

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

DESIGN-BUILD PROJECT

for

MID-COUNTY DMV FACILITY

State Contract T201259401
Federal Contract CMAQ-2012001

REQUEST FOR QUALIFICATIONS

Advertisement Date: July 2, 2012

AN INFORMATIONAL PRE-SUBMISSION MEETING FOR THIS PROJECT WILL BE HELD AT THE
DeIDOT ADMINISTRATION BUILDING, 800 BAY ROAD, DOVER, DELAWARE 19901 AT:
11:00 A.M. - WEDNESDAY JULY 18, 2012.

Responses must be delivered to the Delaware Department of Transportation, Administration Building, Attention:
Contract Administration, 800 Bay Road, Dover, Delaware, 19901 by **4:00 P.M. local time, August 10, 2012.**



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DESIGN-BUILD PROJECT
MID-COUNTY DMV FACILITY

1.0 INTRODUCTION AND GENERAL INFORMATION

The Delaware Department of Transportation, in cooperation with the Office of Management and Budget-Division of Facilities Management, is soliciting Statements of Qualifications with Letters of Interest from Submitters¹ interested in providing Design-Build contract services for a new Delaware Division of Motor Vehicles facility to be located at the Department's Mid-County transit hub located on US 13 south of Route 72 in New Castle County.

The selection of the successful Design-Builder for this project encompasses two phases; Request for Qualifications; and Request for Proposals. Each phase is described in [Section 2.1 and 2.2](#).

This project is funded with state and Federal Highway Administration, Congestion Mitigation and Air Quality Improvement program funds. State and federal requirements apply to this Project and resulting contract.

1.1 PROJECT DESCRIPTION

The Project involves designing and constructing a new Department of Motor Vehicles facility with inspection lanes, to replace the existing facility along Airport Road in New Castle. The existing Airport Road facility was constructed in 1965 and can no longer accommodate the increased customer volumes generated by population growth within New Castle County.

The new facility is to be designed and built to achieve LEED Silver Certification. The Project is on approximately 23 acres located on a 64 acre state owned parcel that also houses the Delaware Transit Corporation's Mid-County Maintenance Facility.

Reference Material such as; sample artist renderings, workshop display boards, land surveys, Traffic Impact Studies, soil borings, and other information can be found at the following link, when they become available: http://www.dmv.de.gov/newsy/coming_soon/boards_and_images.shtml.

1.2 INFORMATIONAL MEETING

An Informational Pre-Submission Meeting for this Project will be held at the date and time indicated in [Section 2.3](#) of this RFQ, at the Delaware Department of Transportation's Administration Building, 800 Bay Road, Dover, Delaware. While attendance is not mandatory, it is strongly suggested. A transcript of the meeting will be posted on-line approximately ten days following the meeting.

1.3 PROJECT GOALS

The following are the Department's goals for the Project:

- 1.3.1 Meet or exceed all projected Project dates as identified in [Section 2.3](#);
- 1.3.2 Design and construction of a Project of the highest quality that is both durable and aesthetic;
- 1.3.3 Construction that is safe;
- 1.3.4 A Project that is sensitive to the environment, creates a sense of place, and fits with the adjacent community.

¹ APPENDIX A contains a complete list of Abbreviations and Definitions of specific terms referenced throughout this Request for Qualifications (RFQ).



1.4 GOVERNING LAW

This project is authorized by the 146th General Assembly Senate Bill # 130 (Bond Bill), Section 117, enacted July 1, 2011. The laws of the State of Delaware will govern the Request for Qualifications, Request for Proposals, and the resulting Contract.

1.5 CONTRACT TYPE

The Contract will be a fixed price, lump sum Design-Build Contract.

1.6 RULES OF CONTACT

The following rules of contact shall apply during procurement for this Project. Contact includes face-to-face, telephone, facsimile, Electronic-mail (E-mail), or formal written communications.

The rules are designed to promote a fair, unbiased, legally defensible procurement process. The Department's Contract Administration Group is the single source of contact regarding Project information and procurement.

The selection process began with the advertisement of this RFQ, and is anticipated to be completed with the award and execution of the Contract. The following specific rules of contact are now in effect:

- 1.6.1 After submittal of SOQs in response to this RFQ, no Submitter or any of its members may communicate with another Submitter or members of another Submitter with regard to the Project or the SOQs, except that a Submitter may communicate with a subcontractor that is on both its team and another Submitter's team, so long as those Submitters establish a protocol to ensure that the subcontractor will not act as a conduit of information between the Submitters;
- 1.6.2 Contact between the Submitters and the Department for questions and responses to questions, shall only be through the Department's and Submitter's designated representative;
- 1.6.3 The Submitters shall not contact Department employees, including department heads, members of the Evaluation Committee, members of the Technical Review Committee, and any official who will evaluate SOQs regarding the Project except through the process identified in [Section 1.7](#);
- 1.6.4 The Submitters shall not contact stakeholder staff regarding the Project. Stakeholder staff includes employees of the permitting agencies, the Department, the Division of Motor Vehicles, and the Office of Management and Budget's, Division of Facilities Management;
- 1.6.5 Any contact determined to be improper, at the sole discretion of the Department, may result in disqualification of the individuals, firms, or Submitter teams involved;
- 1.6.6 Any official contact regarding the Project will be disseminated from the Department's Contract Administration Group, in writing or E-mail, and signed by the Department's designated representative; and
- 1.6.7 The Department will not be responsible for any oral communication or any other information or contact that occurs outside the official communication process specified herein.

1.7 QUESTIONS & INFORMATION

The Department will only accept questions submitted via e-mail regarding this RFQ, including requests for clarification and requests to correct errors. The Department will confirm receipt of all e-mailed questions.



All questions are to be sent to the following e-mail address:

www.DOT-ask@state.de.us

The subject line of the e-mail should display as: **T201259401 DMV Q**

E-mails must include the requestor's name, address, telephone, and facsimile numbers.

- 1.7.1 Requests for information or clarification made to any other Department office, consultant, or employee are not permitted.
- 1.7.2 Questions received by the date and time specified in [Section 2.3](#) will be addressed.
- 1.7.3 Responses to questions will appear periodically on a document entitled 'Questions and Answers' posted on the Project's solicitation Webpage at: www.bids.delaware.gov.
- 1.7.4 It is the responsibility of the Submitter to check the above Webpage often for Addendums, Questions and Answers, and other information concerning this solicitation.
- 1.7.5 The final Questions and Answers will be posted no later than the end of the day, two working days prior to the bid date.
- 1.7.6 All Questions and Answers posted by the Department on the Project's solicitation Webpage are included by reference and become part of the contract documents. The Short-Listed Submitters will receive a hard copy of the final posted Questions and Answers.
- 1.7.7 If you feel you are having trouble sending or receiving communications, or are a Potential Submitter that does not have access to the internet, you may contact the following individual:

Jim Hoagland, Contract Services Administrator

jim.hoagland@state.de.us

302-760-2036 direct

302-739-2254 facsimile

1.8 ORGANIZATIONAL REQUIREMENTS

Only prospective Submitters with demonstrated ability to complete this Project in its entirety will be eligible for the Short-List.

- 1.8.1 The following circumstances shall be deemed an Organizational Conflict of Interest disqualifying the affected Submitter(s) and/or individual firms involved:

Participation by any of the following Persons on more than one Submitter's team:

- Principal Participant;
- Lead Engineer;
- Lead Architect;
- Subcontractor responsible for performing more than 15% of the design;
- Subcontractor responsible for performing more than 20% of the construction; or
- Participation of an Affiliate of any Person identified in another Submitter's team.

All Submitters affected by the conflict of interest may be disqualified, even if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described.

- 1.8.2 Firms serving solely as environmental coordinator or public involvement/community relations coordinator may be on multiple teams so long as those Submitters establish a protocol to ensure that the subcontractor will not act as a conduit of information between the Submitters.



- 1.8.3 The key management positions for the purposes of this RFQ are the Principal-in-Charge, the Design-Builder's Project Manager, the QC Manager, the Lead Engineer, and the Lead Architect.
- 1.8.4 It is a strong desire of the Department that the Submitter's organization, including Principal Participants and key management personnel identified in the SOQ, remain intact for the duration of the procurement process and the subsequent Project duration.
- 1.8.5 A Submitter may propose substitutions for participants after the SOQ submittal in the event of unforeseeable situations. Such changes will require written approval by the Department. Approval may be granted or withheld in the Department's sole discretion. Requests for changes must be made in writing no later than 30 working days prior to the due date for submittal of the RFP Proposals, or as soon as the Submitter becomes aware of a need for change. Requests for changes in any of the Principal Participants, the Lead Engineer, the Lead Architect, or key personnel will be thoroughly scrutinized.

1.9 INELIGIBLE FIRMS

The Submitter is responsible to disclose all potential organizational conflicts of interest in its SOQ. A potential organizational conflict of interest occurs when consultants and/or subcontractors assisted the Department in the preparations of this RFQ or the RFP document. Said firms will not be allowed to participate as a Submitter or a member of a Submitter or Proposer Team in response to this RFQ/RFP. However, the Department may determine that there is not an organizational conflict of interest for a consultant or subcontractor under the following circumstances:

- 1.9.1 Where the role of the consultant or subcontractor was limited to provision of preliminary design, reports, or similar "low level" documents that will be incorporated into the RFP and did not include assistance in the development of the criteria at either the RFQ or RFP phase; or
- 1.9.2 Where all documents and reports that were delivered to the Department by the consultant or subcontractor are made available to all the Proposers through the RFQ or the RFP.
- 1.9.3 The RFP Proposers will be required to provide information concerning potential organizational conflicts of interest in its Proposal. The successful Proposer and its Principal Participants must disclose all relevant facts concerning any past, present, or currently planned interests that may present an organizational conflict of interest. The successful Proposer and its Principal Participants must state how their interests or those of their chief executives, directors, Key Personnel, or any proposed subcontractor may result, or could be viewed as, an organizational conflict of interest (see also [Section 1.8.1](#)).
- 1.9.4 The following firm cannot participate as a member of a Submitter or Proposer team, as they are assisting the Department with the RFQ, RFP, and related services:

Becker Morgan Group, Inc
- 1.9.5 Any firm that is rendered ineligible through any state or federal action is ineligible to participate with any Submitter or Proposer.

1.10 PROJECT SCHEDULE

All dates listed in this RFQ may be modified at the Department's discretion. Any date changes during this RFQ selection process will be posted on the Project Webpage, or incorporated in an addendum.

[Section 2.3](#) contains the procurement date and time schedule.



1.11 CURRENT STATUS

The following is a summary of the current status of the Department's activities on this Project pertaining to Submitters' areas of interest; this list is not intended to be all-inclusive:

1.11.1 Survey

A topographic survey has been completed and is available on the Reference Material Website.

1.11.2 Master Plan

A Master plan of the project has been developed based on the sample artist renderings shown on the Reference Material Website. An Exploratory Plan based on this Master Plan will be submitted in the near future to New Castle County Department of Land Use for approval.

1.11.3 Utilities

Proposers shall be responsible for identifying all aboveground and underground utilities.

1.11.4 Right-Of-Way

The parcel and Right of Way is owned by the state. There is a lessee on a portion of the property whose lease expires near the anticipated construction period. Additional information will be provided during the RFP phase.

1.11.5 Environmental

In accordance with the procedural provisions for implementing the National Environmental Policy Act of 1969 (NEPA), as amended, the Department is currently working with federal and state authorities to obtain NEPA environmental approval for this project. It is anticipated NEPA approval and permitting will be in place prior to the RFP submission of Proposals.

1.11.6 Geotechnical Information

Some Soil Borings have been taken and results are provided on the Reference Material Web page.

1.11.7 Site Design and Construction

Site design and construction criteria will be provided in the RFP Scope of Services Package. Design and construction of the project's site work will follow DeIDOT requirements which can be found under 'Manuals' at the following link: http://www.deldot.gov/information/pubs_forms/.

1.11.8 Building Design and Construction

The building design and construction criteria will be provided in the RFP Scope of Services Package. Building design and construction shall generally follow the Office of Management and Budget, Division of Facilities Management requirements, with the following exceptions;

- Annual Prequalification or Supplemental Prequalification;
- Selection of Professional Services, Contractors, and Sub Contractors.

The RFP document will prevail in the event of a conflict regarding requirements. The Office of Management and Budget, Division of Facilities Management requirements can be found at the following links: <http://dfm.delaware.gov/profsrv/psae.shtml>
http://dfm.delaware.gov/profsrv/documents/proj_design_review_sched.pdf

1.12 DESIGN-BUILDER RESPONSIBILITIES

The successful Design-Builder shall be responsible for furnishing all labor, material, plant, equipment, services, expense, and support facilities for the following; this list is not intended to be all-inclusive:



- 1.12.1 Design and construction;
- 1.12.2 Design and construction management;
- 1.12.3 Associated aesthetics and landscaping;
- 1.12.4 Project-related Public Outreach, in coordination with the Department's Public Relations Section;
- 1.12.5 Coordination with Project stakeholders and other contractors adjacent to the Work;
- 1.12.6 Environmental investigations, mitigation, and compliance monitoring associated with or resulting from the Design-Builder's actions;
- 1.12.7 Maintenance of traffic, access to property (both temporary and permanent);
- 1.12.8 Project safety and security;
- 1.12.9 The Design-Builder shall be responsible for completing any; surveys, geotechnical investigations, identifying underground utilities, and soil borings beyond that provided in the RFQ or RFP.
- 1.12.10 All harmful and hazardous material remediation created by the design-builder or identified in the RFP Scope of Services Package (design and construction);
- 1.12.11 Drainage and erosion control;
- 1.12.12 Construction waste recycling, disposal, and handling;
- 1.12.13 Required clearances, licenses, construction easements, and permits for the Design-Builder's Work, Work sites, and storage areas on- or off-site;
- 1.12.14 All modifications to existing permits previously obtained by the Department and/or as a result of the Design-Builder's design, actions, or construction scheduling; including expenses and any modifications to the County Master Plan or Exploratory Plan. Proposers may propose any concepts, but are responsible for acquiring plan approval by the County as well as any additional costs, and/or delay.
- 1.12.15 All ancillary Work, such as, access roads, driveways, temporary fencing, relocation of drainage, Work sites, and temporary Work;
- 1.12.16 Location, acquisition, permits, and transportation for Material;
- 1.12.17 Coordination of the relocation of any utilities and municipal drainage facilities and the design and relocation of any utilities as designated in the Scope of Services Package;
- 1.12.18 Site clearing and restoration;
- 1.12.19 Building commissioning;



- 1.12.20 Maintenance of the Project during the Contract period; and
- 1.12.21 All other activities, functions, or elements necessary for the successful completion and subsequent approval of the Project by the Department.

1.13 INSURANCE, BONDING, LICENSING, AND SECURITIES

One or more of the Principal Participants of the Single Legal Entity with which the Department will contract for services must be licensed, as appropriate, with the following; Delaware Association of Professional Engineers, the Division of Professional Regulation Board of Professional Land Surveyors, Delaware Board of Architects, and the Delaware Division of Revenue, prior to the award of any contract.

The selected Design-Builder shall provide specified insurance, including, but not necessarily limited to, professional liability insurance covering design as well as commercial general liability, property (including builder's risk), umbrella/excess liability, environmental liability, public liability, automobile liability, owner's protective liability, employer's liability, and workers' compensation. The Design-Builder may use multiple insurance providers to provide the various types of insurance identified in the RFP; however, the Design-Builder shall use one single insurance provider for each type of insurance (i.e., the Design-Builder may have one insurance provider for professional liability and a different insurance provider for commercial general liability, but the Design-Builder may not have two different insurance providers for professional liability insurance). The types of insurance, insurance limits, and named insured will be commensurate with this Project and its level of risk. Details of the insurance requirements will be provided in the RFP.

There is no bonding requirement for the RFQ Statement of Qualifications. Submitters selected for the Short-List submitting a Proposal shall provide Proposal bonds or other forms of security acceptable to the Department in the amount shown on [Table 3.6](#). The Design-Builder will be required to provide performance and payment bonds and/or other security acceptable to the Department, each in the amount of 100% of the Contract amount.

Prior to award of any contract, all participating Team Members of the selected Design-Builder must obtain all licenses and permits and take all necessary steps to conduct business in the State of Delaware and perform the Work required under the Contract, including proposing and carrying out contracts consistent with the laws of the State of Delaware.

The selected Design-Builder may be required to provide a number of other commitments including the following, where applicable:

- 1.13.1 Parent company and other guaranties;
- 1.13.2 Statements of joint and several liability by Principal Participants (see [Section 3.6.1.5](#));
- 1.13.3 Parent company securities; and
- 1.13.4 Warranties.

1.14 COSTS

Submitters are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, and if Short-Listed, responding to the resulting RFP.



1.15 PAYMENT AND LIQUIDATED AND/OR GENERAL DAMAGES

The Contract will provide for periodic payments to the Design-Builder. The Design-Builder should be familiar with Title 17 Chapter 8 of the Delaware Code for information regarding payments.

The Contract will provide for Liquidated Damages (LD) relating to failure to meet specified completion or milestone dates. The amount of LD's will be specified in the RFP.

1.16 ROLE OF THE DEPARTMENT

In the context of the Project, the Department is responsible to provide:

- 1.16.1 Appropriate environmental clearances and permits, except those specifically assigned to the Design-Builder;
- 1.16.2 Overall Project administration;
- 1.16.3 Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Short-List, and selection of the Design-Builder;
- 1.16.4 Contract procurement and administration;
- 1.16.5 A Quality Assurance program, including; verification of sampling and testing, and Design-Builder's Quality Control system;
- 1.16.6 Approval and acceptance of Work; and
- 1.16.7 Processing payments for Work.
- 1.16.8 At the Department's sole discretion, it may delegate certain activities to its consultants, but the Department will remain responsible for this Contract.

1.17 ADDENDA

If necessary, the Department will post Addenda to modify conditions or requirements of this RFQ to the Project's solicitation Webpage at www.bids.delaware.gov not later than the date identified in [Section 2.3](#).

It is the responsibility of the Submitter to check the Webpage often for addendums and other information concerning this solicitation.

1.18 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Submitter will be notified via e-mail whether or not it has been selected for the Short-List. Notifications may be expected not later than the date specified in [Section 2.3](#).

1.19 PROPOSAL STIPEND

The Department will not provide stipends for this project.

(Section 2.0 follows on next page)



2.0 PROCUREMENT PROCESS

The process for procurement of the Contract will be in accordance with 75 Del.Laws, c. 353, Section 106, as amended by 76 Delaware Laws, chapter 79, Section 120. The intent of the Department is to award the Contract to the Proposer that provides the Proposal with the best combination of price and quality. The procurement process will include two phases; Request For Qualifications; and Request For Proposals.

Evaluation of the SOQs and Proposals will be based on information submitted in the SOQs and Proposals or otherwise available to the Department.

Pass/fail and technical evaluation factors may be present in both the RFQ and RFP phases.

The selection of the Design-Builder for the Contract will be based on both pass/fail evaluation factors and a combined evaluation of technical factors and price.

2.1 REQUEST FOR QUALIFICATIONS PHASE

Statements of Qualifications submitted in response to this RFQ must include a response to each pass/fail and technical evaluation factor. The selected Short-List of Submitters that will be invited to submit Proposals will be determined based on evaluation of the pass/fail and technical factors set forth herein. This RFQ sets forth what is required during the RFQ phase of the procurement (see [Section 3.0](#) for SOQ submittal requirements).

At the end of the SOQ evaluations, the Department will determine the Short-List. Only Proposers on the Short-List will then be invited to provide Proposals.

2.1.1 Request For Qualifications

Statements of Qualifications will be accepted from Submitters intending to provide all services required for this project as outlined in this Request for Qualifications. Only Submitters with demonstrated ability to complete this Project in its entirety will be eligible for selection to the short-list. Responses from individual engineering, construction, or consultant firms not offering to provide all required services will not be eligible for selection to the short-list. It is anticipated interested firms will join together and create a team to become a Submitter.

Requirements for the Request For Qualifications submittals are addressed in [Section 3.0](#).

2.2 REQUEST FOR PROPOSALS PHASE

Qualified Submitters must submit Statements of Qualifications in response to this request. The Department will review all submissions and select a short-list consisting of no more than three (3) Submissions. The short-listed entities, referred to as Proposers, become the only entities that may respond to the second phase; Request for Proposals. Following the requirements to be defined in the Request for Proposals, the Department will select the successful Design-Builder.

2.2.1 Request For Proposals Phase

For the next phase of the selection, the RFP will provide further specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation, and the evaluation rating and scoring guidelines for the RFP phase of the procurement.

2.2.2 Pass/Fail Evaluation Factors for the Request For Proposals may include, but not be limited to, the following:

2.2.2.1 Legal (including compliance with state licensing requirements);

2.2.2.2 Financial; and

2.2.2.3 Responsiveness of Proposal.



- 2.2.2.4 Technical (these factors may also include sub factors);
 - 2.2.2.4.1 Technical Solutions;
 - 2.2.2.4.2 Key Personnel and Experience; and
 - 2.2.2.4.3 Management Approach.
- 2.2.3 Price will be a factor in the selection of the Design-Builder. Details will be provided in the RFP.
- 2.2.4 Information requested to be submitted in the Proposals may include, but are not limited to;
 - 2.2.4.1 Legal documents demonstrating Proposer's ability to enter into a Contract with the Department;
 - 2.2.4.2 The Proposal Bond;
 - 2.2.4.3 Specified certificates and representations;
 - 2.2.4.4 A letter of commitment from sureties for payment and performance bonds;
 - 2.2.4.5 Technical solutions, including concepts for the following technical approaches:
 - 2.2.4.5.1 Building type, size, and location;
 - 2.2.4.5.2 Aesthetic features;
 - 2.2.4.5.3 Construction concepts;
 - 2.2.4.5.4 Sustainability and energy performance design and innovations;
 - 2.2.4.5.5 Summary schedule with major milestones and a summary design and construction schedule and Maintenance; and
 - 2.2.4.5.6 Public Outreach Plan.
 - 2.2.4.5.7 Designed and built to achieve LEED Silver Certification
 - 2.2.4.6 Qualifications of nominated Key Personnel;
 - 2.2.4.7 Letters of commitment for nominated Key Personnel;
 - 2.2.4.8 Description of management approach, organization, quality, environmental compliance, regulatory compliance, and safety plan;
 - 2.2.4.9 Specified design documents and conceptual diagrams and sketches; and
 - 2.2.4.10 The Price Proposal.

While price is an important factor in the RFP phase of the procurement, technical evaluation factors (including schedule) are significant in determining the success of the Project. The Department will perform an assessment of the technical factors and, once combined with weighting of price and technical evaluation factors, select the Design-Builder as will be specified in the RFP.

(Section 2.3 follows on next page)



2.3 PROCUREMENT SCHEDULE

The following represents the anticipated schedule for the Project. The schedule is subject to change at the discretion of the Department.

Activity	Due Date
Issue Request For Qualifications	July 02, 2012
Project Informational Meeting	July 18, 2012 11:00 A.M.
Final Date for Receipt of RFQ Questions	July 27, 2012
Issue Draft Request For Proposals (estimate)	July 30, 2012
Issue Final RFQ Addendum by	August 06, 2012
Statement Of Qualifications Due Date / Time by	August 10, 2012 4:00 P.M.
Short-List Announced	August 24, 2012
Protest Deadline of SOQ	August 31, 2012
Issue Request For Proposals by	September 07, 2012
Concept Plan Submittal Due	September 28, 2012
Last Day for Technical Questions	October 15, 2012
Issue Final RFP Addendum by	October 22, 2012
Final Technical Proposal Due	November 13, 2012 4:00 P.M.
Final Cost Proposal Due Date	November 27, 2012 4:00 P.M.
Notice to Apparent Successful Proposer by	December 07, 2012
Protest Deadline of RFP	December 14, 2012
Submittal of DBE Subcontracts	December 17, 2012
Award by	December 21, 2012
Final Execution	January 14, 2013
Issue Notice-to-Proceed	February 18, 2013
Work begins on or about	March 04, 2013
Project Complete and Accepted by	May 01, 2014

3.0 STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS

This section describes the specific information that must be included in response to this RFQ. Required forms for the SOQ are contained in APPENDIX B. Any unauthorized modification to the forms may result in the SOQ being declared non-responsive.

Submitters should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the criteria described herein. Lengthy narratives containing extraneous information are discouraged.

All responses must be submitted as defined. E-mailed/electronic responses will not be accepted.



3.1 DATE AND TIME OF RECEIPT

All SOQ's must be received no later than the Local Time and Date specified in [Section 2.3](#). The SOQs must be clearly identified as such and be enclosed in sealed packages. It is the sole responsibility of the Submitter to deliver the SOQ prior to the designated time and to the designated location. Late submittals will not be considered and will be returned unopened to the address indicated on the cover of the package.

3.2 SUBMITTAL ADDRESS

The SOQs must be delivered to the following address:

Delaware Department of Transportation
Administration Building
Attention: Contract Administration
800 Bay Road, Dover, DE 19901

Each Submitter shall be responsible for obtaining written proof of delivery showing date, time, and location of delivery. *It is the Submitter's sole responsibility to ensure delivery of its SOQ to the Department at the time and place specified.*

3.3 PAGE LIMIT, FORMAT, AND QUANTITIES

The SOQ should be limited to no more than 80 pages in Sections 1 through 7, including required forms but exclusive of dividers. The sections shall consist of loose-leaf pages. The seven sections shall be placed together in one three-ring binder. One original and six copies of the SOQs shall be provided in loose-leaf binders. The signed original copy shall be identified as the original on the cover and marked as "Copy 1 of 7 Copies". Each copy shall be sequentially marked on the cover as "Copy # of 7 Copies." The document shall be organized to correspond with the criteria in Sections 3.5 and 3.6.

Text shall be in a standard font, a minimum of eleven points, single-spaced. Pages shall be 8 1/2 inch by 11 inch white paper with simple lettered/numbered dividers for each section. Single sided pages shall be used. The Submitter shall number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2; 3-1, 3-2, and so on). The Submitter shall center page numbers at the bottom of each page.

Submitters should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification. The information shall be easily reproducible by normal black and white photocopying machines.

Statements Of Qualifications will become the property of the Department. Copies of each SOQ will be retained after the SOQ evaluation process for the Project files.

3.4 CONFIDENTIALITY OF SUBMITTED DOCUMENTS

The Department will maintain a confidential process for the duration of this procurement. The Department may require each Submitter to furnish sufficient information that shall indicate the financial and other capacities of the Submitter to perform the proposed Work. This information shall be subject to audit and shall be submitted in a format clearly marked "confidential," and the information contained therein shall be treated as confidential and shall not be considered a "public record" as defined in 29 Del.C. Section 10002(g)(2).

Further, if the Submitter submits information in its SOQ that it wishes to protect from disclosure, the Submitter must do the following:

- Clearly mark all proprietary or trade secret information as such in its SOQ at the time the SOQ is submitted and include a cover sheet stating "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION" and identifying each section and page which has been so marked;



- Include a statement with its SOQ justifying the Submitter's determination that certain records are proprietary or trade secret information according to Delaware's Freedom of Information Act for each record so defined; (<http://regulations.delaware.gov/AdminCode/title2/2000/2100/2101.shtml>)
- Submit one additional hardcopy, and a copy on electronic CD, of the SOQ that has all the proprietary or trade secret information redacted from the SOQ and label such copy of the SOQ "Public Copy", and;
- Defend any action seeking release of the records it believes to be proprietary or trade secret information and indemnify, defend, and hold harmless the Department and the State of Delaware and its agents and employees from any judgments awarded against the Department and its agents and employees in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the Department's cancellation or termination of this procurement or award and subsequent execution of a Contract. In submitting an SOQ, the Submitter agrees that this indemnification survives as long as the confidential business information is in possession of the State.

All records pertaining to this procurement will become public information after execution of the Contract, unless such records are proprietary or trade secret information. Any records marked as proprietary or trade secret information by a Submitter in its SOQ and, if short-listed, in its Proposal, will be returned to the unsuccessful Submitters after the execution of the Contract with the Design-Builder. The records marked proprietary or trade secret information by the successful Submitter in its SOQ and Proposal will remain confidential and will be returned to the Design-Builder upon completion and final acceptance of its Work under the Contract.

3.5 COVER LETTER

The Submitter shall provide a one-page cover letter indicating its desire to be considered for the Project and stating the names and roles of all Principal Participants and the Lead Engineer, the Lead Architect, and subcontractors performing 15% or more of the design or construction. The Submitter shall identify a single point of contact for the Submitter and the address, telephone and facsimile numbers where notifications and/or inquiries should be directed during the RFQ process. Authorized representatives of the Submitter's organization shall sign the letter. If the Submitter is not yet a legal entity or is a JV, LLC, or general partnership, authorized representatives of all proposed Principal Participants shall sign the letter. This cover letter shall serve as the Letter Of Interest.

The Submitter shall complete and attach **FORM A - ADDENDA ACKNOWLEDGMENT** acknowledging receipt of the RFQ and all addenda issued by the Department.

3.6 CRITERIA

In providing the SOQ, Submitters should be guided by the Project goals in [Section 1.3](#) and the objectives stated for each criteria to provide Submitters the expectations of the Department. The requirements for each criteria and the information to be submitted are listed and described below in detail. The SOQ evaluation will be based on how well the SOQ responds to the requirements and meets or exceeds the Project goals and the objectives of each criterion.

3.6.1 Legal

The objective is to identify legally constituted Submitters able to submit Proposals and enter into the Contract and complete the Work, and that has obtained or will obtain all required licenses and certificates.

The following information is to be submitted and labeled as **Section 1 – Legal**:



- 3.6.1.1 **FORM B** - *SUBMITTER'S ORGANIZATION INFORMATION*; one form for the Submitter's Design-Build Team organization identifying the Lead Principal Participant(s), and the percent equity share held. Each member of a JV, LLC, or partnership must be an equity partner in the organization
- 3.6.1.2 **FORM C** - *PRINCIPAL PARTICIPANT AND DESIGN CERTIFICATION*; include a separate form for each Principal Participant, the Lead Engineer, and the Lead Architect;
- 3.6.1.3 Certification that the Submitter and its Principal Participants, if Submitter is a JV, LLC, or partnership, are or will become registered in accordance with the following:
 - “A person desiring to engage in business in this State as a contractor shall obtain a license upon making application to the Division of Revenue. Proof of said license compliance to be made prior to, or in conjunction with, the execution of a contract to which he has been named.”If the Submitter is a JV, LLC, or partnership which has not yet been legally formed, the Submitter's registration with the Delaware Secretary of State is nonetheless required as stated above;
- 3.6.1.4 Certification that one or more Principal Participants of the Submitter, appropriate member of the Submitter's team, or the Submitter itself will be licensed as required by applicable federal and state laws, rules, and regulations including, but not limited to the Delaware Code. Evidence of proper licensing shall be required to be provided prior to execution of the Contract, including but not limited to, the appropriate licenses from; the Delaware Association of Professional Engineers; the Division of Professional Regulation Board of Architects; the Division of Professional Regulation Board of Professional Land Surveyors; and the Delaware Division of Revenue; and
- 3.6.1.5 If a Joint Venture, Limited Liability Company, or partnership; include an express statement from each of the Principal Participants as to their joint and several liability; and
- 3.6.1.6 Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign for that Principal Participant; and
- 3.6.1.7 Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Submitter's designated point of contact to sign documents for and on behalf of the Submitter's organization; and
- 3.6.1.8 If a JV, LLC, or partnership, provide full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the JV agreement, LLC operating agreement, or partnership agreement or, if said documents have not yet been executed among the parties, a draft of such JV agreement, LLC operating agreement, or partnership agreement or a Memorandum Of Understanding (MOU) stating the terms of such JV agreement, LLC operating agreement, or partnership agreement.

3.6.2 Financial

The objective is to identify Submitters with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding.

The following information is to be submitted and labeled as **Section 2 – Financial**:

3.6.2.1 Surety Letter

The Submitter shall submit a letter from a single surety or co-sureties indicating that the Submitter is capable of obtaining Proposal, performance, and payment bonds covering the Contract. The bonding/security capacity levels in Table 3.6 represent minimum



levels necessary to pass the pass/fail criteria. Surety bonds written for the Project shall be written by a surety or insurance company that is licensed to do business in the state of Delaware. The letter must specifically state that the surety/insurance company has evaluated the Submitter's and each Principal Participant's backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the Submitter's and each Principal Participant's amount of current backlog and utilized bonding capacity. If the letter is submitted by co-sureties or a joint venture of sureties, the letter must clearly state that the sureties making up the co-surety or the joint venture are bound in solido for the full amount of the bond. Letters indicating "unlimited" bonding/security capability are not acceptable.

Table 3.6		
Proposal Bond/Security	Payment Bond/Security	Performance Bond/Security
Ten Percent of Proposal Amount	100% of Contract Amount	100% of Contract Amount

3.6.2.2 Financial Statements

The Submitter shall provide financial statements for the Submitter and Principal Participants as described below, for the three most recent Fiscal Years, audited by a Certified Public Accountant (CPA) in accordance with US Generally Accepted Accounting Principles (GAAP). Financial statements must be provided in US dollars. If audited financials are not available, the SOQ shall include unaudited financials for such member, certified as true, correct, and accurate by the Chief Financial Officer (CFO) or treasurer of the entity. The Submitters are advised that if any equity member of the selected Design-Builder does not have audited financials, or if it fails to meet the minimum financial requirements stated in the RFP, the Department will require a guaranty of the Contract to be provided by a separate entity acceptable to the Department. The SOQ shall identify the proposed guarantor for each equity member that does not have audited financials and shall include audited financials for each proposed guarantor.

If the Submitter, a Principal Participant, or any other entity for which financial information is submitted as required hereby files reports with the Securities and Exchange Commission (SEC), then such financial statements should be provided through a copy of their annual report on Form 10K. For all subsequent quarters, the Submitter, Principal Participant, or other entity for which financial information is submitted shall provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed 10K.

3.6.2.2.1 The following are the required financial statements:

- Opinion letter (auditor's report);
- Balance sheet;
- Income statement;
- Statement of changes in cash flow;
- Footnotes;
- Information on any proposed or anticipated changes in the financial condition of the Submitter, its team members, and any other entity for which financial information is submitted as required hereby for the next reporting period;



- If financial statements are prepared in accordance with principles other than US GAAP, a letter from the CPA of the applicable entity discussing the areas of the financial statements that would be affected by a conversion to US GAAP; and
- A letter from the CPA for each entity for which financial information is submitted, identifying all off balance sheet liabilities.

3.6.2.3 The Submitter shall package the information separately for each separate entity with a cover sheet identifying the name of the organization and its role in the Submitter's organization. The information required in this section shall not count toward the page limit identified in [Section 3.3](#).

3.6.3 Organization and Key Managers

The objective is to identify Submitters that will effectively manage all aspects of the Contract in a quality, timely, and effective manner; integrate the different parts of its organization collectively, and with the Department, in a cohesive and seamless manner; and to identify the best personnel for key management positions with demonstrated experience and expertise in, and record of, producing quality work on projects of a similar nature to this Project.

The Department has identified the following recommended qualifications for the stated positions:

Principal-in-Charge: Should have a minimum of 20 years experience in construction projects including road and building projects and site development that include work on projects with similar scope, nature, and complexity as this project. The Principal-in-Charge shall have served in a similar role on a minimum of one prior design-build project of similar scope, nature, and complexity as this project.

Design-Builder's Project Manager: Should have a minimum of 10 years experience in management of construction projects including road and building projects and site development, with demonstrated experience on the design and construction of buildings that included work of a similar scope, nature, and complexity as this project. The Design-Builder's Project Manager shall have served in a similar role on a minimum of one prior design-build project. The Design-Builder's Project Manager shall be the Design-Builder's representative and single point of contact.

Lead Architect: The Lead Architect shall be a registered Professional Architect in the State of Delaware with a minimum of 15 years architectural design which includes public buildings and properties.

Lead Engineer: The Lead Engineer (Design Manager) shall be a registered professional engineer in the State of Delaware and shall have a minimum of 15 years experience in highway and site design and construction. The Lead Engineer shall be responsible for coordinating other design disciplines, including, but not limited to architectural, electrical engineering, structural engineering, and landscape design. The Lead-Engineer shall have served in a similar role in a project of similar scope, nature, and complexity as this project.

Quality Control Manager: The Quality Control Manager's responsibilities include, but are not limited to, creation and execution of the Submitter's quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including public information, environmental compliance and labor compliance. The Quality Manager shall report directly to the Submitter's executive management team. The Quality manager will also be required to work in conjunction with the Department's Quality Assurance and Quality Control representative during the life of the project. The Quality Manager should have at least ten years of recent experience developing, implementing, and overseeing quality programs.



The following information is to be submitted and labeled as **Section 3 – Organization:**

3.6.3.1 Organization and communication structure among the Submitter, its Principal Participants, its Lead Architect, and its Lead Engineer; and

3.6.3.2 Resumes of key managers; Principal-in-Charge, the Submitter's Project Manager, the QC Manager, the Lead Engineer, and the Lead Architect.

3.6.4 Submitter Experience

The objective is to identify;

- the best design and construction firms available with demonstrated experience, expertise, capacity, and record of producing quality Work on projects similar in nature to this Project.
- Submitters which have the following attributes:
 - Experience in successfully managing, designing, and constructing projects of the size and complexity of this Project;
 - A superior record of completing contracts on time and within budget;
 - A superior record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration; and
 - Excellent safety records.
- Submitters that have the technical and management experience and expertise to plan, organize, and execute the design and construction and assure the quality and safety of the Project.

The following information is to be submitted and labeled as **Section 4 – Submitter Experience:**

3.6.4.1 Using **FORM D - PAST PROJECT DESCRIPTION**; the Submitter shall provide a minimum of two and no more than ten descriptions of past projects for each Principal Participant, Lead Architect, Lead Engineer, and subcontractors performing 15% or more of the design or construction, highlighting experience in the last five years relevant to the Project. The Submitter shall describe those projects having a scope comparable to that anticipated for the Project.

3.6.4.2 Using **FORM E - SUBCONTRACTOR INFORMATION**, except for the designated Lead Architect and Lead Engineer (which have already been included in Forms B and D, the Submitter shall identify subcontractors (including consultants) the Submitter plans to use, to the extent they are known, indicating what portion of the Work such subcontractor is anticipated to undertake. The Submitter shall submit a maximum one-page summary of experience for each listed subcontractor, including consultants.

3.6.4.3 Company brochures may be included at the end of this section, and will not count towards the page limit.

3.6.5 Past Performance

The objective is to avoid Submitters with firms or personnel with a history of legal and financial problems that could adversely impact the Project generally; and to obtain the commitment of the Submitter, Principal Participants, Lead Engineer, and Lead Architect regarding representations made in the SOQ.

The following information is to be submitted and labeled as **Section 5 – Past Performance:**

Complete and submit **FORM F - PAST PERFORMANCE** as identified in the following sub sections. If the Submitter has no record of relevant past performance or if the information relative to a category is not available the Submitter shall enter a declarative statement to that effect on Form F. If the record of relevant past performance does not exist and/or is not available, the Submitter shall receive a technical rating of acceptable- for this factor. The Submitter shall



attach additional sheets to Form F as necessary. For each instance of litigation, claim, dispute proceeding, arbitration, assessment of Liquidated Damages, or termination for cause or default, the Submitter shall provide the owner's name and the name of its current representative (and current telephone and facsimile numbers) who can be contacted for additional information.

With respect to the information solicited in this section, failure to provide this information, conditional or qualified submissions to requests or questions posed (i.e., "to our knowledge," "to the extent of available information," "such information is not readily available," or "such information is not maintained in the manner requested,"), incomplete or inaccurate submissions, or non-responsive submissions may, in the sole discretion of the Department, lead to a lower evaluation rating for this technical evaluation factor or result in a Deficiency that would cause the Department to declare the SOQ non-responsive.

3.6.5.1 Awards, Citations and/or Commendations

The Submitter shall list awards, citations, and/or commendations for performance on projects of a similar nature to this Project received by any Principal Participant, Lead Engineer, Lead Architect, or subcontractors performing 15% or more of the design or construction, within the last five years. The Submitter shall describe the work for which award(s), citation(s), and/or commendation(s) were received. Copies of award(s), citation(s), and/or commendation(s) may be included and will not count towards the page limit; and

3.6.5.2 Claims, Dispute Proceedings, Litigation, and Arbitration Proceedings

The Submitter shall provide a complete list of all claims, dispute proceedings, litigation, and arbitration proceedings related to performance in which any Principal Participant, Lead Engineer, Lead Architect, or subcontractors performing 15% or more of the design or construction, has been involved on all design-build contracts within the last ten years. The Submitter shall include all claims, dispute proceedings, litigation, and arbitration proceedings initiated by owners and federal, state, and local regulatory agencies against the Submitter or all claims, dispute proceedings, litigation, and arbitration proceedings initiated against owners and federal, state, and local regulatory agencies by third parties and in which the Submitter was involved. The Submitter shall indicate whether the claim, dispute proceeding, litigation, or arbitration proceeding was resolved against the participant(s) or its insurers/sureties or resulted in reduction in compensation to the participant. The Submitter shall indicate any unresolved, outstanding claims, dispute proceedings, litigation, and arbitration proceedings; and

3.6.5.3 Liquidated Damages

The Submitter shall describe any contract which resulted in assessment of Liquidated Damages against any Principal Participant over the past five years. The Submitter shall describe the causes of the delays and the amounts assessed. The Submitter shall describe any outstanding damage claims by or damages due and owing to any owner/agency; and

3.6.5.4 Termination for Cause or Default

The Submitter shall describe the conditions surrounding any contract (or portion thereof) entered into by any Principal Participant, Lead Engineer, Lead Architect, or subcontractors performing 15% or more of the design or construction, over the past ten years that has been terminated for cause or default or which required completion by another party. The Submitter shall describe the reasons for termination and the amounts involved; and

3.6.5.5 Disciplinary Action

The Submitter shall indicate any disciplinary action taken against any Principal Participant, Lead Engineer, Lead Architect, or subcontractors performing 15% or more of



the design or construction within the past ten years, by any governmental agency or licensing board, including suspension from the right to propose/bid or removal from any Submitter/bid list; and

3.6.5.6 Safety

Submit **FORM G - SAFETY QUESTIONNAIRE**, for each Principal Participant and construction subcontractor performing 15% or more of the construction.

3.6.6 Backlog/Capacity

The objective is to identify Submitters with sufficient capacity considering current, committed, and potential workload and past level of contract activity to successfully complete the design and construction of the Project.

The following information is to be submitted and labeled as **Section 6 – Backlog/Capacity**:

3.6.6.1 The Submitter shall submit **FORM H - BACKLOG INFORMATION**, for each Principal Participant, Lead Engineer, Lead Architect, and subcontractors performing 15% or more of the design or construction. The Submitter shall limit backlog information to the office(s)/division(s) of the firms that will be performing Work on the Project; and

3.6.6.2 The Submitter shall submit **FORM I - PAST REVENUE**, for each Principal Participant, Lead Engineer, Lead Architect, and subcontractors performing 15% or more of the design or construction. The Submitter shall limit revenue information to the office(s)/division(s) of the firms that will be performing Work on the Project.

3.6.7 Project Understanding

- The objective is to identify;
 - Submitters demonstrating an understanding of the management issues, technical issues, and risks associated with the Project; and
 - Submitters demonstrating an understanding of how the Design-Build process and the Submitter's organization will contribute to the success of the Project and meet the Department's Project goals; and
 - Submitters which understand the risk sharing and the teaming relationship between the Design-Builder and the Department.

The following information is to be submitted and labeled **Section 7 – Project Understanding**:

3.6.7.1 The Submitter shall list and briefly describe the significant issues and risks facing the selected Submitter and/or the Department; and

3.6.7.2 The Submitter shall briefly describe how the Submitter will use its organization and the Design-Build process to ensure a successful Project considering the Department's Project goals listed in [Section 1.3](#).

4.0 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS

4.1 EVALUATION OBJECTIVES

The objective of the RFQ phase of the procurement is to create a Short-List of no more than three of the highest rated Submitters with the general capability (technical, financial, and management), capacity, and experience necessary to successfully undertake and complete the Work. The Design-Builder will have primary responsibility to plan, design, manage, and control the Project and to complete the Project on or ahead of schedule. The Department has set high responsibility standards for the Design-Builder reflected in the technical evaluation factors of this RFQ, and will be further reflected in the RFP and the Contract.



4.2 REVIEW AND EVALUATION

Information submitted in accordance with [Section 3.0](#) will be evaluated in accordance with both the pass/fail evaluation factors listed in Section 4.3.1, and the technical evaluation factors in Section 4.3.2.

4.3 EVALUATION FACTORS

This section outlines the evaluation factors for the RFQ phase of the procurement.

The Department has identified for this Project the following evaluation factors that are of particular importance to the Department. This information is provided here to assist Submitters in organizing their teams and preparing their SOQs.

If a Submitter passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for technical rating in Section 4.3.2. If a Submitter fails any single pass/fail requirement resulting in a Deficiency, the SOQ shall be rated as unacceptable, the technical factors will not be rated, and the Submitter will not be included on the Short-List.

4.3.1 The Pass/Fail Evaluation Factors and criteria are as follows:

4.3.1.1 Legal

The Submitter has presented evidence showing its organization has the legal ability to enter into and perform the Contract to design and build the Project, and will comply with state licensing requirements. This includes;

- Proper identification of all Principal Participants;
- Demonstrated capability to enter into a contractual relationship with the Department and a declaration of willingness to do so;
- Proper licensure of all participating firms.

4.3.1.2 Financial

The Submitter has demonstrated an ability to provide required bonds and meet other financial requirements of undertaking and completing the Work.

4.3.1.3 Proposal Responsiveness

Proper submittal of the required information per the requirements of this Request For Qualification, and in the specified format.

4.3.2 The Technical Evaluation Factors are as follows:

4.3.2.1 Organization and Key Managers

4.3.2.1.1 The basic organization of the Submitter, including identification of the Principal-in-Charge, the Design-Builder's Project Manager, Lead Engineer, Lead Architect, and other major subcontractors identifiable at the SOQ due date; and

4.3.2.1.2 The experience of the key managers identified relative to the size, complexity, and composition of their role in this Project.

4.3.2.2 Experience of the Firms

4.3.2.2.1 Demonstrated experience relevant to the size, complexity, and composition for the design and construction components of the anticipated role in this Project, its Principal Participants, the Lead Engineer, the Lead Architect, and other subcontractors;

4.3.2.2.2 Identification of each Principal Participant, the Lead Engineer, the Lead Architect, and other consultants and subcontractors;



4.3.2.2.3 The proposed organization for the Project, including the split among Principal Participants; and

4.3.4.2.4 Disclosure of major subcontractors.

4.3.2.3 Past Performance

The Submitter's complete demonstrated record of performance, including the following:

4.3.2.3.1 Completion schedules;

4.3.2.3.2 Quality of work product;

4.3.2.3.3 Completion within budget;

4.3.2.3.4 Claims history (including number of claims submitted that were ultimately disallowed or significantly reduced, number of disputes submitted to formal dispute resolution and disposition of such actions, and all claims brought against the firm under the False Claims Act);

4.3.2.3.5 Record of terminations for cause and default;

4.3.2.3.6 All disciplinary action, including suspension and/or debarment;

4.3.2.3.7 Safety record;

4.3.2.3.8 Client references; and

4.3.2.3.9 Awards, citations, and commendations;

4.3.2.4 Backlog/Capacity

The Submitter's current workload and/or future commitments of the Submitter, its Principal Participants, the Lead Engineer, the Lead Architect, and other subcontractors, including projects presently being proposed that may impact the team during the life of this Project.

4.3.2.5 Project Understanding

4.3.2.5.1 The Submitter's knowledge and understanding of specific Project issues and risks and the issues, benefits, and responsibilities associated with Design-Build contracts; and

4.3.2.5.2 An explanation of how the Submitter will ensure success of the Work and this Project.

4.3.3 The technical evaluation factors of Organization and Key Managers, Experience of the Firms, and Past Performance are of equal importance and are more important than the technical evaluation factors of Backlog/Capacity and Project Understanding, which are of equal importance to each other.

The ratings assigned to the technical evaluation factors will be compiled to determine an overall technical rating for the SOQ. The ratings of each of the technical evaluation factors and the overall technical rating for the SOQ will be arrived at through a consensus process. Numerical scores will not be assigned.

4.3.4 Ratings for each technical evaluation factor and the overall technical rating for the SOQ will be based on the following rating criteria:

EXCEPTIONAL: The Submitter has provided information relative to its qualifications which is considered to significantly exceed stated objectives/requirements in a beneficial way and indicates a consistently outstanding level of quality. There are essentially no Weaknesses.

GOOD: The Submitter has presented information relative to its qualifications which is considered to exceed stated objectives/requirements and offers a generally better than acceptable quality. Weaknesses, if any, are very minor and no correction is necessary.



ACCEPTABLE: The Submitter has presented information relative to its qualifications which is considered to meet the stated objectives/requirements and has an acceptable level of quality. Weaknesses are minor and can be readily corrected.

UNACCEPTABLE: The Submitter has presented information relative to its qualifications that contains significant Weaknesses and/or Deficiencies and/or unacceptable quality. The SOQ fails to meet the stated objectives and/or requirements and/or lacks essential information and is conflicting and/or unproductive. Weaknesses/Deficiencies are so major and/or extensive that a major revision to the SOQ would be necessary and/or are not correctable.

The evaluators may also use a plus (+) or minus (-) suffix to further differentiate the strengths or limitations within a technical rating.

- 4.3.5 Any SOQ that receives a consensus rating of unacceptable in one or more technical evaluation factors shall receive an overall SOQ technical rating of unacceptable and shall not be included on the Short-List.

4.4 REQUESTS FOR CLARIFICATION

The Submitter shall provide accurate and complete information to the Department. If information is not complete, the Department may, at its discretion, notify the Submitter that it will not be allowed to participate further in the procurement of this Project until all information required is provided.

The Department may waive technical irregularities in the form of the SOQ of the Submitter that do not alter the quality or quantity of the information provided.

The Department may, at its sole discretion, request Clarifications and/or supplemental information from Submitters during the SOQ evaluation and Short-List process; however, the Department is not obligated to do so. Any insufficient statements or incomplete affidavits may be returned to the Submitter by the Department with notations of the insufficiencies or omissions and with a request for Clarifications and/or submittal of corrected, supplemental, or missing documents. If a response is not provided prior to the deadline given for submission of the response, the SOQ may be declared non-responsive.

All requests and responses shall be in writing by certified mail, courier, E-mail, or facsimile. Responses are limited to answering only the specific information requested by the Department.

The Department does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the Department elects to conduct interviews, it may interview only those Submitters that are likely to be considered for the Short-List.

In the event a material error is discovered in the RFQ during the SOQ evaluation process, the Department will issue an Addendum to all Submitters that have submitted SOQs requesting revised SOQs based upon the corrected RFQ.

4.5 DETERMINATION OF THE SHORT-LIST

The Department will establish a Short-List of up to three of the highest rated Submitters in order to ensure adequate competition. The Short-List will be created by eliminating the lowest rated Submitters until an appropriate number of acceptable Submitters remain. Neither the overall technical ratings nor the ranking of the Submitters on the Short-List will be disclosed to Submitters until the procurement process is complete and a contract is executed.

4.6 CHALLENGE

The decision of the Department on the Short-List and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section 5.0 of this



RFQ (for challenges to the Short-List) or as provided in the RFP (for the award of the Contract). Parties participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

Contents of SOQs, including non-proprietary information will remain confidential until final execution of the Contract. Proprietary information in the SOQs will remain confidential to the extent permitted under applicable Delaware state law.

5.0 PROTESTS

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. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitters. If a Submitter disregards, disputes, or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend, and hold the Department and its directors, officers, officials, employees, agents, representatives, and consultants harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of such Submitter's actions. The submission of an SOQ by a Submitter shall be deemed the Submitter's irrevocable and unconditional agreement with such indemnification obligation.

5.1 WRITTEN PROTESTS ONLY

All protests must be in writing. Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered.

The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided on the basis of the written protest by the Department's Director of Technology and Support Services or his/her designee (Director) whose decision shall be final and conclusive.

5.2 PROTEST PROCEDURE

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Department's Contract Services Administrator. 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.

5.2.1 Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the announcement of the Short-List. Notice of protest of the decision on Short-Listing must be filed within five calendar days after the announcement of Short-Listing.

5.2.2 Within seven calendar days of the notice of protest, the protesting Submitter must file with the Department's Contract Services Administrator, 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 to prove that the decision of the Department was arbitrary and capricious.

5.2.3 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 qualification process and decisions hereunder, other than any protest based on facts not reasonably ascertainable as of such date.



- 5.2.4 Other Submitters may file by hand delivery or courier to the Department's Contract Services Administrator, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. The Department will promptly forward copies of any such statements to the protesting Submitter.
- 5.2.5 Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director, 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 the Department. The Director will issue a written decision regarding the protest within 30 calendar days after the Department receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director will deliver the written decision to the protesting Submitter and copies to the other Submitters.
- 5.2.6 If a notice of protest regarding responsiveness is filed prior to release of the RFP, the Department may proceed with issuance of the RFP before the protest is withdrawn or decided, unless the Director determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the RFP. Such a determination shall be in writing and shall state the facts on which it is based.
- 5.2.7 If the Director concludes that the Submitter filing the protest has established a basis for protest, the Director will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications or taking other appropriate actions.

5.3 PROTEST CONTENTS

All Protests shall include the following information:

- The name and address of the Submitter;
- The Contract number;
- A detailed statement of the nature of the protest and the grounds on which the protest is made;
- All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury.
- The protestor must demonstrate or establish a clear violation of a specific law or regulation.
- The Protest Official will not be obligated to postpone the SOQ due date or Short-List announcement in order to allow a protestor an opportunity to correct a deficient protest or appeal unless otherwise required by law or regulation.

If the protest is denied, the protestor shall be liable for the Department's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by the Department as a consequence of the protest. If the protest is granted, the Department shall not be liable for payment of the protestor's costs.

6.0 DEPARTMENT OF TRANSPORTATION RIGHTS AND DISCLAIMERS

6.1 DEPARTMENT OF TRANSPORTATION RIGHTS

The Department may investigate the qualifications of any Submitter under consideration, may require confirmation of information furnished by a Submitter, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Department reserves the right, in its sole and absolute discretion, to any of the following:



- 6.1.1 Rejection of any or all Statements Of Qualifications;
- 6.1.2 Issuance of a new Request For Qualifications;
- 6.1.3 Cancellation, modification, or withdrawal of the Request For Qualifications;
- 6.1.4 Issuance of Addenda, supplements, and modifications to this Request For Qualifications;
- 6.1.5 Modification of the Request For Qualifications process (with appropriate notice to Submitters);
- 6.1.6 Appointment of the Primary Design-Build Evaluation Committee and evaluation teams to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation;
- 6.1.7 Approval or disapproval of the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- 6.1.8 Revision and modification, at any time before the SOQ due date, of the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the Department shall issue an Addendum by a posting on the Project solicitation Webpage, setting forth the changes to the evaluation criteria or methodology. The Department may extend the SOQ due date if such changes are deemed by the Department, in its sole discretion, to be material and substantive;
- 6.1.9 Correspondence with the Submitters responding to this SOQ, including holding meetings, to seek Clarifications and an improved understanding and evaluation of the SOQs;
- 6.1.10 Seeking or obtaining data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- 6.1.11 Waiver of Weaknesses, informalities, and minor irregularities in Statements Of Qualifications;
- 6.1.12 Disqualification of any team that changes its SOQ without Department written approval;
- 6.1.13 Waive the Request For Proposals phase of the procurement process and immediately enter into negotiations with a sole short-listed Submitter in the event the RFQ process results in only one (1) final Short-Listed Submitter; and/or,
- 6.1.14 Refusal to issue an RFQ to a prospective Submitter and to refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - 6.1.14.1 Failure on the part of the Submitter or a Principal Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Department (or the State of Delaware);
 - 6.1.14.2 Default on the part of the Submitter, a Principal Participant, Lead Engineer or Lead Architect under previous contracts with the Department (or the State of Delaware);
 - 6.1.14.3 Unsatisfactory performance by the Submitter, a Principal Participant, and/or a Lead Engineer or Lead Architect under previous contracts with the Department (or the State of Delaware);
 - 6.1.14.4 Issuance of a notice of debarment or suspension to the Submitter, a Principal Participant, and/or a Lead Engineer or Lead Architect;



- 6.1.14.5 Submittal by the Submitter of more than one SOQ for the same Work under the Submitter's own name or under a different name;
 - 6.1.14.6 Existence of an organizational conflict of interest under [Section 1.8.1](#) or evidence of collusion between a prospective Submitter (or any Principal Participant or Lead Engineer or Lead Architect) and other Submitter(s) (or Principal Participants or Lead Engineer or Lead Architect) in the preparation of an SOQ, proposal, or bid for any Department construction project; and/or
 - 6.1.14.7 Uncompleted work or default on a contract in any jurisdiction for which the prospective Submitter or a Principal Participant is responsible which, in the judgment of the Department, might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.
- 6.1.15 The RFQ does not commit the Department to enter into a Contract nor does it obligate the Department to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Submitter disclaims any right to be paid for such costs.
- 6.1.16 The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Delaware State Legislature for performance of a Contract between the successful Submitter and the Department.
- 6.1.17 In no event shall the Department be bound by or be liable for any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to the Department, has been executed and authorized by the Department and approved by all required parties and then only to the extent set forth therein.

6.2 DELAWARE DEPARTMENT OF TRANSPORTATION DISCLAIMERS

In issuing this RFQ and undertaking this contemplated procurement process, the Department specifically disclaims the following:

- 6.2.1 Any obligation to award or execute a Contract pursuant to this Request For Qualifications; and
- 6.2.2 Any obligation to reimburse a Submitter for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Submitter is specifically acknowledging these disclaimers.

7.0 GENERAL NOTICES

The following apply to the Project and will be incorporated, along with other requirements, in the RFP.

7.1 PREVAILING WAGES

Included in the RFP will be minimum wages to be paid various classes of laborers and mechanics as determined by the Department of Labor of the State of Delaware in accordance with Title 29 Del.C. §6960, relating to wages and the regulations implementing that section. Federal Davis-Bacon Labor Standard Provisions will also apply.

It is the Department's understanding that the Davis-Bacon Act is not a preemptive statute in the broad sense, and does not preempt or displace State of Delaware prevailing wage requirements. When a contract for a project contains both Federal Davis-Bacon and State of Delaware prevailing wage standards because of concurrent Federal and State coverage, the employer's minimum wage obligations are determined by whichever standards are higher.



7.2 DELAWARE CODE PROVISIONS

The following Delaware Code provisions, among others, will be incorporated in the RFP;

- 7.2.1 29 Del. C. §6962(d)(4)a. (anti-pollution, conservation environmental measures);
- 7.2.2 29 Del. C. §6962(d)(7) (equal employment opportunity assurances);
- 7.2.3 29 Del. C. §6962(d)(8) (performance bonding requirements);
- 7.2.4 17 Del. C. c.8 (construction payments held in trust for protection of subcontractors and suppliers).

7.3 RFP CONFIDENTIALITY

The Proposer may be given access to records that are confidential under state laws solely for the purpose of performing the required services under the Contract. The Proposer shall be required to sign a nondisclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents. All Proposers unwilling to comply with this requirement and/or found to violate the nondisclosure statement will be subject to disqualification at the Department's sole discretion

7.4 REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

[Form FHWA-1273 -- Revised May 1, 2012](#) is hereby incorporated in this RFQ. These Federal Highway Administration regulations are incorporated as part of this RFQ and will be incorporated in the RFP for this project. Submitters and all participating firms must comply with these requirements posted at: <http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>

PLEASE NOTE THESE REQUIREMENTS HAVE RECENTLY BEEN MODIFIED.

7.5 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM SPECIFICATION

The U.S. Department of Transportation (DOT) requires that the Delaware Department of Transportation continue the established Disadvantaged Business Enterprise (DBE) Program for participation in U.S. DOT programs and that the programs follow the final rules as stated in 49 CFR Part 26 and the Department's approved DBE Program plan. The Department will establish specific goals for each particular DOT-assisted project which will be expressed as a percentage of the total dollar amount of contract bid. DelDOT continues to reserve the right to approve DBE subcontractors and all substitutions of DBE subcontractors prior to award and during the time of the contract. Follow this link for additional information on the [DelDOT Disadvantaged Business Enterprise Program](#).

7.6 DBE PARTICIPATION GOAL

A DBE participation goal of **Seven percent (7%)** has been established for this Project. The Design-Builder is required to make good faith efforts to involve Department Certified DBE professional service and construction firms in the prosecution of the Work.

7.7 EQUAL EMPLOYMENT OPPORTUNITY

As a condition of this RFQ, the forthcoming RFP, and the resulting contract, Submitters and Proposers shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability, or marital status. Proposers shall take affirmative action to insure that all applicants are treated during employment without regard to their race, creed, color, sex, national origin, age, disability, or marital status. Such action includes, but is not limited to, the following: layoff or termination; rates of pay or other forms of compensation; employment, job assignment, upgrading, demotion, transfer recruitment/recruitment advertising and selection for training, including apprenticeship, pre-apprenticeship and/or on-the-job training.



7.8 DEPARTMENT POLICY

The Department does not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT) assisted contract or in the administration of 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this Project.

7.9 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ, the RFP, and the Contract, Submitters shall comply with all applicable laws in all aspects in connection with the procurement process of this Project and the performance of the Contract.

- end of document -

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

DESIGN-BUILD PROJECT

for

MID-COUNTY DMV FACILITY

State Contract T201259401
Federal Contract CMAQ-2012(01)

REQUEST FOR QUALIFICATIONS

APPENDIX A

ABBREVIATIONS AND DEFINITIONS



**APPENDIX A
ABBREVIATIONS AND DEFINITIONS**

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ABBREVIATIONS AND DEFINITIONS

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1.0 Definitions

"**Addenda/Addendum**" means supplemental additions, deletions, and modifications to the provisions of the RFQ after the Advertisement date of the RFQ.

"**Advertisement**" means a public announcement inviting prospective Submitters to attend a meeting to describe the Project and obtain an RFQ and submit an SOQ. The Advertisement includes a brief description of the Work proposed to be the subject of the procurement, where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters as the Department may deem advisable to include therein.

"**Affiliate**" means any of the following:

Person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:

- The Submitter; or
- Any other Principal Participant.

An Affiliate may also be any Person for which ten percent or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:

- The Submitter;
- Any Principal Participant; or
- Any Affiliate of the Submitter under part (A) of this definition.

For purposes of this definition, the term "control" means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

"**Clarifications**" means a written exchange of information that takes place between a Submitter and the Department after the receipt of all SOQs during the evaluation process. The purpose of Clarifications is to address ambiguities, omissions, errors or mistakes, and clerical revisions in an SOQ.

"**Construction Subcontractor**" means a subcontractor retained by the Submitter that will be involved in the actual construction of the Project.

"**Constructor**" means a Principal Participant or Construction Subcontractor retained by the Submitter that is involved in the actual construction of the Project.

"**Contract**" means the written agreement between the Department and the successful Proposer setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the Work, the furnishing of labor and material, and the basis of payment. The Contract includes the Contract Documents identified in the Request For Proposals (RFP); the successful Proposer's Proposal Documents; the successful Proposer's Price Proposal; the Notice To Proceed (NTP); and any amendments, supplemental agreements, and change orders that are required to complete the design and construction of the Work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

"**Contract Documents**" means the Agreement, Design-Build (DB) Specifications, DB Standard and Supplemental Specifications, Special Provisions, the Scope of Services Package, the successful Proposer's Proposal Documents, the successful Proposer's Price Proposal, and all provisions required by law to be inserted in the Contract whether actually inserted or not. Whenever separate publications and the Department's Standard Specifications are referenced in the Contract Documents, it is understood to mean the publication and Specifications, as amended, which are current on the date of Advertisement, unless otherwise noted.



"Deficiency" means a material failure of an SOQ to meet the Department's requirements or a combination of significant Weaknesses in an SOQ that increases the risk of unsuccessful Contract performance to an unacceptable level.

"Delaware Department of Transportation" means the Department or its representatives.

"Delaware Department of Transportation Project Manager" means the engineer representing the Department and having direct supervision of the administration and execution of the Contract.

"Department" means the Delaware Department of Transportation.

"Design-Build" means a project delivery methodology by which the Department contracts with a single legal entity that has responsibility for the design and construction of a project under a single contract with the Department.

"Design-Builder" means the Single Legal Entity selected pursuant to the RFP that enters into the Contract with the Department to design and construct the Project (also referred to as the "DB Team").

"Independent Assurance" means activities that are unbiased and independent (of the Design-Builder or Project staff) evaluation of all the design, sampling and testing procedures, equipment calibration, and qualifications of personnel (Design-Builder's or Department's) used in the acceptance program, including the Design-Builder's Quality Control (QC). The Department, or a firm retained by the Department, will perform Independent Assurance (IA).

"Instructions To Proposers" means those documents containing directions for the preparation and submittal of information by the Proposers in response to the RFP.

"Lead Architect" means a Principal Participant, Specialty Subcontractor, or in-house designer that leads the team furnishing or performing the design of the Project.

"Lead Engineer" means a Principal Participant, Specialty Subcontractor, or in-house designer that leads the team furnishing or performing the civil/site design of the Project.

"Lead Principal Participant" means the Principal Participant that is designated by the Proposer as having the lead responsibility for managing the Proposer's organization.

"Person" means any individual, firm, corporation, company, Limited Liability Company (LLC), Joint Venture (JV), or partnership.

"Principal Participant" means any of the following entities:

The Submitter or Proposer;

Individual firms, general partners, or Joint Venture members of the Submitter or Proposer; and/or;

All Persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Submitter or Proposer.

"Project" means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

"Proposal" means the offer (in response to the RFP) of the Proposer for the Work, when executed and submitted in the prescribed format and on the prescribed forms.



"Proposer" means a Single Legal Entity submitting an RFP if selected for the Short-List, an entity submitting a Proposal.

"Quality Assurance" means all planned and systematic actions by the Department necessary to provide confidence that all Work complies with the Contract and that all material incorporated in the Work and all equipment and all elements of the Work will perform satisfactorily for the purpose intended. Actions include, but are not limited to: design audits, checks and reviews; oversight, including specification compliance reviews, document control, and working plan review; material Verification Sampling and Testing at production sites and the Project site; oversight of manufacturing/processing facilities and equipment; oversight of on-site equipment, calibration of test equipment, and acceptance or rejection of material based on verification and QC testing; and documentation of Quality Assurance (QA) activities. Quality Assurance also includes IA testing, the Department's Project Manager's written acceptance, final inspection, and final acceptance.

"Quality Assurance Program" means the overall quality program and associated activities including the Department's QA/QC, the Design-Builder's QC, the Contract quality requirements, and the Design-Builder's quality plan.

"Quality Control" means the total of all activities performed by the Department, Design-Builder, architect, subcontractors, producers, or manufacturers to ensure that a product meets Contract requirements. Quality Control includes design reviews and checks; inspection of material handling and construction; calibration and maintenance of sampling and testing equipment; working plan review; document control; production process control; and any inspection, sampling, and testing done for these purposes. Quality Control also includes documentation of QC efforts.

"Quality Control Manager" means the individual employed by the Design-Builder who is responsible for the overall QC program of the Design-Builder, including the quality of management, design, and construction.

"Reference Documents" means the documents provided with and so designated in the RFP. The Reference Documents, including plans contained therein and/or so designated, are not Contract Documents and are provided to the Proposers for informational purposes.

"Request For Proposals" means a written solicitation issued by the Department seeking Proposals to be used to identify the Proposer offering the best value to the Department. The RFP includes the Instructions To Proposers (ITP), Contract Documents, and Reference Documents. This document is issued only to Proposers that are on the Short-List.

"Request For Qualifications" means the written solicitation issued by the Department seeking SOQs to be used to identify and short-list the most highly qualified Submitters to receive the RFP for the Project.

"Scope of Services Package" means the Scope of Services, Performance Specifications, Utility Requirements, Preliminary Engineering (PE)/Preliminary Design, and Environmental Requirements. The Scope of Services Package is one part of the Contract Documents.

"Secretary" means the Secretary of the Department.

"Short-List" means the list of those Submitters that have submitted SOQs that the Department determines, through evaluation of the SOQs, are the most highly qualified Persons and that will be invited to submit Proposals in response to an RFP.

"Single Legal Entity" means the corporation, JV, LLC, partnership, or other type of legal entity with which the Department will execute the DB Contract for this Project. A Proposer/Submitter may have a prime/subcontractor



relationship with many different types of subcontractors, including Architects and constructors, a prime/subcontractor doesn't fulfill the Single Legal Entity requirement.

"Statement Of Qualifications" means the information prepared and submitted by a Submitter in response to this RFQ. The Statement Of Qualifications includes the Letter Of Interest (LOI).

"Submitter" means a Single Legal Entity submitting a SOQ to provide all services required for the Project in response to this RFQ.

"Verification Sampling and Testing" means sampling and testing performed to validate the quality of the product. The Department, or a firm retained by the Department, will perform Verification Sampling and Testing.

"Weakness" means a flaw in the SOQ that increases the risk of unsuccessful Contract performance. A significant Weakness in the SOQ is a flaw that appreciably increases the risk of unsuccessful Contract performance.

"Work" means the furnishing of all labor, material, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the carrying out of all the duties and obligations imposed by the Contract.

2.0 ABBREVIATIONS AND DEFINITIONS

These RFQ/RFP documents include abbreviations and specific defined terms as indicated below.

Abbreviations

AA	Aluminum Association
AAN	American Association of Nurserymen
AAR	Association of American Railroads
AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
ADA	Americans with Disabilities Act
AED	Associated Equipment Distributors
AGC	Associated General Contractors of America
AGMA	American Gear Manufacturers Association
AIA	American Institute of Architects
AISC	American Institute of Steel Construction
AISI	American Iron and Steel Institute
ANSI	American National Standards Institute, Inc.
API	American Petroleum Institute
ARA	American Railway Association
AREA	American Railway Engineering Association
ARRA	American Recovery and Reinvestment Act of 2009
ARTBA	American Road and Transportation Builders Association
ASCE	American Society of Civil Engineers
ASLA	American Society of Landscape Architects
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
ATA	American Transit Association
AWG	American Wire Gauge
AWPA	American Wood-Preservers Association
AWS	American Welding Society
AWWA	American Water Works Association



BDM	Delaware Department of Transportation Bridge Design Manual
BMP	Best Management Practices
CD-ROM	Compact Disc - Read Only Memory
CE	Construction Engineering
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CPA	Certified Public Accountant
CPM	Critical Path Method
CRSI	Concrete Reinforcing Steel institute
CSL	Contract Submittal List
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DelDOT	Delaware Department of Transportation
DNREC	Division of Natural Resources and Environmental Control (State of Delaware)
EA	Environmental Assessment
EASA	Electrical Apparatus Service Association
EOR	Engineer of Record
EPA	Environmental Protection Agency of the United States Government
FAA	Federal Aviation Administration, United States Department of Transportation
FHWA	Federal Highway Administration, United States Department of Transportation
FONSI	Finding Of No Significant Impact
FSS	Federal Specifications and Standards, General Services Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
IA	Independent Assurance
ICC	International Code Council
IEEE	Institute of Electrical and Electronics Engineers
IES	Illuminating Engineering Society
IPCEA	Insulated Power Cable Engineers Association
ISO	International Standards Organization
ITE	Institute of Transportation Engineers
ITP	Instructions to Proposers
JV	Joint Venture
LD	Liquidated Damages
LEED	Leadership in Energy and Environmental Design
LLC	Limited Liability Company
LLC	Limited Liability Company
LOI	Letter of Interest
MIL	Military Specifications
MOU	Memorandum Of Understanding
MPO	Metropolitan Planning Organization
MUTCD	Manual of Uniform Traffic Control Devices
N/A	Not Applicable
NCHRP	National Cooperative Highway Research Program
NCR	Non-Conformance Report
NEC	National Electrical Code
NEMA	National Electrical Manufacturers Association
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association



NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NTP	Notice to Proceed
OSHA	Occupational Safety and Health Administration, United State Department of Labor
PC	Project Component
PCA	Portland Cement Association
PCI	Prestressed Concrete Institute
PCP	Progress Check Point
PCV	Project Component Value
PE	Preliminary Engineering
PI	Public Information
PPS-C	Contract Periodic Payment Schedule
PPS-P	Proposed Periodic Payment Schedule
PTI	Post Tensioning Institute
QA	Quality Assurance
QC	Quality Control
RFI	Request For Information
RFP	Request For Proposals
RFQ	Request For Qualifications
RMA	Rubber Manufacturers Association
ROW	Right Of Way
SAE	Society of Automotive Engineers
SEC	Securities and Exchange Commission
SHPO	State Historic Preservation Office
SI	Systeme Internationale - International System of Units
SOQ	Statement of Qualifications
SSPC	Steel Structures Painting Council
TBD	To Be Determined
UL	Underwriters Laboratories, Inc.
US DOT	United States Department Of Transportation
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDOL	United States Department Of Labor
VE	Value Engineering
WBS	Work Breakdown Structure

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

DESIGN-BUILD PROJECT

for

MID-COUNTY DMV FACILITY

State Contract T201259401
Federal Contract CMAQ-2012(01)

REQUEST FOR QUALIFICATIONS

APPENDIX B

FORMS



**APPENDIX B
STATEMENT OF QUALIFICATIONS
FORMS**

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FORM A - ADDENDA ACKNOWLEDGMENT

(To be attached to Statement Of Qualifications cover letter)

Submitter (Team) Name: _____

Addendum Number:		Dated:	

The undersigned acknowledges receipt and incorporation of the above addenda to the RFQ.

Signature

Date

Printed Name

Title



FORM B - SUBMITTER'S ORGANIZATION INFORMATION

SUBMITTER			
Name of Entity: _____			
Address: _____			
Contact Name: _____ Title: _____			
Telephone: _____ Facsimile: _____ E-mail: _____			
LOCAL/REGIONAL CONTACT (if different from above)			
Name: _____			
Address: _____			
Telephone: _____ Facsimile: _____ E-mail: _____			
NAME(S) OF SUBMITTER ENTITY(IES)			
Company Name	Address and Telephone and Facsimile Numbers	State of Inc.	Lead Principal Part. (include percent) Yes No
Principal Participant(s)			
Lead Architect			
Lead Engineer			
Other Firm(s)			



FORM C - PRINCIPAL PARTICIPANTS AND DESIGN CERTIFICATION

Name of Submitter: _____

Complete a separate Form C for each Principal Participant, Lead Engineer, and Lead Architect.

1. Has the firm² ever failed to complete any work it agreed to perform or had a contract terminated because it was in default? If yes, describe.

2. Has the firm* or any officer thereof been indicted or convicted of bid or other contract related crimes or violations or any felony or misdemeanor related to performance under a contract? If yes, describe.

3. Has the firm* ever sought protection under any provision of any bankruptcy act? If yes, describe.

4. Has the firm* ever been debarred or suspended from performing work for the federal government or any state or local government? If yes, describe.

(Must be signed by an officer of the firm)

Firm Name: _____

Name of Officer: _____

Title: _____

Signature: _____

² (Note: *"Firm" includes any Affiliate, including a parent company or subsidiary companies.)



FORM D - PAST PROJECT DESCRIPTION

Name of Submitter: _____

Name of Firm: _____	
Project Role: _____	_____ Principal Participant _____ Lead Engineer
Other (Describe): _____	_____ Lead Architect
Years of Experience: Commercial Office Buildings: _____ Transit Projects: _____	
Project Name, Location, Description, and Nature of Work for which the Firm was responsible:	
Describe Site Conditions: _____ (Use additional sheets as necessary to describe project and site conditions)	
List any awards, citations, and/or commendations received for the project:	
Name of Client (Owner/Agency or Contractor): _____	
Address: _____	
Contact Name: _____	Telephone number: _____
Owner's Project or Contract No.: _____	Facsimile number: _____
Original Contract Value (US\$): _____	Final Contract Value (US\$): _____
Percent of Total Work Performed by Firm: _____	Commencement Date: _____
Planned Completion Date: _____	Actual Completion Date: _____
Amount of Claims: _____	Any Litigation? Yes _____ No _____



FORM F - PAST PERFORMANCE

(Form Required for Each Firm)

Name of Submitter: _____

Firm Name: _____

Awards, Citations and/or Commendations

Name of Award, etc.	Year Rec.	Project & Location	Nature of Work Cited

Litigation, Claims, Dispute Proceedings and Arbitration

Project/Issue	Owner/Agency Initiated Action	Resolution/Outcome	Action Unresolved or Outstanding?	Current Owner Contact Name, Phone & Fax Nos.



Delaware Department of Transportation

FORM F - PAST PERFORMANCE
(page 2 of 2)

Liquidated Damages

Project Name	Cause of Delay(s)	Amount Assessed	Describe Outstanding Damage Claims by Any Owner	Current Owner Contact Name, Phone & Fax Nos.

Termination for Cause

Project Name	Describe Reason for Termination	Dollar Amount Involved	Current Owner Contact Name, Phone & Fax Nos.

Disciplinary Action

Project Name	Describe Action Taken	Current Owner Contact Name, Phone & Fax Nos.



FORM G - SAFETY QUESTIONNAIRE

Name of Submitter: _____

Firm Name: _____

1. Provide the following information for the last three years:

Item	2009	2010	2011
Employee hours worked (Do not include non-work time, even though paid)			
Number of lost workday cases			
Number of restricted workday cases			
Number of cases with medical attention only			
Number of fatalities			

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

Position	No	Yes	Monthly	Quarterly	Annually

3. Do you hold site meetings for supervisors? Yes _____ No _____

How Often?

Weekly _____ Bi-Weekly _____ Monthly _____ Less often, as needed _____

4. Do you conduct Project Safety Inspections? Yes _____ No _____

By Whom? _____

How Often?

Weekly _____ Bi-Weekly _____ Monthly _____

5. Does the firm have a written Safety Program? Yes _____ No _____



FORM G - SAFETY QUESTIONNAIRE
(Page 2)

Name of Submitter: _____

Firm Name: _____

6. Does the firm have an Orientation Program for new hires?

Yes _____ No _____ If yes, what safety items are included?

7. Does the firm have a program for newly hired or promoted foremen?

Yes _____ No _____ If yes, does it include instruction of the following?

Topic	Yes	No
Safety Work Practices		
Safety Supervision		
On-site Meetings		
Emergency Procedures		
Accident Investigation		
Fire Protection and Prevention		
New Worker Orientation		

8. Does the firm hold safety meetings which extend to the laborer level?

Yes _____ No _____

How often? Daily ____ Weekly ____ Bi-Weekly ____ Less often, as needed ____

9. For Proposer only, indicate the safety record on the last Project to which the indicated key personnel were assigned:

Key Personnel	Total hours worked by all employees on Project	Number of lost workday cases on Project	Number of restricted workday cases on Project	No. of cases with medical attention only on Project	No. of fatalities on Project
Project Principal					
Project Manager					
Construction Manager					



FORM H - BACKLOG INFORMATION

Name of Submitter: _____

Company Name	Number of Contracts in Force	Total Contract Value (US\$ Millions)	Value of Work Remaining by CY (US\$ Millions)			
			2012	2013	2014	2015
Principal Participant(s)						
Lead Architect						
Lead Engineer						
Others						



FORM I - PAST REVENUE

Name of Submitter: _____

Proposer Entities/Firm Name	Total Revenue by Year (\$US in Millions)		
	2009	2010	2011
Principal Participant(s)			
Lead Architect			
Lead Engineer			
Others			