge replacement is key to restoring the bridge and maintaining the regional transportation system in a timely manner.

The Washington State Department of Transportation (WSDOT) plans to construct both a pontoon construction facility and pontoons in the Grays Harbor region of Washington State. Pontoons may also be constructed at an existing facility (Concrete Technology Corporation) in Tacoma, Washington.

The SR 520 Pontoon Construction Design-Build Project will be funded by the SR 520 Bridge Replacement and HOV Program. These funds have already been committed via the following mechanisms:

- Tolling revenue – Engrossed Substitute House Bill (ESBH) 2211, authorizing the collection of tolls on SR 520;
- State Funding – Engrossed Substitute Senate Bill (ESBS) 5352, which allocates Transportation Partnership Act (TPA) and Nickel Funds;
- Federal Funding.

ESBH 2211 provides for the use of tolling revenue toward costs to replace the SR 520 floating bridge under the Storm Safety Program. This includes costs to construct the SR 520 Pontoon Construction Design-Build Project. Given the revenue sources, the Project may be subjected to a maximum rate of payment provision.

## 2.1 Status of NEPA Review

WSDOT is preparing an Environmental Impact Statement for the project in compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The WSDOT project team is engaged in early coordination with all Federal, State, tribal, regional, and local agencies that have permitting authority, special expertise, or interest in transportation projects. WSDOT anticipates issuing the Draft Environmental Impact Statement for public comment in November 2009. The issuance of the Final Environmental Impact Statement and Record of Decision, which completes the NEPA process, is scheduled for July 2010. Therefore, the NEPA documentation and environmental permits for the project will not be completed prior to the award of the contract. In light of that, WSDOT anticipates issuing two phases of Notice To Proceed (NTP) for this Project. This is to ensure that no commitments are made to any alternative being evaluated in the NEPA process and that the comparative merits of all alternatives presented in the NEPA document, including the no-build alternative, will be evaluated and fairly considered. Immediately following the award of the contract, the design-build team will receive phase one NTP to perform the following activities:

- Preliminary design (as defined in 23 CFR 636.109 and SAFETEA-LU 1503) – which generally consists of those activities necessary for the analysis of project alternatives, including environmental impacts, as necessary to complete the NEPA process.
- Design supporting environmental regulatory compliance and early permit coordination.
- Design supporting the development of environmental mitigation plans.
- Per 23 CFR 636.109.6.b, the Design-Builder must not prepare the NEPA document or have any decision-making responsibility with respect to the NEPA process. WSDOT will be responsible for completing and obtaining FHWA's approval of the NEPA documentation.

The Design-Build contract will include termination provisions in the event the no-build alternative is selected.

After the issuance of Record of Decision (ROD), if a build option is selected, the design-build team will receive phase two NTP to perform the following activities:

- Final Design
- Construction

### 3.0 Procurement Process

WSDOT will use a two-step procurement process to select a Submitter to deliver the Project. The issuance of this RFQ is part of the first step to solicit information from interested Submitters in the form of an SOQ. WSDOT will evaluate and score submitted SOQs to determine the most highly qualified Submitters to successfully deliver the Project. The evaluation and scoring process to be used for this Project is detailed in Section 8 of this RFQ. It is WSDOT's goal to short-list the three (3) most highly qualified Submitters to continue to the second step of the process.

In the second step, WSDOT will issue a Request for Proposal for the Project to the short-listed Submitters. Only short-listed Submitters will be eligible to submit proposals for the Project. Each short-listed Submitter that submits a proposal in response to the RFP is referred to herein as a "Proposer." WSDOT will pay a stipend to all non-successful Proposers that submit a responsive proposal.

WSDOT may cancel or re-advertise this procurement, including rejecting any submitted statements or proposals, at its discretion at any time in the process.

### 3.1 Procurement Schedule

WSDOT anticipates the following procurement milestone dates. This schedule is subject to revision by addenda to this RFQ, by the RFP, or by addenda to the RFP.

**Table 1– Procurement Schedule**

| Action   | Dates               |
|--|---------------------|
| <b>Step 1 – SOQ Phase</b>  |                     |
| RFQ issued   | June 22, 2009       |
| Deadline for submitting written questions for the voluntary Submitters meeting | June 26, 2009       |
| Voluntary meeting for Submitters   | July 1, 2009        |
| Deadline for submitting RFQ questions  | July 16, 2009       |
| Deadline for WSDOT response to RFQ questions                                   | July 21, 2009       |
| SOQ due  | July 31, 2009       |
| Short-listed Submitters teams notified   | August 21, 2009     |
| <b>Step 2 – Proposal Phase</b>   |                     |
| RFP issued*  | August 24, 2009**   |
| Voluntary RFP meeting*   | September 2, 2009** |
| Deadline for submitting Proposers' questions*                                  | November 10, 2009** |
| Deadline for WSDOT response to Proposers' questions*                           | November 19, 2009** |
| Proposals Due*   | November 24, 2009** |
| Best Value Proposer announced *  | December 23, 2009** |

| Action           | Dates               |
|------------------|---------------------|
| Contract awarded | December 31, 2009** |

\*Short-listed teams only

\*\*Dates may change

## 3.2 Contact Information

### 3.2.1 Submittal Information Point of Contact

Submitters shall provide the WSDOT Contract Ad & Award Office with the name, address, phone number, fax number, and e-mail address of its Single Point of Contact (Contact Person). WSDOT will distribute addenda and other communications directly to the Submitter's identified Contact Person. This information will also be posted on the WSDOT website. The Submitter Contact Person is responsible for distributing copies of addenda and other RFQ related communications within their team. Any questions regarding non-technical information shall be submitted to Mr. Ken Walker at WSDOT using the following address:

Ken Walker  
 Contract Ad & Award Office  
 Washington State Department of Transportation  
 P.O. Box 47360  
 Olympia, WA 98504-7360  
[walkeke@wsdot.wa.gov](mailto:walkeke@wsdot.wa.gov)

All technical clarifications or questions shall be addressed as designated in Section 3.2.2 below.

### 3.2.2 WSDOT Technical Point of Contact

Submitters who have questions or need further clarification or information regarding the technical aspects of the Project only should contact the following designated WSDOT Project Engineer by letter, phone, or e-mail as follows:

Alan Chan, P.E.  
 Urban Corridors Office  
 Washington State Department of Transportation  
 600 Stewart Street, Suite 520  
 Seattle, WA 98101  
 Phone: (206) 826-4713  
[chana@wsdot.wa.gov](mailto:chana@wsdot.wa.gov)

All non-technical clarifications or questions shall be addressed as designated in Section 3.2.1 above.

## 3.3 Questions, Clarifications and Addenda

Questions and requests for clarification regarding this RFQ shall be submitted in writing to the WSDOT contact person as described above in Section 3.2.1. To be considered, all questions and requests must be received by **4:00 p.m., Pacific Time**, on the date indicated on Table 1 in Section 3.1.

WSDOT reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be announced by addenda to this RFQ.

WSDOT will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- Questions and requests for clarification will be posted by the close of business on the day after they are received on the WSDOT Contract Ad & Award Office website at <http://www.wsdot.wa.gov/biz/contaa/>
- WSDOT will answer questions and requests for clarification by posting a response on its Contract Ad & Award Office website no later than the date shown in Table 1.
- WSDOT will send an e-mail notification to the Contact Person for each Submitter as soon as each addendum, response, or group of responses is issued. The notification will include an electronic copy of the addendum or clarification whenever possible.

The Submitters shall acknowledge receipt of all addenda and question responses by completing Form A, Acknowledgment of Receipt of Addenda, which is included as Appendix A of this RFQ, and submitting the completed Form A as Appendix A within the SOQ submittal package.

### **3.4 Ex Parte Communications**

Submitters are expected to conduct themselves with professional integrity and to refrain from lobbying activities. Commencing with the issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, agent, or advisor of any Submitter shall have any ex parte communications, directly or indirectly, regarding this procurement with any representative of WSDOT, including their staff, advisors, contractors or consultants (as noted in Section 5.2) involved with the procurement, except for communications expressly permitted by this RFQ (or, subsequent to issuance of the RFP, except for communications expressly permitted by the RFP).

Any verified allegation that a Submitter, Submitter team member, an employee, agent, advisor or consultant of a Submitter or Submitter team member has engaged in such prohibited communications or attempted to unduly influence the selection process may be cause for WSDOT to disqualify the Submitter or to disqualify the Submitter team member from participating with the Submitter team, all at the sole discretion of WSDOT's contact person.

### **3.5 Voluntary Meeting for Potential Submitters**

WSDOT will hold an informational meeting for Submitters interested in responding to this RFQ. Attendance at this meeting is not mandatory and is not a prerequisite to being a Submitter for this Project. The meeting will be held on **July 1, 2009, from 1:00 p.m. to 3:00 p.m., Pacific Time**, at the following location:

Union Square Boardroom  
One Union Square  
601 Union Street,  
Seattle, WA 98101

### 3.6 WSDOT Core Values and Project Goals

WSDOT is focused on safeguarding the reliability of the State's floating bridges in the event of catastrophic failure, including the floating portion of the Evergreen Point Bridge. The SR 520 Pontoon Construction Design-Build Project is intended to expedite the construction of pontoons sufficient to maintain the existing traffic capacity of the Evergreen Point Bridge. Having new pontoons ready and available for bridge replacement is key to restoring the bridge and maintaining the regional transportation system in a timely manner.

The following information describes WSDOT's Core Values:

- Safety
- Accountability (on time, on budget, quality products and services)
- Effective and Transparent Communication
- Disadvantaged Business Enterprise (DBE) Contractor Participation

With the above Core Values in mind, WSDOT has established the following Project-specific goals for the successful Design-Builder:

- **Lead Project to Success** – Establish successful working relationships with Project participants holding diverse and competing interests and goals. Achieve successful outcomes through dynamic leadership.
- **Navigate the Federal Contracting Environment** – Successfully deliver the Project within the federal procurement environment.
- **Smooth Start-up and Innovation** – Maximize Project development effectiveness through implementation of a well planned start-up and innovation that ensure efficient coordination and delivery of the Project.
- **Permit Compliance** – Meet or exceed environmental requirements with no permit violations.
- **Deliver a Quality Product** – Meet or exceed technical quality requirements for design and construction of pontoons.
- **Minimize Impacts** – Minimize inconvenience; proactively and clearly communicate any effects to the public and adjacent properties during construction using WSDOT outreach, writing and graphic standards.

### 4.0 Project Scope of Work

The following Project scope is provided to Submitters to assist in developing a team with the expertise that is required for the Project. The Submitter shall be responsible for management, design, and construction of the Project. The design and construction by the Submitter shall be in accordance with applicable guidelines and standards as required by the RFP. It is WSDOT's intent to allow flexibility in design and construction to accommodate processes, procedures, and innovative techniques that are preferred by the Submitter, as long as they are consistent with site conditions; good engineering practices; the environmental decisions documents and permits; other standards, guidelines, and procedures identified in the RFP; and WSDOT's Project-specific goals. The scope of work for the Project as presented in this RFQ may or may not be the final scope of work for the Project.

The Submitter shall consider WSDOT's desire for key members of the Project to co-locate, with enough space for WSDOT representatives to work and attend Project meetings. Specifics of these requirements will be further identified during the RFP phase.

The main purpose of the SR 520 Pontoon Construction Design-Build Project is to expedite the construction of pontoons sufficient to replace the existing traffic capacity of the Evergreen Point Bridge. The pontoons, once constructed, will be stored until they are needed for catastrophic failure response or until they can be incorporated into the planned bridge replacement project to be constructed by others.

WSDOT intends to select a single Design-Build (DB) team to complete this work. The successful team shall demonstrate the ability and capacity to deliver the casting facility, pontoons, and moorage as described below.

#### **4.1 Design and Construction of New Pontoon Casting Facility**

The casting facility, including ancillary on-site support facilities, in concept, consists of the following elements:

- Casting basin

A concrete slab, surrounded by high concrete walls, built deep below ground level. The basin will be situated next to a navigable waterway, and provide a flat, dry space where several pontoons can be simultaneously constructed within specified tolerance.

Incorporated within the facility are structures for the capture and safe handling of fish that are trapped during pontoon launching operation.

- Casting basin gate system

A casting basin gate system will separate the basin from the waterway. This casting basin gate system consists of four elements: the floating caisson (gate), the jambs, the rest logs and the gate stops. The gate sits on a foundation that is commonly called a sill.

- Hydraulic control structure

The hydraulic control structure consists of a concrete structure that contains the pumps which supply water (from Grays Harbor) to either fill/empty the basins or ballast/de-ballast the floating gates. Incorporated in this structure are fish exclusion measures (fish screens).

- Launch channel

The launch channel will connect the basin to navigable waters.

- Berm/shoreline armoring

An existing berm along the shoreline may need improvements to prevent overtopping, flooding, and erosion.

- Ancillary on-site support facilities:

- Concrete batch plant;
- Stormwater and water quality treatment facilities;
- Laydown area and dry storage;
- On-site access roads, parking and offices;
- Utilities;

- Railroad spur.

Ancillary on-site support facilities are intended to provide for optimal production of pontoons. Stormwater and water quality treatment facilities will be designed and constructed in accordance with applicable permits.

Design of the above elements will be provided at a conceptual plan level. It is the intent to provide a higher level design of Gates and Hydraulic Control Structures in the RFP.

The selected Submitter will be required to design the casting facility to meet the Project requirements and to participate in the acquisition of permits.

The contractor shall turn over a functional facility to WSDOT following completion and acceptance of pontoons, to be ready for immediate use by a contractor on a subsequent contract for the construction of additional pontoons.

## 4.2 Design and Construction of Concrete Pontoons

In concept, this Project will include 21 Longitudinal Pontoons 360 feet long by 75 feet wide by 28.5 feet deep, 1 Cross Pontoon 240 feet long by 75 feet wide by 32.5 feet deep, 1 Cross Pontoon 240 feet long by 75 feet wide by 34.5 feet deep, and 10 Supplemental Stability Pontoons (SSP's) 98 feet long by 60 feet wide by 28.5 feet deep.

In the RFP, WSDOT will provide requirements for the pontoon hulls. The requirements will include hull geometry, minimum reinforcement (mild and post-tensioning) for future in-service condition, block-outs and embeds to accommodate the attachment of elements to be incorporated in future projects. The pontoon design and construction activities of this Project will include the following:

- Design of a pontoon casting system and construction of longitudinal, cross, and supplemental stability pontoons. Design of the casting system shall focus on the production of crack free pontoons that includes a precision forming system, concrete mix analysis, thermal monitoring and control system, concrete placement plans and systems, concrete consolidation system, concrete cure plans, precast component fabrication and handling systems;
- Post-tensioning system design;
- Geometry control plan to account for construction tolerances, construction sequence, thermal movements, elastic shortening, and shrinkage. Pontoon construction tolerances shall be accounted for in the design and construction of the facility and its elements. Issues to consider are total settlement, differential settlement, weather exposure, and restraint of cast elements as they shrink and elastically shorten;
- Design and pressure testing of water-tight hatches;
- Design of permanent mooring and towing bollards;
- Design of interior attachments to support stressing rams for bolts at the bolted joints;
- Design of Pontoons and production of integrated pontoon drawings initially used for pontoon fabrication and updated to reflect as-built state of pontoons. The integrated drawings shall include but are not limited to mild reinforcement, post-tensioning system and components, post-tensioning sequence, embeds, inserts, anchor bolts, block-outs, construction joints, construction aids, grouting and venting ports, temporary drainage, temporary access, and repairs;

- If deemed necessary by the Design-Builder, design of a pontoon launch system at the Concrete Technology Corporation site to compensate for inadequate draft;
- Design and construction of a Private Aids to Navigation system (PATON) in accordance with US Coast Guard requirements.

### 4.3 Moorage

The selected Submitter team will be expected to develop moorage and to store completed pontoons until acceptance. Pontoons constructed at the Grays Harbor casting facility will be stored within Grays Harbor, with the last set of pontoons stored within the casting basin. Pontoons constructed at Concrete Technology Corporation (CTC) in Tacoma, if any, will be stored at moorage locations within Puget Sound.

### 4.4 Estimated Cost

The estimated contract price is approximately \$300,000,000 to 500,000,000.

### 4.5 Estimated Time for Completion

The Project Components shall have different milestones for substantial completion, as shown in the table below. All work for a component shall be substantially complete by the date indicated.

**Table 2– Substantial Completion Dates**

| Component     | Work Substantially Complete |
|---------------|-----------------------------|
| Casting Basin | June 2012                   |
| Pontoons      | March 2014                  |

## 5.0 Teaming Parameters

Submitters shall satisfy all requirements specified in this RFQ. Failure of the Submitter to meet these requirements may result in rejection of the SOQ.

### 5.1 Major Participant

As used herein, the term “Major Participant” means any of the following entities:

- The Submitter, or if the Submitter is a partnership, joint-venture, limited liability company or other form of association, any general partners, joint-venture members or members of the Submitter team;
- The lead engineering/design firm(s);
- Each engineering/design subconsultant who may perform 30% or more of the design work; and/or
- Each subcontractor who may perform 20% or more of the construction work.

### 5.2 WSDOT Consultant/Technical Support

WSDOT has retained the consulting firms of HDR Inc., Parametrix Inc., the Glostien Associates, Cherry Creek Environmental Inc., and EnviroIssues to provide assistance in developing the

Project Conceptual Plans, Cost Estimate, Request for Qualifications, and Request for Proposals. Each of these firms is prohibited from joining any Design-Build team or otherwise assisting any Design-Build team in connection with the procurement process.

### 5.3 Organizational Conflicts of Interest

Organizational conflict of interest means that because of other activities or relationships with other persons or entities, a person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to WSDOT; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

The integrated nature of the design-build project delivery method creates the potential for organizational conflicts of interest. Disclosure, evaluation, neutralization, and management of these conflicts and of the appearance of conflicts is in the interests of the public, WSDOT, and the consulting and construction communities.

WSDOT will take steps to ensure that individuals involved in the preparation of the NEPA documentation, procurement package, evaluation of SOQ's and Proposals, and Design-Builder selection are not influenced by organizational conflicts of interest, and that no Submitter is given an unfair competitive advantage over another.

Attention is directed to the requirement for disclosure of organizational conflicts of interest set forth in 23 CFR Section 636.116(a)(2), WSDOT Secretary's Executive Order E-1059.00, and WSDOT Organizational Conflicts of Interest Manual 3043. Until these documents are signed by the appropriate WSDOT authorities, all references to these documents in this RFQ shall mean the following: WSDOT Secretary's Executive Order E-1059.00 (Draft June 9, 2009 – for second executive review), and WSDOT Organizational Conflicts of Interest Manual 3043 (June 2009, Second Draft).

Submitters are required to disclose all relevant facts concerning any past, present or currently planned interests, activities, or relationships which may present an organizational conflict of interest. Submitters shall state how their interests, activities, or relationships, or those of the chief executives, directors, key project personnel, or any proposed Consultant, Sub-Consultant at any tier, Contractor, or Subcontractor at any tier may result, or could be viewed as, an organizational conflicts of interest prior to or in the SOQ, in accordance with Secretary's Executive Order E-1059.00 and WSDOT Organizational Conflicts of Interest Manual (M 3043). Submit the Organizational Conflict of Interest Certification and Organizational Conflict of Interest Disclosure and Avoidance/Neutralization Plans (forms contained in Appendix B1 and B2) as described elsewhere in this RFQ.

If an Organizational Conflict of Interest is determined to exist, WSDOT may, at its sole discretion: offer the Submitter the opportunity to avoid or neutralize the Organizational Conflict of Interest; disqualify the Submitter from further participation in the procurement; cancel this procurement; or, if award has already occurred, declare the proposal non-responsive and award the contract to the next responsive best value Proposer, or cancel the Contract. If the Submitter was aware of an Organizational Conflict of Interest prior to award of a Contract and did not disclose the conflict to WSDOT, WSDOT may terminate the Contract for default.

## **5.4 Team Continuity and Changes to Organizational Structure**

Following submittal of the SOQ, Management Team personnel and Major Participants identified in the SOQ may not at any time be removed, replaced or added without the written approval of WSDOT's Technical Point of Contact. WSDOT may revoke the short-list status of a Submitter if any Management Team member or Major Participant identified in the SOQ is removed, replaced or added without prior written approval. To qualify for said approval, the written request shall document that the proposed removal, replacement or addition will be equal to or better qualified than the Management Team member or Major Participant provided in the SOQ.

## **5.5 Equal Employment Opportunity**

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, the Washington State Law Against Discrimination, RCW 49.60, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFP.

## **5.6 Persons with Disabilities or Hearing Impairment**

Persons with disabilities may request information contained within this RFQ to be prepared and supplied in alternate formats by calling collect 206-389-2839. Persons with hearing impairments may call 1-800- 833-6388 (Washington State Telecommunications Relay Service) and ask for 206-515-3683.

## **5.7 Disadvantaged Business Enterprise Participation**

The Disadvantaged Business Enterprise (DBE) requirements of 49 CFR Part 26 apply to this contract. A goal in the amount of 10% of the contract total has been established. This goal is considered a condition of award, and the successful Submitter will need to meet or provide documentation of good faith effort to meet this goal. Details of the DBE program will be provided in the RFP.

Proposers may contact OMWBE to obtain information on certified DBE firms at (360) 753-9693.

## **5.8 Disadvantaged, Minority and Women-Owned Business Enterprise Participation**

WSDOT encourages participation in all of its contracts by Disadvantaged, Minority and Women-Owned Business Enterprises (D/M/WBE) as certified by the WSDOT Office of Minority and Women's Business Enterprises (OMWBE) and defined in WAC 326-02-030. Details of the D/M/WBE program will be provided in the RFP.

Proposers may contact OMWBE to obtain information on certified D/M/WBE firms at (360) 753-9693.

## 5.9 Training

The successful Submitter shall provide on-the-job training aimed at developing trainees to journeyman status in the trades involved. The contracting agency has established the number of training hours to be 50,000. Details of the training program will be provided in the RFP.

## 5.10 Apprentice Utilization

The Design-Builder shall comply with an apprentice utilization requirement. No less than 15.0% of project labor hours shall be performed by apprentices. Details of the apprentice utilization program will be provided in the RFP.

## 6.0 SOQ Submittal Instructions and Format

This section describes requirements that all Submitters must satisfy in submitting SOQs. Failure of any Submitter to follow these requirements may result in rejection of its SOQ.

### 6.1 Due Date, Time, and Location

Sealed SOQs are to be received at one of the following locations prior to **4:00 p.m., Pacific Time**, on the date identified as the "SOQ Due Date" in the procurement schedule shown on Table 1 in Section 3.1 of this RFQ:

- **Via U.S. Mail:** WSDOT will consider notification of bid receipt by the Mail Room as the actual receipt of the SOQ:

Mr. Ken Walker  
Washington State Department of Transportation  
P. O. Box 47360  
Olympia, WA 98504-7360

- **Via Courier or Hand-Delivered:** SOQs delivered in person will be received only in the Contract Ad & Award Office, Room 1A23.

Washington State Department of Transportation  
Contract Ad & Award Office  
Transportation Building, Room 1A23  
310 Maple Park Ave. SE  
Olympia, WA 98504-7360

WSDOT will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirement will be rejected and returned to the Submitter without having been opened, considered or evaluated.

## 6.2 SOQ Organization

The Submitter shall organize the SOQ using the following section headings, order of documents, and maximum number of pages:

**Table 3– SOQ Organization**

| Section    | Section Title and Required Information   | Maximum Pages |
|------------|--|---------------|
| 1          | Letter of Interest   |               |
|            | Letter of Interest   | 3             |
| 2          | Management Team  |               |
|            | Address the requirements of Section 7.2 and each of the six Qualifications Categories as described in Sections 8.3.1.1 through 8.3.1.6.  | 5             |
| 3          | Pontoon Design and Casting   |               |
|            | Address the requirements of Section 7.3 each of the Qualifications Categories as described in Sections 8.3.1.1, 8.3.1.2, and 8.3.1.5.    | 8             |
| 4          | Facility Development   |               |
|            | Address the requirements of Section 7.4 and each of the four Qualifications Categories as described in Sections 8.3.1.3 through 8.3.1.6. | 8             |
|            | <b>Total maximum number of pages</b>   | <b>24</b>     |
| Appendix A | Forms  |               |
|            | Form A, Acknowledgment of Receipt of Addenda   | 1             |
| Appendix B | Financial Information  |               |
|            | Include surety letters, history of bonding companies.  | As required   |

| Section    | Section Title and Required Information  | Maximum Pages |
|------------|---|---------------|
| Appendix C | Legal Information   |               |
|            | Legal structure and supporting documents. If a joint-venture, include statement of joint and severable liability. Also include Conflict of Interest Information in this appendix. | As required   |
| Appendix D | Resumes and Project Reference Information   |               |
|            | Management Team personnel resumes<br>Project Reference Information  | As required   |

### 6.3 SOQ Format

- **Language:** All information shall be in English.
- **Type Font:** All narrative text shall be in a regular Arial style font at a minimum of 12 points in size, and single-spaced. The type style and size of headings and figures are not prescribed.
- **Photos:** No photos will be allowed except on the cover of the submittal.
- **Page Size:** Except for charts, exhibits and other illustrative and graphical information, all information shall be printed on 8.5-inch x 11-inch recycled or recyclable paper. Charts, exhibits and other illustrative and graphical information may be on 11-inch x 17-inch paper, but shall be folded to 8.5-inch x 11-inch and will be counted as one sheet.
- **Page Margins:** No text, tables, figures, or other substantive content shall be printed within 0.75 inch of any page edge.
- **Page Limit:** Page limits are described in Section 6.2 of this RFQ. The submittal shall only include information required by this RFQ. No other information will be considered in the evaluation of the SOQs.
- **Dividers:** Section dividers shall contain the section number and/or section title. No other text is permitted on the dividers. The dividers will not be counted toward the allowable page total.
- **Binding:** Each copy of the SOQ shall be bound separately.
- **Front Cover:** The front cover of each SOQ shall be labeled with the Submitter's name, address, and phone number, along with the following language: "Statement of Qualifications, SR 520 Pontoon Construction Design-Build Project, [date of submittal]" and SOQ due date.

Failure to comply with these requirements may result in rejection of the SOQ.

## 6.4 SOQ Submittal Quantities

Each Submitter must provide WSDOT with:

- **One (1) original unbound SOQ** bearing original signatures;
- **One electronic copy of the SOQ in PDF (Adobe Acrobat version 8 or higher) format on a CD** with the sections and subsections bookmarked; and
- **Twelve (12) bound hard copies** of the SOQ.

The original shall be identified as the original on its front cover in colored ink. Each copy shall be identified on its front cover, in the upper right-hand corner, as “Copy X of 10 Copies.”

The unbound original, the bound copies, and the CD shall be packed together in one sealed package for delivery to WSDOT. The outside of the sealed package shall be clearly identified, labeled, and addressed with the following:

- **Return address:** Submitter’s name, contact person’s name, mailing address, and phone number;
- **Date of submittal** and SOQ due date;
- **Contents labeled** as “Statement of Qualifications, *SR 520 Pontoon Construction Design-Build Project*,” and
- **Addressed to WSDOT’s Contract Ad & Award Office**, as identified in Section 6.1.

## 7.0 SOQ Content

The SOQ shall include the information specified below.

### 7.1 SOQ Section 1: Letter of Interest

The SOQ shall include a Letter of Interest that includes the business name, address, business type (e.g. corporation, partnership, joint-venture), or anticipated business type of the Submitter. It shall also include the business name, address, business type and roles of each Major Participant. The Letter of Interest shall identify the Submitter’s single Point of Contact, along with the other information identified in Section 3.2.1. The Letter of Interest should provide an overview of SOQ Sections 2 through 4.

The Letter of Interest shall be signed by an authorized representative(s) of the Submitter. The letter shall certify the truth and correctness of the contents of the SOQ. This information will be used to identify the Submitter and its designated contact, and will be evaluated on a pass/fail basis only; however, information may be used to support the evaluation of other sections.

In addition to the contact information above, the Letter of Interest shall contain the following information:

- The Submitter’s expression of interest in being selected for the Project;
- A statement that the Submitter shall comply with all applicable federal, state, and local laws and regulations;
- A summary of the Submitter’s qualifications, why its team should be selected, and why it is the best qualified to meet the Project goals.

The Letter of Interest shall be addressed to the WSDOT Point of Contact identified in Section 3.2.1 of this RFQ.

## **7.2 SOQ Section 2: Management Team**

The purpose of this section is to demonstrate that the Submitter understands how the experience of the Management Team contributes to the overall success of this Project and meets WSDOT's Core Values and Project Goals defined in Section 3.6. WSDOT has determined that it is critical for the Submitter to provide a strong team that can deliver the Project as described in Section 4. The Submitter will explain how the team is structured and show clear organizational channels of control, communication, and decision making. This section should include the names, titles, and roles of Major Participants for the Project. Resumes shall be attached as Appendix D to the SOQ.

## **7.3 SOQ Section 3: Pontoon Design and Casting**

The purpose of this section is to demonstrate that the Submitter's ability to design pontoons and to develop and operate a high quality and high production casting operation. Strong quality control of casting and efficient casting operation is critical to the success of this Project and meets WSDOT's Core Values and Project Goals defined in Section 3.6. The Submitter will explain how their organization and experience will support these requirements. The Submitter shall include project experience related to concrete structure design and casting operations of similar scale and complexity within the last ten (10) years.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix D to the SOQ.

## **7.4 SOQ Section 4: Facility Development**

The purpose of this section is to illustrate why the Submitter is best qualified in overall facility design and construction to support a successful casting operation described in Section 7.3. The Submitter shall demonstrate experience with development and construction of an industrial port facility. This will be done through the demonstration of management of design and construction of projects involving deep foundations and extensive earthwork in a marine environment. All Major Participants shall have at least one project identified. References shall be provided for all projects listed.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix D to the SOQ.

## **7.5 SOQ Appendix A: Forms**

Include Form A, Acknowledgement of Receipt of Addenda, included in this RFQ in Appendix A.

## **7.6 SOQ Appendix B: Financial Information**

The Submitter shall provide a letter from a surety or insurance company stating whether or not the Submitter is capable of obtaining a proposal bond, performance bond, and a payment bonds as indicated in Table 4 below:

**Table 4– Proposal, Performance and Payment Bond Requirements**

| Proposal Bond/Security | Performance Bond | Payment Bond     |
|------------------------|------------------|------------------|
| \$25,000,000           | \$300,000,000*** | \$300,000,000*** |

\*\*\*The process used by WSDOT to determine the risk associated with the performance bond, the amount of the performance bond, and the amount of the payment bond have not been approved by the Office of Financial Management (OFM) as of the publication date of this RFQ. Therefore, the amounts shown for the performance bond and payment bond in table 4 are subject to change pending approval by OFM and the Secretary of Transportation. The actual bond amounts will be stipulated by addendum to this RFQ not later than July 29, 2009. In no case, however, will WSDOT stipulate either bond to be less than \$250,000,000.

A performance bond and a payment bond are approved forms of security furnished by the Submitter and the Submitter's surety that guarantees performance of the work and payment to anyone who provides supplies or labor for the performance of the work.

The letter shall also specifically state that the surety/insurance company has evaluated the backlog and work-in-progress of the Submitter and its Major Participants as described in Section 5.1 in determining the Submitter's capability to obtain bonds. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing such letter must have a Best's rating of at least "A" or better and Financial Size Category of VIII or better by A.M. Best Co. The Surety shall be registered with the Washington State Insurance Commissioner and appear on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner.

## 7.7 SOQ Appendix C: Legal Information

The Submitter shall describe how it is organized as a legal entity. If the Submitter's legal entity has already been formed, the Submitter shall provide complete copies of the organizational documents along with those documents that allow, or would allow by the Proposal due date, the Submitter and its team members to conduct business in the State of Washington as a legal entity. If the Submitter's legal entity has not yet been formed, the Submitter shall provide a brief description of the proposed legal structure and provide draft/final copies of the underlying agreements. Once the legal entity is finalized, the Submitter shall either supplement its SOQ with copies of the final organizational documents or submit such documents with the Proposal. Failure to submit such final organizational documents to WSDOT either prior to the Proposal due date or with the Proposal shall render the Proposal non-responsive.

If the Submitter is a joint-venture, limited liability company, partnership, or other association, the Submitter shall provide an express statement from each of the partners/members as to their joint and severable liability on the Project. WSDOT Standard Form 410-009 Individual Project Statement of Joint-Venture shall be used. This form is available for download at: <http://www.wsdot.wa.gov/biz/contaa/prequal/>.

In the instructions to Form 410-009, the requirement for prequalification applies to those firms performing construction work on the Project (e.g., contractors). The prequalification requirement does not apply to joint-venture members providing design and engineering services only.

The Submitter shall include any organizational conflict of interest information required by Section 5.3 in this Appendix C.

## 8.0 Evaluation Process

This section outlines the scoring WSDOT will use for the RFQ phase of the procurement. If the information provided for an evaluation factor is not complete, then the Submitter may be eliminated from further consideration.

### 8.1 Evaluation of the SOQ

WSDOT will evaluate each SOQ submitted by the individual Submitters as described in Sections 6 and 7 of this RFQ, in conjunction with the WSDOT Core Values and Project Goals as described in Section 3.6, and scoring criteria as listed in section 8.3 for determining the SOQ total score.

The qualitative evaluation score will be determined as follows:

- The WSDOT evaluation committee will review each SOQ identifying significant and minor strengths, and significant and minor weaknesses of the Submittals.

Strengths and weaknesses are defined as follows:

- **Strengths** – That part of the SOQ which ultimately represents a benefit to the Project and is expected to increase the Submitter's ability to meet or exceed the Project goals. A minor strength has a slight positive influence on the Submitter's ability to meet or exceed the Project goals, while a significant strength has a considerable positive influence on the Submitter's ability to meet or exceed the Project goals.
- **Weaknesses** – That part of the SOQ which detracts from the Submitter's ability to meet the Project goals or may result in an inefficient or ineffective performance. A minor weakness has a slight negative influence on the Submitter's ability to meet the Project goals, while a significant weakness has a considerable negative influence on the Submitter's ability to meet the Project goals.

Based on the identified strengths and weaknesses, the evaluation team will select an adjectival rating and select a percent of maximum score in the identified range.

The following **adjectival rating system** will be used in determining the value for each Scoring Element of the SOQ:

- **Excellent (81-100 % of points possible):** The SOQ submitted by the proposed team is considered to significantly exceed the RFQ requirements/objectives in a beneficial way (providing advantages, benefits, or added value to the Project) and provides a consistently outstanding level of competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria to be scored as Excellent, it must be determined to have more than one significant strength, additional minor strengths and no appreciable weaknesses. The minimum score for Excellent is 81 percent of points possible. The greater the significance of the strengths and/or the number of strengths will result in a higher score, up to a maximum of 100 percent of points possible. There is virtually no risk that the team, as proposed, would be unsuccessful in delivering the Project to the owner's satisfaction, and would most likely exceed all Project Goals.
- **Very Good (61-80 % of points possible):** The SOQ submitted by the proposed team is considered to exceed the RFQ requirements/objectives in a beneficial way (providing advantages, benefits, or added value to the Project) and offers a generally better than acceptable competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria for consideration to be scored as Very Good, it must be determined to have at least one significant strength, additional minor strengths and no significant weaknesses. The minimum score for Very Good is 61 percent of points possible. The

greater the significance of the strengths and/or the number of strengths, and the fewer the minor weakness will result in a higher score, up to a maximum of 80 percent of points possible. There is little risk that the team, as proposed, would be unsuccessful in delivering the Project to the owner's satisfaction, and will most likely meet and/or exceed all Project Goals.

- **Good (41-60 % of points possible):** The SOQ submitted by the proposed team is considered to meet the RFQ requirements/objectives and offers an acceptable level of competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria for consideration to be scored as Good, it must be determined to have several strength(s), even though minor and/or significant weaknesses exist. The minimum score for Good is 41 percent of points possible. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weakness will result in a higher score, up to a maximum of 60 percent of points possible. It is expected that the team as proposed, will be able to deliver the Project and meet the Project Goals.
- **Fair (21-40 % of points possible):** The SOQ submitted by the proposed team is considered to contain several minor and/or significant weaknesses, some minor strengths and no significant strengths. The minimum score for fair is 21 percent of points possible. The greater the strengths and fewer the minor or significant weaknesses will result in a higher score, up to a maximum of 40 percent of points possible. It is expected that the team as proposed, should be able to deliver the Project but may not be able to meet some of the Project Goals.
- **Poor (0-20 % of points possible):** The SOQ submitted by the proposed team is considered to contain significant weaknesses and no appreciable strengths. The SOQ submitted by the proposed team demonstrates a doubtful probability of meeting the RFQ requirements and may be determined to be non-responsive. The minimum score for Poor is 0 percent of points possible. The fewer the minor or significant weaknesses will result in a higher score, up to a maximum of 20 percent of points possible. It is unlikely that the team as proposed would be able to deliver the Project to the owner's satisfaction.

After selecting a percent of maximum score for SOQ Sections 2 through 4 the SOQ score will be calculated by multiplying the percent of maximum score by the points available listed in Table 5 Section 8.3 and then summing the calculated scores.

## 8.2 Pass/Fail Evaluation Factors

If a Submitter receives a "pass" on all pass/fail evaluation factors, its SOQ will be further evaluated using the ranked criteria. If a Submitter fails on any single pass/fail requirement, the SOQ may be rated as unacceptable, the ranked evaluation factors may not be scored, and the Submitter may not be included on the short-list.

### 8.2.1 SOQ Section 1. Letter of Interest (Pass/Fail)

- Submitter's name, address and business type (e.g. corporation, partnership, joint-venture);
- Name, address, business type and roles of each Major Participant on the Submitter's team;
- Single Point of Contact; address; telephone and fax numbers; and e-mail;
- Overview of SOQ Section 2 through Section 4;
- Signature of an authorized representative(s);

- Certification of the truth and correctness of the SOQ;
- Statement of Submitter’s expression of interest in being selected for the Project;
- Statement that the Submitter shall comply with all applicable federal, state and local laws and regulations;
- Summary of the Submitter’s qualifications.

**8.2.2 SOQ Appendix A. Forms (Pass/Fail)**

- Form A, Acknowledgement of Receipt of Addenda.

**8.2.3 SOQ Appendix B. Financial Information (Pass/Fail)**

- Surety (bonding) letter(s) that meet requirements

**8.2.4 SOQ Appendix C. Legal Information (Pass/Fail)**

- Legal structure documentation
- Statement addressing joint and several liability
- Organizational conflicts of interest information

**8.3 Qualifications Category and Scoring Element Evaluation**

Numerical scores will be assigned by a WSDOT Evaluation Committee to the six Qualifications Categories below (Sections 8.3.1.1 to 8.3.1.6) for each of the three Scoring Elements (Sections 8.3.2.1 to 8.3.2.3) as shown in Table 5 below.

A summary of the points for the sections is as follows:

**Table 5– Qualifications Scoring Element Evaluation**

| Scoring Element            | Qualifications Category |                          |                      |                             |               |                             | Total Score |
|----------------------------|-------------------------|--------------------------|----------------------|-----------------------------|---------------|-----------------------------|-------------|
|                            | Design - Structural     | Construction- Structural | Design- Civil/Marine | Construction – Civil/Marine | Environmental | Community / Public Outreach |             |
| Management Team            | 0-50                    | 0-50                     | 0-50                 | 0-50                        | 0-25          | 0-25                        | 0-250       |
| Pontoon Design and Casting | 0-100                   | 0-250                    |                      |                             | 0-25          |                             | 0-375       |
| Facility Development       |                         |                          | 0-200                | 0-100                       | 0-50          | 0-25                        | 0-375       |
| Total Score                | 0-150                   | 0-300                    | 0-250                | 0-150                       | 0-100         | 0-50                        | 0-1000      |

### **8.3.1 Qualifications Categories**

In the following sections, the bulleted items are listed in descending order of importance where scoring is applicable.

#### **8.3.1.1 Design – Structural**

- Precision concrete formwork design
- Complex concrete structure design
- Post-tensioning systems design
- High performance concrete mix design, thermal control analysis, and testing
- Segmental construction engineering
- Large scale casting facility design
- Naval architecture experience with vessel launching operations and buoyancy calculations

#### **8.3.1.2 Construction – Structural**

- Operation of large scale casting facilities
- Fast track resource management
- Geometry and survey control
- Post tensioning

#### **8.3.1.3 Design – Civil/Marine**

- Innovative design approach
- Deep foundation design: structural and geotechnical
- Design of coffer cells, deep excavation shoring, earth stabilization, and dewatering systems
- Concrete casting facilities design and operation: experience with PCI certification
- Launch channel and near-shore components (water intake and outfall design, sedimentation deposition and scour analysis, coastal engineering)

#### **8.3.1.4 Construction – Civil/Marine**

- Casting yard setup and operation experience (batch plant, material handling, storage, equipment)
- Deep excavation and earthwork experience
- Deep foundation and earth stabilization experience
- Marine facilities construction and dredging experience

#### **8.3.1.5 Environmental**

- Experience dredging in an estuarine environment with potential threatened/endangered species
- Experience supporting project owner working with regulatory agencies to develop permit conditions on projects of similar size, scope, and environmental sensitivity

- Experience in minimizing pile driving impacts in a sensitive species habitat
- Demonstrated experience in addressing Endangered Species Act (ESA) consultation outcomes and supporting the ESA process
- Experience in obtaining NPDES water quality permits for construction projects and minimizing exposure and responding to water quality exceedences

#### **8.3.1.6 Community / Public Outreach**

- Experience in developing and implementing a program to minimize noise impacts to the local community and tribal nations
- Experience in responding to concerns regarding construction impacts (noise, construction traffic, dust, vibration, etc.)
- Experience providing outreach to small and minority businesses, tribal nations, and local communities
- Experience working with local jurisdictions, tribal nations, and regulatory agencies to resolve issues

### **8.3.2 Scoring Elements**

In the following sections, the bulleted items are listed in descending order of importance where scoring is applicable.

#### **8.3.2.1 Management Team**

- Design-build experience and risk management
- Demonstrated experience developing and implementing an effective QC/QA program
- Working with the Owner in a collaborative fashion to resolve issues in a timely manner
- Cost efficiency and schedule enhancement and/or recovery by use of innovation
- Effective balancing of scope, schedule and budget to meet Project goals and expectations
- Demonstrated experience developing and implementing a strong safety program

#### **8.3.2.2 Pontoon Design and Casting**

- High quality and high production concrete casting
- Construction engineering plans (construction aids and jigs) along with integrated drawing development
- Segmental and long line casting experience

#### **8.3.2.3 Facility Development**

- Experience in large concrete structures
- Experience in pile driving, foundation, or ground modification
- Experience in mechanical components of facility
- Experience in electrical component of facility
- Design, construct, and maintain dewatering system of a large marine site
- Experience in dredging and hazardous material removal

- Design, construct, and maintain riprap or rock walls for protection of shoreline and launch channel
- Effective handling and transporting of materials including potential hazardous material

## 9.0 Protest Procedures

This section sets forth the exclusive protest remedies available with respect to this RFQ. Each Submitter, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless arbitrary and capricious. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitter. Such waiver and agreement by each Submitter are also consideration to each of the other Submitters for making the same waiver and agreement.

### 9.1 Protests Regarding RFQ

Submitter may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that (a) a material provision in this RFQ is ambiguous, (b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement, or (c) this RFQ in whole or in part exceeds the authority of WSDOT. Protests regarding this RFQ shall be filed only after the Submitter has informally discussed the nature and basis of the protest with the WSDOT Project Engineer in an effort to remove the grounds for protest.

Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury.

Protests regarding this RFQ shall be filed as soon as the basis for protest is known to the Submitter, but in any event it must be actually received no later than ten (10) calendar days before the SOQ due date, provided that protests regarding an addendum to this RFQ shall be filed and actually received by WSDOT no later than five (5) calendar days after the addendum to this RFQ is issued (or no later than the SOQ due date, if earlier).

Protests regarding this RFQ shall be filed in writing by hand delivery or courier to the Protest Official with a copy to the WSDOT Project Engineer. The Protest Official is identified as:

Ken Walker  
Contract Ad & Award Office  
Washington State Department of Transportation  
P.O. Box 47360  
Olympia, WA 98504-7360  
walkeke@wsdot.wa.gov

WSDOT will distribute copies of the protest to the other Submitters and may, but need not, request other Submitters to submit statements or arguments regarding the protest and may, in its sole discretion, discuss the protest with the protesting Submitter. If other Submitters are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven calendar days of the request.

The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The Protest Official or their designee will decide the protest on the basis of the written submissions. WSDOT will furnish copies of the decision in writing to each Submitter. The decision shall be final and conclusive. If necessary, to

address the issues raised in the protest, WSDOT will make appropriate revisions to this RFQ by issuing addenda. If necessary, WSDOT may at its sole discretion extend the SOQ due date to address any protest issues. Each party shall bear its own attorney fees and legal costs that may result from the protest.

The failure of a Submitter to raise the grounds for a protest regarding this RFQ within the applicable period shall constitute an unconditional waiver of the right to protest the terms of this RFQ and shall preclude consideration of that ground in any protest of qualification of a Submitter, unless such ground was not, and could not, have been known to the Submitter in time to protest prior to the final date for such protests.

## **9.2 Protests Regarding Responsiveness and Short-listing**

A Submitter may protest the results of the above-described evaluation and qualification process by filing a notice of protest by hand delivery or courier to the Protest Official. The protesting Submitter shall concurrently file a copy of its notice of protest with the other Submitters. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within fourteen (14) business days after the earliest to occur of:

- (a) notification of non-responsiveness,
- (b) the scheduled date for oral meetings and presentations (if any), or
- (c) the public announcement of short-listed Submitters.

Notice of protest of the decision on short-listed Submitters must be filed and actually received by the Protest Official within Fourteen (14) business days after the public announcement of the short-listed Submitters.

Within seven (7) calendar days of the notice of protest, the protesting Submitter must file with the Protest Official a detailed statement of the grounds, facts, and legal authorities, including all documents and evidentiary statements, in support of the protest. The protesting Submitter shall concurrently deliver a copy of the detailed statement to all other Submitters. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or short-listing process and decisions hereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery to the Protest Official a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Submitter files its detailed statement of protest. WSDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Protest Official, or their designee, a hearing or argument may be permitted, if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or WSDOT. The Protest Official, or their designee, shall issue a written decision regarding the protest within fifteen calendar days after the Protest Official receives the detailed statement of protest. Such decision shall be final and conclusive. The Protest Official, or their, designee shall deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to the oral presentation process (if any), WSDOT may proceed with the oral presentation process and may short-list Submitters before the protest is withdrawn or decided, unless the Protest Official, or his designee, determines, in their sole discretion, that it is in the public interest to postpone the qualification prior to a decision. Such a determination shall be in writing and shall state the facts on which it is based.

If the Protest Official, or his designee, concludes that the Submitter filing the protest has established a basis for protest, the Protest Official, or his designee, will determine what remedial steps, if any, are necessary or appropriate to address the issue raised in the protest. Such steps may include, without limitation, submitting the issue to WSDOT's selection committee to determine whether the list of Submitters selected to submit proposals should be revised, withdrawing or revising the decisions, cancelling this RFQ and issuing a new RFQ, or taking other appropriate actions.

If the protest is denied, the protesting Submitter may seek judicial review of WSDOT's decision in Thurston County Superior Court within five (5) days of receiving WSDOT's decision denying the protest. Each party shall bear its own attorney fees, expert witness fees, and all other legal costs.

### **9.3 Costs and Damages**

WSDOT shall not be liable for damages to the Submitter filing the protest or to any participant in the protest, on any basis, express or implied.

Appendix A

**FORM A**

***ACKNOWLEDGMENT OF RECEIPT OF ADDENDA***

**(To be included in Appendix A of the SOQ)**

(Name of Submitter \_\_\_\_\_)

We hereby acknowledge receipt of the "SR 520 Pontoon Construction Design-Build Project" RFQ dated \_\_\_\_\_, and subsequent addenda and responses to questions by the Washington State Department of Transportation as follows:

**ADDENDUM No.**

**Date Issued:**

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**Response to  
Question Set No.**

**Date Issued:**

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

\_\_\_\_\_  
(Signed-Printed or Typed Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title)

Appendix B1 – OCOI Disclosure Form

**Organizational Conflicts of Interest  
Disclosure and Avoidance/Neutralization Plan**

This disclosure statement outlines potential organizational conflicts of interest, either real or apparent, which as a result of activities or relationships with other persons or entities, such person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to WSDOT; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

SECTION I of this disclosure statement describes the potential Organizational Conflict of Interest, as defined in Secretary’s Executive Order E-1059.00. SECTION II of this disclosure statement describes the management plan for avoiding or neutralizing the potential Organizational Conflicts of Interest as described in SECTION I of this disclosure statement. I acknowledge that the Washington State Department of Transportation (WSDOT) may require revisions to the management plan described in SECTION II of this disclosure statement prior to approving it, and that WSDOT has the right, in its sole discretion, to limit or prohibit my involvement in the Project as a result of the potential conflicts of interest described in SECTION I of this disclosure statement.

**SECTION Ia – Name of Person or Firm Potentially Conflicted**

---

**SECTION Ib – Current Project Name and Scope of Work**

---

---

**SECTION Ic – Future Project Name and Description of Potential Conflict Of Interest**

---

**SECTION II - Plan for Managing Potential Conflicts Of Interest**

---

---

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name and Title \_\_\_\_\_

Appendix B2 – OCOI Certification Form

**Organizational Conflict of Interest Certification**

(Name of Submitter \_\_\_\_\_)

My signature below certifies that, prior to submitting this SOQ, I have conducted an internal review of Submitter’s current affiliations and have required Submitter’s team members to identify potential, real, or perceived Organizational Conflicts of Interest relative to the anticipated procurement, in accordance with the Secretary’s Executive Order E-1059.00 and WSDOT *Organizational Conflict of Interest Manual M-3043*.

I further certify that “*Organizational Conflict of Interest Disclosure and Avoidance/Neutralization Plan*” forms are attached, as listed below, for all real or potential organizational conflicts of interest as defined in WSDOT Organization Conflict of Interest Manual M-3043 for all Submitter team members.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name and Title \_\_\_\_\_

List Attachments by name of person or firm potentially conflicted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_