



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
PO BOX 778
DOVER, DELAWARE 19903

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GOVERNOR

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VIA WEBSITE POSTING

(302) 760-2030
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January 18, 2017

Contract No. T201607002
Design-Build Project for Statewide Pipe Replacements
Statewide

Ladies and Gentlemen:

Enclosed is Addendum No. 4 for the referenced contract consisting of the following:

1. The Bid Proposal Cover, revised, to be substituted for the same page in the Proposal.
2. One (1) page, Request for Proposals, page 1, paragraph 1.0 Introduction, revised, to be substituted for the same form in the Proposal.
3. One (1) page, Request for Proposals, page 3, paragraph 1.5.1 Anticipated Schedule, revised, to be substituted for the same form in the Proposal.
4. One (1) page, Request for Proposals, page 4, paragraph 1.9 Contract Numbers, revised, to be substituted for the same page in the Proposal.
5. One (1) page, Request for Proposals, page 6, Appendix A, paragraph A4.2.3. Proposed Baseline Schedule, revised, to be substituted for the same page in the Proposal.
6. Two (2) pages, Request for Proposals, Instructions to Proposers, Appendix C Proposal Forms, Forms PC2-Project Component 2, revised, to be substituted for the same page in the Proposal. BR-1449 456 and BR-3681 318, have been removed.
7. Two (2) pages, Request for Proposals, Instructions to Proposers, Appendix C Proposal Forms, Forms PC3-Project Component 3, revised, to be substituted for the same page in the Proposal. BR1449 456 and BR 3681 318, have been removed.
8. One (1) page, Request for Proposals, Part 1, Project Scope, Appendix A Project Site Locations, page 6 of the PDF Document, revised, to be substituted for the same page in the Proposal. Location 1449 456 and 3681 318 have been removed.
9. One (1) page, Request for Proposals, Part 3, Design Requirements, Roadway Performance Specification, page 8 of the PDF Document, paragraph 3.1.1 Typical Section, revised, to be substituted for the same page in the Proposal.
10. One (1) page, Request for Proposals, Part 3, Design Requirements, Bridge Performance Specification, page 11 of the PDF Document, paragraph 3.0 Requirements, revised, to be substituted for the same page in the Proposal.

11. One (1) page, Request for Proposals, Part 3, Design Requirements, Pavement Performance Specification, page 15 of the PDF Document, paragraph 3.0 Requirements, revised, to be substituted for the same page in the Proposal.
12. One (1) page, Request for Proposals, Part 3, Design Requirements, Appendix A Performance Specifications, Hydrology and Hydraulics Performance Specification, paragraph 3.0 Requirements, revised to be substituted for the same page in the Proposal.
13. One (1) page, Request for Proposals, Part 3, Design Requirements, Utility Performance Specification, page 36 of the PDF Document, paragraph 3.1 Department's Responsibilities and paragraph 3.2 Design-Build Team's Responsibilities, revised, to be substituted for the same page in the Proposal.
14. One (1) page, Request for Proposals, Part 3, Design Requirements, Utility Performance Specification, page 38 of the PDF Document, paragraph 3.4 Cost, revised, to be substituted for the same page in the Proposal.
15. One (1) page, Request for Proposals, Part 3, Design Requirements, Right-of-Way Services Performance Specification, page 43 of the PDF Document, paragraph 3.5 Title Services, revised, to be substituted for the same page in the Proposal.
16. One (1) page, Request for Proposals, Part 3, Design Requirements, Right-of-Way Services Performance Specification, page 44 of the PDF Document, paragraph 3.6 Appraisal Services, revised, to be substituted for the same page in the Proposal.
17. One (1) page, Request for Proposals, Part 3, Design Requirements, Environmental Compliance Performance Specification, page 45 of the PDF Document, paragraph 3.1 NEPA Document, revised, to be substituted for the same page in the Proposal.

Please note the revisions listed above and submit your bid based upon this information.

Sincerely,

~signature on file~

Robert A. Kovacs

Competitively Bid Contracts Coordinator

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

DESIGN-BUILD PROJECT
for
STATEWIDE PIPE REPLACEMENTS

State Contract T201607002

Federal Aid Contract EBROS-2016(26)

REQUEST FOR ~~QUALIFICATIONS PROPOSALS~~
- INSTRUCTIONS TO PROPOSERS -

Advertisement Date: October 31, 2016

**A MANDATORY PRE-PROPOSAL MEETING WILL BE HELD AT THE
DeIDOT ADMINISTRATION BUILDING, 800 BAY ROAD, DOVER, DELAWARE 19901 AT:
10:00 A.M. on NOVEMBER 15, 2016**

**Responses must be delivered to the Delaware Department of Transportation, Administration Building,
800 Bay Road, Dover, Delaware, 19901 Attention: Contract Administration, by dates shown in Section 1.5**



1.0 INTRODUCTION

This Request for Proposals (RFP) is issued by the Delaware Department of Transportation (Department) to seek competitive Proposals for the design and construction of corrugated metal pipe culvert replacements at ~~thirty-one (31)~~ **twenty-eight (28)** sites located throughout the state.

The project is anticipated to include placement of culvert pipes, paving, grading, storm water management, drainage, erosion and sediment control, maintenance of stream flow, maintenance of traffic, signing, pavement markings, utility relocation, right-of-way and/or easement acquisitions and environmental permit coordination.

It is the Department's intent for the Design-Build team to complete all ~~thirty-one~~ **twenty-eight** sites. However, the Department reserves the right to delete any location at its discretion.

In the preparation of the Proposals, Proposers should address and/or consider the Project goals identified in [Instructions to Proposers \(ITP\) Section 1.1](#).

See also [ITP Part 1 - Appendix A](#) for the Design-Build Agreement.

[ITP Appendix E](#) contains a complete list of Abbreviations and Definitions of specific terms referenced throughout this Request for Proposal (RFP).

1.1 PROJECT GOALS

The following are the Delaware Department of Transportation's goals for the Project:

- Provide high quality, innovative, and cost efficient design and construction;
- Improve existing pipe culvert crossings by replacing severely corroded corrugated metal pipe culverts;
- Provide culvert hydraulic capacity to meet current design standards;
- Minimize the duration of construction;
- Minimize impacts to traffic during construction;
- Minimize impacts to Utilities;
- Minimize impacts to adjacent property;
- Protect the environment through appropriate application of erosion and sediment controls, hydraulic design and stream stabilization techniques; and
- Utilize D-B team's knowledge and experience to minimize the Department's involvement in the project development and construction processes.

1.2 THE PROPOSAL

1.2.1 Documents in the RFP

The documents issued as part of this RFP consist of the following:

- A) Instructions to Proposers;
- B) Contract Documents Parts 1 through 5, inclusive;
- C) Reference Documents; and
- D) Additional documents issued by Addenda to this RFP.



1.3 IMPROPER CONDUCT

1.3.1 Prohibited Activities

If the Proposer, or Person(s) representing the Proposer, offers or gives any advantage, gratuity, bonus, discount, bribe, or loan of any sort to the Department, including its agents or Person(s) representing the Department at any time during this procurement process, the Department shall immediately disqualify the Proposer; the Proposer shall forfeit its Proposal Security; the Proposer shall not be entitled to any payment, including any stipend; and the Department may sue the Proposer for damages.

1.3.2 Proposal Certification Form

The Proposer shall provide as part of the supporting information the Proposal Certification Form ([ITP Appendix C](#)). See also [ITP Appendix A](#).

1.4 LANGUAGE REQUIREMENT

All correspondence regarding the RFP, Proposal, and the Contract are to be in the English language. If any original documents required for the Proposal are in any other language, the Proposer shall provide an English translation, which shall take precedence in the event of conflict with the original language.

1.5 PROPOSAL SCHEDULE

1.5.1 Anticipated Schedule

The schedule is subject to change at the discretion of the Department. The following is the anticipated schedule:

Activity	Due Date
Issue Request For Proposals	October 31, 2016
Pre-Proposal Meeting with interested teams (mandatory)	November 15, 2016 10:00 A.M.
Individual Team Meetings (as requested by teams)	Week of December 12-16, 2016
Last Day to Submit Questions	January 3 17 , 2017
Final Technical Proposal Due Date	January 10 24, 2017 2:00 P.M.
Final Cost Proposal Due Date	January 31 Feb 14, 2017 2:00 P.M.
Price Proposal Opening and Notice to Apparent Successful Proposer	February 2017
Award (on or about)	February March 2017
Final Execution (on or about)	March April 2017
Issue Notice-to-Proceed (on or about)	April May 2017



1.5.2 Technical and Price Proposal Due Date

The completed Technical and Price Proposals shall be delivered to the address specified below, no later than 2:00 p.m. (Local Time), on the dates specified in [Section 1.5.1](#):

Delaware Department of Transportation
Attention: Contract Administration
800 S. Bay Road
Dover, DE 19901
RE: DESIGN-BUILD BID

Each Proposer shall be responsible for obtaining a written receipt from the Department at time of delivery of its Proposal. *It is the Proposer's sole responsibility to ensure delivery of its Proposal to the Department at the time and place specified above.*

1.6 INSURANCE

Refer to [Contract Documents Part 2 - DB Section 107-2.2](#) for insurance requirements. Insurance certificates shall be submitted with the Contract that has been signed by the Proposer, as a condition of execution by the Department.

1.7 INELIGIBLE FIRMS

The Proposer shall include a full disclosure of all potential organizational conflicts of interest in their Proposal. In addition, any firm that is rendered ineligible due to any state or federal action is ineligible to participate with any Proposer.

The following firms cannot participate as a member of a Submitter or Proposer team, as they are assisting the Department with the RFP and related services:

McCormick Taylor, Inc.
Century Engineering, Inc.

1.8 SCOPE OF WORK

Refer to [Contract Documents Part 1](#) for a description of the scope of the Work.

1.9 CONTRACT NUMBERS

The ~~twenty-eight~~ ~~thirty-one~~ locations in this RFP are being administered as one project. The locations are eligible for different federal funding types, so due to internal accounting reasons, the project is broken up into two contracts with two state and federal contract numbers: T201607002/EBROS-2016(26) and T201707002/EBROS-2016(44). For this RFP, wherever "T201607002" and "EBROS-2016(26)" are listed, it is assumed that the other contract is included.

2.0 PROCUREMENT PROCESS

2.1 METHOD OF PROCUREMENT

The intent of the Department is to award the Contract to the qualified Proposer with the highest Total Score.



A4.2.2 Utility, Right-of-Way and Environmental Coordination

The Proposer shall prepare and submit a detailed summary regarding the requirements outlined in [Contract Documents Part 3 – Design Requirements and Part 3 – Appendix A](#), Performance Specifications, for environmental coordination, utility coordination and right-of-way acquisition. The information provided shall outline the Design-Builder’s understanding of the environmental permitting and NEPA processes, utility coordination process, and right-of-way acquisition process.

A4.2.3. Proposed Baseline Schedule

The term "Proposed Baseline Schedule" as used herein means the time-scaled, critical path network depicting project activities and their respective durations, and sequences and inter-relationships that represent the Proposer's Work plan for designing, constructing, and completing the Project.

The objective of the Proposed Baseline Schedule is to identify Proposers that have a complete understanding of the design, environmental, utility, right-of-way and construction processes which are necessary to efficiently complete the Project within the established contract time. It shall provide sufficient detail to define the relationships and coordination necessary between these processes. The Proposed Baseline Schedule of the successful Proposer shall also establish the design duration and the construction contract time for each site.

The Proposer shall not show or submit any pricing information with the Proposed Baseline Schedule. The Proposed Baseline Schedule shall be in color hardcopy format and Primavera P3e Version 3.1 or later compatible electronic format on disk. The Proposer shall submit the following information pertaining to the Proposed Baseline Schedule:

A) Proposed Baseline Schedule meeting the following requirements:

- 1) Milestone Finish Dates:
 1. Preliminary Plans (50%)
 2. Semi-Final Plans (90%)
 3. Final Plans (100%)
 4. Construction Substantially Complete
- 2) Detailed design activities for the ~~four (4)~~ **three (3)** priority sites (BR 2-066A, BR 3-132, BR 3-576 ~~and BR 3-681~~) identified by the Department accounting for the following items:
 1. NEPA Compliance
 2. Environmental Permits
 3. Right-of-Way Acquisition
 4. Utility Coordination
 5. Public Involvement
 6. Survey
 7. Design Preparation
 8. Departmental Design Review

Proposer may adjust this list to more accurately reflect planned sequences and methods. For the remaining sites, a single design activity and duration by milestone shall be required;

- 3) Activities to account for the following construction items:
 1. Mobilization/Initial Set-up
 2. Utility Relocation

FORMPC2 – Project Component 2

Project Component 2 DESIGN

Location	Bridge ID	Lump Sum Price (Enter Lump Sum Price for Each Bridge ID)
1	BR 1178 282	<u>Do Not Include</u>
2	BR 1183 276	
3	BR 1420 461	
4	BR 1449 456	<u>Do Not Include</u>
5	BR 1454 465	
6	BR 1455 466	
7	BR 1615 021	
8	BR 1616 021	
9	BR 2066A 066	
10	BR 2113B 113	
11	BR 2303A 303	
12	BR 2371B 371	
13	BR 2384C 384	
14	BR 2442A 442	
15	BR 3132 565	
16	BR 3139 597	
17	BR 3236 046	

FORMPC2 – Project Component 2

Project Component 2 DESIGN

Location	Bridge ID	Lump Sum Price (Enter Lump Sum Price for Each Bridge ID)
18	BR 3317 024	
19	BR 3323 447	
20	BR 3335 515	
21	BR 3441 382	
22	BR 3564 413	
23	BR 3576 064	
24	BR 3626 608	
25	BR 3627 606	
26	BR 3630 593	
27	BR 3681 318	<u>Do Not Include</u>
28	BR 3913 016	
29	BR 3914 016	
30	BR 3914A 016	
31	BR 3923 224	
Project Component Value¹ (Sum of the Lump Sum Prices for each activity)		

¹ Enter sum from the column. Enter amount on Form SP

FORMPC3 – Project Component 3

Project Component3 CONSTRUCTION

Location	Bridge ID	Lump Sum Price (Enter Lump Sum Price for Each Bridge ID)
1	BR 1178 282	<u>Do Not Include</u>
2	BR 1183 276	
3	BR 1420 461	
4	BR 1449 456	<u>Do Not Include</u>
5	BR 1454 465	
6	BR 1455 466	
7	BR 1615 021	
8	BR 1616 021	
9	BR 2066A 066	
10	BR 2113B 113	
11	BR 2303A 303	
12	BR 2371B 371	
13	BR 2384C 384	
14	BR 2442A 442	
15	BR 3132 565	
16	BR 3139 597	
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Location	Bridge ID	Lump Sum Price (Enter Lump Sum Price for Each Bridge ID)
18	BR 3317 024	
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23	BR 3576 064	
24	BR 3626 608	
25	BR 3627 606	
26	BR 3630 593	
27	BR 3681 318	<u>Do Not Include</u>
28	BR 3913 016	
29	BR 3914 016	
30	BR 3914A 016	
31	BR 3923 224	
Project Component Value¹ (Sum of the Lump Sum Prices for each activity)		

¹ Enter sum from the column. Enter amount on Form SP

Corrugated Metal Pipe Locations				
Bridge ID	Road Facility	Bridge Atlas #	Feature Intersected	Roadway Functional Classification
1178 282	MILL CREEK RD.	11	TRIB. OF MILL CREEK	Urban Collector
1183 276	MCKENNAN'S CHURCH	12	HYDE RUN	Urban Min. Arterial
1420 461	MARYLAND LINE RD.	16	TRIB OF SASSAFRAS RIVER	Rural Local
1449 456	UNION CHURCH RD.	17	TRIB. TO BLACKBIRD CREEK	Rural Local
1454 465	EAGLES NEST LNDG RD.	17	SAW MILL BRANCH	Rural Local
1455 466	DEER RUN RD.	17	SAW MILL BRANCH	Rural Local
1615 021	NEWPORT GAP PIKE	12	HYDE RUN	Urban Prin. Arterial
1616 021	NEWPORT GAP PIKE	12	HYDE RUN	Urban Prin. Arterial
2066A 066	WHITE OAK RD.	21	LITTLE RIVER	Urban Local
2113B 113	CATTAIL BRANCH RD.	27	SAULSBURY CREEK	Rural Local
2303A 303	HIGH STUMP RD.	27	CATTAIL BRANCH	Rural Local
2371B 371	BARRATTS CHAPEL RD.	25	TRIB. TO MCGINNIS POND	Urban Collector
2384C 384	KILLENS POND RD.	25	BROWNS BRANCH	Rural Local
2442A 442	ABBOTTS POND RD.	29	TANTROUGH BRANCH	Rural Local
3132 565	SUNNYSIDE RD.	34	GUM BRANCH	Rural Local
3139 597	TUCKERS RD.	35	WEST BRANCH	Rural Local
3236 046	ELKS RD.	34	TRIB. TO HEARNS POND	Rural Local
3317 024	SR 24 / LAUREL RD.	41	TRIB. TO TRAP POND	Rural Maj. Collector
3323 447	JOHNSON RD.	41	WILEYS POND	Rural Local
3335 515	BACONS RD.	40	MEADOW BRANCH	Rural Local
3441 382	ARMORY RD.	43	HERRING BRANCH	Rural Maj. Collector
3564 413	FIREMANS RD.	42	GUM BRANCH	Rural Local
3576 064	WHITESVILLE RD.	41	NORTH FORK GREEN RUN	Rural Maj. Collector
3626 608	ELLENDALE FOREST RD.	29	MAPLE MARSH/BEAVER DAM BRANCH	Rural Local
3627 606	SAMMONS RD.	35	MAPLE MARSH/BEAVER DAM BRANCH	Rural Local
3630 593	MAPLE BRANCH RD.	35	MAPLE MARSH /BEAVER DAM BRANCH	Rural Local
3681 318	CEDAR LANE	36	ELI WALLS DITCH	Rural Local
3913 016	BEACH HGWY / SR16	29	WEST BRANCH	Rural Maj. Collector
3914 016	BEACH HGWY / SR16	29	STALLION HEAD BRANCH	Rural Maj. Collector
3914A 016	BEACH HGWY / SR16	29	STALLION HEAD BRANCH	Rural Maj. Collector
3923 224	FLEATOWN RD.	30	SWIGGETS POND	Rural Local

ROADWAY PERFORMANCE SPECIFICATION

1.0 INTRODUCTION

The Design-Builder shall provide roadway design for all sites. The Project elements shall be designed to satisfy Department requirements, ADA requirements, and safety requirements. The Design-Builder shall abide by the specifications and standards in this Performance Specification and in other applicable sections as they pertain to traffic operations.

2.0 STANDARDS AND REFERENCES

The design and construction of the Project elements in this section shall be in accordance with this Performance Specification and the relevant requirements of the following standards, unless otherwise stipulated in this Performance Specification. Standards and references specifically cited in the body of the Performance Specification establish requirements that have precedence over all others. All Standards and Specifications utilized by the Design-Builder shall be the most recent version available at the time of advertisement of the RFP, unless otherwise noted. Should the requirements in one standard conflict with those in another, the standard highest on the list shall govern.

2.1 STANDARDS

Specific codes and standards include, but are not limited to, the following listed in order of governing precedence.

2.1.1 Design

- a) Delaware Department of Transportation “Road Design Manual”, 2004, including revisions through the date of advertisement
- b) Delaware Department of Transportation “Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way”, 2015
- c) Delaware Department of Transportation “Standard Specifications for Road and Bridge Construction” 2016
- d) Delaware Department of Transportation “Standard Construction Details” including revisions through the date of advertisement
- e) AASHTO, “A Policy on Geometric Design of Highways and Streets”, 2011
- f) Delaware Department of Transportation, Design Guidance Memorandums (DGM)
- g) AASHTO, “Roadside Design Guide”, 2011

3.0 REQUIREMENTS

The Design-Builder shall design the roadway geometrics to provide safe and operationally efficient movements for motorists, bicyclists, and pedestrians through the project limits in accordance with provisions provided herein.

3.1 DESIGN CRITERIA

3.1.1 Typical Section

- a) The Department considers replacement of a site’s existing corrugated metal pipe culverts with new pipe culverts a maintenance activity. As such, the Typical Section width of the existing roadway may be used in the design of the replacement pipe culverts. Clear zone shall match the approach roadway clear zone or the clear zone across the existing pipes, whichever is greater. Existing guardrail, where applicable, shall be removed and upgraded at all locations, including locations to be rehabilitated.
- b) The proposed roadway Typical Section shall be based on applicable DeIDOT Road Design Manual and AASHTO standards if site conditions dictate that replacement with a structure type other than pipe culverts is necessary.

- b) 3132 565 (BR 3-132)
- c) 3576 064 (BR 3-576)
- d) ~~3681 318 (BR 3-681)~~

The Department may request reprioritization of one or more sites by the Design-Builder should subsequent inspections show a significant decrease in culvert ratings. The Design-Builder shall perform reprioritization and subsequent site design and construction work at no additional cost to the Department.

3.1 DESIGN REVIEWS

Bridge Plans shall be submitted for Review in accordance with [Contract Documents Part 2 – Section DB 111-8](#).

PAVEMENT PERFORMANCE SPECIFICATION

1.0 INTRODUCTION

The Design-Builder may provide a bituminous concrete or Portland cement concrete paving section meeting the requirements of this section.

2.0 STANDARDS AND REFERENCES

The design and construction of the Project elements in this section shall be in accordance with this Performance Specification and the relevant requirements of the following standards, unless otherwise stipulated in this Performance Specification. Standards and references specifically cited in the body of the Performance Specification establish requirements that have precedence over all others. All Standards and Specifications utilized by the Design-Builder shall be the most recent version available at the time of advertisement of the RFP, unless otherwise noted. Should the requirements in one standard conflict with those in another, the standard highest on the list shall govern.

2.1 STANDARDS

Specific codes and standards include, but are not limited to, the following listed in order of governing precedence.

2.1.1 Standards

- a) Contract Documents Part 4 – Special Provisions
- b) Delaware Department of Transportation “Standard Specifications for Road and Bridge Construction” 2016
- c) Delaware Department of Transportation “Standard Construction Details” including revisions through the date of advertisement
- d) Delaware Department of Transportation “Materials and Research Manual”

2.1.2 References

- a) AASHTO, “Standard Specifications for Transportation Materials and Methods of Sampling and Testing”

3.0 REQUIREMENTS

Project limits are defined as 200 feet from the culvert(s) in each direction of roadway or the extent of the staging/stockpile area, whichever is greater. Full depth pavement reconstruction is required where excavation is required or where the existing road is tar and chip.

Paved areas that are currently Portland Cement Concrete (PCC) shall remain PCC pavement.

If a new section of either bituminous or PCC pavement is constructed alongside existing pavement, the new pavement section shall provide a drainage layer that is continuous from the existing pavement’s drainage layer.

Structural pavement to remain within the limits of construction at each site shall have a minimum thickness at least equal to the required structural thickness of the proposed pavement.

3.1 PCC PAVEMENT DESIGN CRITERIA

PCC pavement shall conform to the Department’s Standard Construction Details.

3.1.1 Joints

The Design-Builder shall submit their intended joint layouts, dowel bar placement and any reinforcing steel details for all new concrete pavement and tie-ins to existing concrete pavement to the Project Manager prior to any concrete placement.

Tolerances for the placement of the steel shall be as outlined in the most recent Standard Construction Details, Section P-1, Concrete Pavement.

HYDROLOGY AND HYDRAULICS PERFORMANCE SPECIFICATION

1.0 INTRODUCTION

This Performance Specification specifies the minimum hydrology and hydraulic requirements to be considered and addressed by the Design-Builder during the design development of the project.

2.0 STANDARDS AND REFERENCES

The design and construction of the Project elements in this section shall be in accordance with this Performance Specification and the relevant requirements of the following standards, unless otherwise stipulated in this Performance Specification. Standards and references specifically cited in the body of the Performance Specification establish requirements that have precedence over all others. All Standards and Specifications utilized by the Design-Builder shall be the most recent version available at the time of advertisement of the RFP. Should the requirements in one standard conflict with those in another, the standard highest on the list shall govern.

2.1 STANDARDS

Specific codes and standards include, but are not limited to, the following listed in order of governing precedence.

2.1.1 Design

- a) Delaware Department of Transportation "Bridge Design Manual," 2015;
- b) AASHTO LRFD Bridge Design Specifications, 7th Edition
- c) AASHTO Manual for Bridge Evaluation, 2nd Edition with interims through 2015.
- d) Delaware Department of Transportation Design Guidance Memorandums

2.1.2 Specifications

- a) Delaware Department of Transportation "Standard Specifications for Road and Bridge Construction" 2016
- b) Delaware Department of Transportation "Standard Construction Details" including revisions through the date of advertisement

2.1.3 References

- a) FHWA, 2006, HEC-14, "Hydraulic Design of Energy Dissipators for Culverts and Channels", Third Edition, FHWA-NHI-06-086
- b) FHWA, 2012a, HDS-5, "Hydraulic Design of Highway Culverts", Third Addition, FHWA-12-026 April
- c) USACE, 2001, "River Analysis System, HEC-RAS, User's Manual", Version 3.0, Hydrologic Engineering Center, Davis, CA.
- d) USACE, 2010, "HEC-RAS River Analysis System Hydraulic Reference Manual"
- e) USGS, 2006, "Magnitude and Frequency of Floods on Nontidal Streams in Delaware", Scientific Investigations Report 2006-5146

3.0 REQUIREMENTS

The Design-Builder shall provide hydrologic analysis and hydraulic design analyses for each site in accordance with the design codes, standards and specifications listed in Section 2.1. In addition, headwater upstream of proposed culvert for 100-year design discharge cannot increase in elevation for locations in New Castle County and cannot increase more than 1.0 foot for locations in Kent and Sussex County.

For locations upstream from a dam where the hydraulics are impacted by the dam, the Design-Builder shall perform the hydraulic analysis using the normal tail water elevation at each location. If the Design Criteria cannot be met for these locations, the Design-Builder shall provide the largest hydraulic opening allowed by the site constraints except at Bridge 3-323. The hydraulic opening for Bridge 3-323 can be limited to 10% larger than the existing opening.

The Design-Builder shall prepare a Hydrologic Report for each site.

The Design-Builder shall prepare a Hydrologic analysis at each site using the "Delaware Regression

- f) assisting in conflict resolution between the Utility and Design-Build Designer with respect to any utility relocation activities;
- g) meeting with Design-Build team and the Utilities to discuss and resolve matters relating to the utility relocation work; and
- h) processing invoices and/or payments from Utilities for utility relocation work;
- i) assisting the Design-Builder with sending construction plan submittals to the utility companies via the Utility Permit Application (UPA);
- j) obtaining minimum 60-year title searches on all parcels within the project limits.

The Department will be responsible for all costs associated with the utility relocation coordination activities that it is responsible for pursuant to Chapter 5 of the DelDOT Utility Manual and per Delaware Code, except that the Design-Build team will be responsible for all costs associated with carrying out Incorporated Work and all items identified in Section 3.2 – Design-Build Team’s Responsibilities.

3.2 Design-Build Team’s Responsibilities

The Design-Build team will be responsible for all utility coordination and relocation activities, except for the Department obligations mentioned above.

The requirements of DelDOT Utility Manual and Delaware Code will govern the utility relocations unless modified in this section. The Design-Build team is responsible for the coordination of all utility relocations required for construction of the Project. The Design-Build team’s action plan for each site must be to design to avoid or minimize impacts to Utilities’ facilities to the extent practicable. Betterments, as defined in the Utility Manual, are not included within the Design-Build team’s work. This Section applies to existing and proposed underground and overhead Utilities. The following are not considered Utilities: traffic signals, storms drains, street lighting, variable message signs, video and video detection systems and the Department-owned fiber optics.

The Design-Build team must identify all Utilities located within the Construction Limits of each proposed site. If utility relocations are necessary, the Design-Build team shall coordinate utility relocations consistent with the requirements of the DelDOT Utility Manual.

The Design Build team’s responsibilities include:

- ~~a) obtaining minimum 60 year title searches on all parcels within the project limits and potential areas of relocation needed by Utilities. Documents to be supplied to the Department and shared with Utilities if property interested are identified;~~
- b) identifying and verifying all existing Utilities located within the project limits;
- c) notifying and coordinating project designs with Utilities (see Chapter 5 of the DelDOT Utility Manual for more details on the coordination process);
- d) if a Utility claims to be compensable, requesting and obtaining the applicable real property interest (RPI) documentation from the Utility. Prior to submitting the RPI documents to the Department the Design Build team shall show any and all easements or RPI’s in the construction and right-of-way plan set;
- e) forwarding cost sharing requests and justification received from a Utility to the Department for consideration;
- f) ensuring proposed utility relocations are accurately accounted for in the project designs;

3.3 Meetings and Documentation

The Design-Build team shall be available to meet when requested by the Utilities to discuss and resolve matters relating to the Utility Work. If needed, or at its discretion, the Department will attend the meetings. If the Department is requested to attend, the Design-Build team shall provide the Department with not less than fourteen (14) days prior notice of such meetings.

The Design-Build team shall produce minutes of all meetings with Utilities and/or the Department and shall distribute copies of the minutes to the Utility, the Department and other attendees no later than seven (7) days after each meeting date.

The Design-Build team shall also provide the Department copies of all correspondence between Design-Build team and any Utility and any other documentation no later than seven (7) days after receipt or sending.

The documentation to the Department should be in Portable Document Format (PDF) file format.

3.4 Cost

The Department shall be responsible for the reimbursable utility relocation costs associated with the utility relocation work completed for the Project (See Chapter 5 of the DeIDOT Utility Manual and DE Code).

Utilities are responsible for all other costs not outlined in Chapter 5 of the DeIDOT Utilities Manual and DE Code. This should also include the cost of removing any lines attached to the bridges or within the project limits that contain asbestos, unless the utilities are eligible for cost sharing. Utility companies are responsible to request reimbursement and supply supporting documentation including but not limited to easement documents, prior rights documents, and relocation costs estimates.

The Design-Build team shall be responsible for the ~~Utility costs of incorporated Utility Work, provide the Department the actual and indirect related costs for that work and the Department will bill the Utility for their share of the incorporated Work, if any~~ Maintenance of Traffic and clearing and grubbing for utility relocations. The Design-Build team shall also be responsible to perform the relocation work for municipal systems but will be reimbursed by the Department for this cost.

3.5 Utility Infrastructure and Utility Relocations

3.5.1 Utility Infrastructure and Utility Relocations Interfering with Contract Operations

Before submitting a bid for the project, examine the project site and any waste or borrow sites designated in the proposal to determine the location of all utility infrastructure and the need for any utility relocations. The Department is not responsible for waste and borrow areas not designated in the Project Documents. Accept the responsibility and risk relating to the conditions to be encountered regarding utility infrastructure and utility relocations that are indicated in the Project Documents or that can be ascertained from a careful pre-bid.

Subject to the Department's obligations in respect of the same set forth in this document (above), inform all public service companies, individuals, and others owning or controlling any facilities or structures within the Construction Limits, which may have to be relocated, adjusted, protected, or reconstructed, of the plan of construction work. Give due notice to the responsible party in sufficient time for that party to organize

state grantors or parties of interest. If there are parties of interest who reside out of state and who are temporarily out of the area, this time line may need to be extended.)

- C. Providing that the Design-Builder has provided the appropriate documents with the request for condemnation (including but not limited to the title report, an error free legal description and error free map of the parcels) the Department will submit the completed Condemnation Resolution to the Department's legal representative within 15 working days after the request for condemnation has been approved.

3.4 Public Involvement

The Design-Builder shall provide all necessary handouts/graphics and conduct informational presentations regarding right-of-way procedures, at formal public hearings, or at one (or more) separate public meetings.

3.5 Title Services

~~The Design Builder shall select and contract with one or more title companies from a list of Department approved title companies included in Contract Documents Part 3 Appendix G. The Design Builder~~ The Department shall provide a 60 Year Title Report for each property acquisition.

3.6 Appraisal Services

Among the services that may be required to be performed are:

- a) Review the project site and right-of-way plan with the DDR.
- b) Identify the valuation problems, determine the number and type of appraisal reports needed for each parcel (aka "case" or "claim"), identify items pertinent to the valuation of each case, and note any specific or unusual appraisal problems (e.g., the need for septic and well relocations, parking studies, special engineering reports, architects reports, unity of use situations, larger parcels, etc.).
- c) Prepare or have prepared studies and special reports that are not appraisals, which are usually incorporated into the final appraisal to provide a complete valuation of the property. Examples of these include, but are not limited to M&E reports, cost to cure studies, planning studies, architects reports, septic system replacements.
- d) Utilize appraisers, appraisal reviewers, and specialists from the Department's lists of pre-qualified fee appraisers, reviewers and specialists.
- e) Prepare a comprehensive appraisal plan detailing the fee appraisers to be contacted. This plan must be approved by the DDR.
- f) Any fee in excess of \$15,000 must be approved by the DDR.

If the estimated appraisal fee is less than \$15,000.00, the assigned Design-Builder shall:

- a) Contact a DelDOT approved fee appraiser qualified to perform the appraisal service required.
- b) Prepare Appraisal Waiver forms by analyzing the acquisition, and applying unit rates obtained by the consultant through comparable sale research. The Department will sign such forms to authorize the Waiver as an offer.

All appraisal reports will be reviewed by a pre-qualified appraiser, independent of the individual who issued the report. The review appraiser will recommend the fair market value for a particular parcel based on the results of the review process. The DDR will make the final acceptances of the appraisal(s) received and will select one of the appraisal(s) as the approved appraisal for the purpose of determining the amount to be offered to the owner as the Department's estimate of just compensation. The acceptance and

approval of appraisal waiver, appraisal and review reports, and the determination of the Department's estimate of just compensation shall only be made by the Project Manager after consideration of the review analysis and reviewer's recommendation or the information set forth in the appraisal waiver. The Department will reimburse the Design-Build team for the costs of appraisals.

3.7 Negotiations

- a) The Design-Builder may conduct preliminary acquisition interviews with affected property owners prior to the initiation of negotiations. Such preliminary contacts may be made on an individual basis or in a public meeting of property owners.
- b) Prior to negotiations, the Design-Builder may prepare property descriptions and individual plat maps per the ROW manual. All descriptions and individual plat maps shall be approved by the DDR prior to any commencement of negotiations.
- c) The Design-Builder may negotiate acquisitions in accordance with the ROW Manual, the Uniform Act, and the laws of the State of Delaware. This includes describing the taking, ROW plats, construction plans, and need for the project. It also includes discussing and explaining the appraisal and engineering reports, detailing how the offer was developed, and other valuation questions. The Design-Builder shall prepare all necessary documents for review and signature by the DDR. The only offer allowed is that approved by the Department. The Design-Builder may not present any counter offer or agree to any engineering plans revisions or changes without express permission by DeIDOT. The Design-Builder is to relay all concerns, counter offers, or issues to the DDR for review and consideration.
- d) If the DDR approves the offering of an administrative settlement to the owner, prior to any presentation of the settlement to the owner, the Design-Builder shall prepare an administrative settlement request for review and written approval by the Chief of ROW. This will include justification for the recommended settlement. Only upon written approval by the Chief of ROW may any offer beyond the Fair Market Value be presented by the Design-Builder.
- e) When negotiations result in an agreement or a DeIDOT approved administrative settlement, the Design-Builder shall prepare the necessary documents and secure signatures from the owner or their representatives for processing the case for settlement. When negotiations result in condemnation, the consultant shall submit completed case file documents to the DDR.
- f) At a minimum the Design-Builder must take the following acquisition actions on each right-of-way case being acquired on the project: Deliver owner's notification letters, acquisition brochures, plans, offer letters, and unsigned agreements by means of personal contact or certified mail. Offers by mail must have written approval by the DDR. Maintain diary of negotiator's contacts with property owners to document bona fide negotiations, efforts to achieve amicable settlements, responsiveness to owners' counter proposals, and suggestions for changes in plans.
- g) Complete negotiations on all parcels (cases) on the project to settlement stage or condemnation (letter of intent) prior to the scheduled project right-of-way certification date.

3.8 Legal Processing

The Design-Builder shall cooperate and assist when necessary with the legal representatives of DeIDOT to assist in the processing of all cases for legal action. The Design-Builder will make available staff and information as may be required by DeIDOT legal representatives.

3.9 Relocation and Property Management Services

It is anticipated that no relocations of personal property as defined by the Uniform Act or property management services will be required under this contract.

ENVIRONMENTAL COMPLIANCE PERFORMANCE SPECIFICATION

1.0 INTRODUCTION

The Design-Builder shall provide environmental compliance for all sites. Environmental compliance shall include development of National Environmental Policy Act (NEPA) documents for each site and the acquisition of all applicable environmental permits.

2.0 STANDARDS AND REFERENCES

Environmental compliance shall be in accordance with this Performance Specification and the relevant requirements provided in the following codes, unless otherwise stipulated in this Performance Specification. Codes specifically cited in the body of the Performance Specification establish requirements that have precedence over all others. All Codes utilized by the Design-Builder shall be the most recent version available at the time of advertisement of the RFP, unless otherwise noted.

2.1 STANDARDS

Specific codes include, but are not limited to, the following:

2.1.1 Codes

- a) 23 CFR 771.117
- b) Section 404 of the Clean Water Act
- c) Delaware Code, Title 7, Section 66
- d) Delaware Code, Title 7, Section 72
- e) New Castle County Uniform Development Code, Chapter 40, Section 10
- f) Endangered Species Act, Section 7

2.1.2 References

- a) FHWA-DelDOT Categorical Exclusion Programmatic Agreement (see Appendix H)

3.0 REQUIREMENTS

3.1 NEPA DOCUMENT

The Department anticipates that each site will require processing a Categorical Exclusion in accordance with the Programmatic Agreement executed between DelDOT and the FHWA. Each site must meet the following specific conditions to be considered under the Categorical Exclusion Evaluation Programmatic Agreement:

- a) Right-of-Way or Permanent Easement acquisition of less than 1.0 Acre.
- b) No property relocations.
- c) No Adverse Effect to historic properties.
- d) No Section 4(f) properties impacted, unless they qualify for a *de minimus* finding or a FHWA Section 4(f) Nationwide Programmatic Evaluation.
- e) No Section 6(f) properties impacted.
- f) **Combined** Permanent wetland and **open water** impacts of less than 0.1 Acres.
- g) No rare, threatened or endangered (RTE) species are present within the limits of construction.

The Design-Builder shall complete a “Programmatic Categorical Exclusion Evaluation Project Checklist and Project Level Determination Form” for each site. This form is included in [Contract Documents Part 3 - Appendix H](#). Sites that do meet the above criteria must be evaluated for project level determination in accordance with 23 CFR 771.117.