

STATE OF DELAWARE



**DEPARTMENT OF TRANSPORTATION
(Delaware Transit Corporation)**

**Public-Private Initiative
for
Porter Site Parking and Transit Facility**

T201753101

REQUEST FOR QUALIFICATIONS

Advertisement Date: September 30, 2016

**AN INFORMATIONAL PRE-SUBMISSION MEETING FOR THIS PROJECT WILL BE HELD AT
THE DeIDOT ADMINISTRATION BUILDING, 800 BAY ROAD, DOVER, DELAWARE 19901 AT:**

10:00 A.M. on OCTOBER 11, 2016

Responses will be received in the Bidder's Room at the Delaware Department of Transportation's Administration Building, 800 Bay Road, Dover, DE until **2:00 P.M.** local time **November 1, 2016.**

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1 INTRODUCTION AND GENERAL INFORMATION

The Delaware Transit Corporation (DTC), an operating division of the Delaware Department of Transportation (DelDOT), is soliciting Statements of Qualifications (SOQ) with Letters of Interest from Submitters interested in partnering with DTC for a lease of up to 50 years for a Porter Site Parking and Transit Facility to be located in Wilmington, Delaware.

The concept is that DTC would lease the site to the successful submitter who would design and build a parking garage. The garage is to be designed with certain specifications that would allow for bus staging on the ground floor. DTC would enjoy a percentage of parking revenue once the garage is financially stable.

The selection of the successful Proposer for this project encompasses two phases: Request for Qualifications (RFQ) and Request for Proposals (RFP) as described in [Sections 2.1 and 2.2](#). This solicitation is for phase one, Request for Qualifications. Only short-listed Submitters will be permitted to submit a Proposal in response to the phase 2 RFP.

1.1 PROJECT DESCRIPTION

The Project Site is located in Wilmington, Delaware and is bounded by Walnut Street to the west, Front Street to the south, Poplar Street to the east, and the Gateway House parcel and Second Street to the north. The Project involves developing the Porter Site by designing and constructing a transit facility with structured (garage) public parking; restroom facilities, and other uses as outlined. The transit facility is expected to accommodate staging for up to 9 buses, and the ground floor of the structured parking is expected to include rental car spaces with a small office for rental operations and transit ticketing along with restroom facilities. The remaining garage parking decks will be used for public and private use. The number of spaces that are required to be reserved for specific uses and other criteria will be outlined in the RFP. The Proposer will be able to propose the structure size that accommodates the RFP requirements and his financing plan.

The project is anticipated to include paving, grading, storm water management, drainage, erosion and sediment control, curbing, foundations, structural steel or precast concrete, mechanical/electrical/plumbing, security, lighting, elevators, pavement markings, pedestrian and bicycle facilities, and utility relocations. The project shall be aesthetically pleasing and in keeping with local architectural features. It shall also take into consideration the adjacent property owners and provide appropriate levels of visual screening and security between the properties.

A Right of Way graphic can be found in Appendix C of this document.

Environmental information can be found at the following links:

DNREC-SIRS Website:

<http://www.dnrec.delaware.gov/dwhs/sirb/pages/default.aspx>

100 N. Walnut Street Site (DE-1114) documents:

<http://www.nav.dnrec.delaware.gov/DEN3/Detail/SirbDetail.aspx?id=27271>

121 Poplar Street Site (DE-1066) documents:

<http://www.nav.dnrec.delaware.gov/DEN3/Detail/SirbDetail.aspx?id=27172>

1.2 INFORMATIONAL MEETING

An Informational Pre-Submission Meeting for this Project will be held at the date and time indicated on the front cover of this RFQ, at the Delaware Department of Transportation's Administration Building, 800 Bay Road, Dover, Delaware. Any firm that is interested should attend this meeting. 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:

- a) Provide high quality, innovative, sustainable and cost efficient design and construction; and
- b) Minimize the duration of construction; and
- c) Protect the environment through appropriate application of erosion and sediment controls, storm water management, and drainage design; and
- d) Design an aesthetically pleasing, inviting and easily accessible facility that is serviceable to the public's needs; and
- e) Demonstrate the financial ability to support the planned capital investment; and
- f) Complete the project on time; and
- g) Provide a quality product that produces a long lasting facility

1.4 GOVERNING LAW

The requirements of Delaware Code, Title 2 Transportation, Chapter 20 PUBLIC-PRIVATE INITIATIVES PROGRAM IN TRANSPORTATION, along with other applicable laws of the State of Delaware will govern this Request for Qualifications, the anticipated Request for Proposals, and the Contract resulting from the RFP process.

1.5 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 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:

- a) After submittal of Statement of Qualifications (SOQs) in response to this RFQ, no Submitter or any of its team 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;
- b) 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;
- c) 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 1.6](#);
- d) The Submitters shall not contact stakeholder staff regarding the Project. Stakeholder staff includes employees of the permitting agencies, the Department and Delaware Transit Corporation;



- e) 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;
- f) Any official contact regarding the Project will be disseminated from the Department's Contract Administration Group, in writing or e-mail and;
- g) 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.

1.6 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: **PORTER**. E-mails must include the requestor's name, address, and telephone number.

Requests for information or clarification made to any other Department office, consultant, or employee are not permitted.

Questions received by the date and time specified in [Section 2.3](#) will be considered by the Department. 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. The final Questions and Answers document will be posted no later than the date shown in Section 2.3.

It is the responsibility of the Submitter to check the above Webpage often for Addendums, Questions and Answers, and other information concerning this solicitation.

All Questions and Answers posted by the Department on the Project's solicitation webpage are included by reference and become part of this RFQ.

1.7 ORGANIZATIONAL REQUIREMENTS

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

All members of the Submitter's organization, including Principal Participants, Lead Architect, Lead Engineer, Construction Manager, Facility Operator/Maintainer, Environmental Manager and Key Staff as identified in the SOQ shall remain intact for the duration of the procurement process and the subsequent Project duration.

In the event of an unforeseeable situation, a short listed Submitter may propose substitutions for Principal Participants, Lead Architect/ Engineer, Construction Manager, Environmental Manager, Facility Operator/Maintainer, and Key Staff after the SOQ submittal and notification of short listing. Such changes require written approval by the Department. Approval may be granted or withheld in the Department's sole discretion. Requests for changes shall be made in writing as soon as the Submitter becomes aware of a need for change, but no later than 30 working days prior to the due date for submittal of the RFP Proposals.

1.8 ORGANIZATIONAL CONFLICT OF INTEREST

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:

- a) Principal Participant;
- b) Lead Architect;
- c) Lead Structural Engineer;
- d) Facility Operator/Maintainer;
- e) 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.

1.9 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 anticipated RFP document. Said firms will not be allowed to participate as a Submitter or a member of a Submitter Team for response to this RFQ or as a Proposer or a member of a Proposer Team in response to the anticipated RFP should the Submitter be short listed. However, the Department may determine that there is not an organizational conflict of interest for a consultant or subcontractor under the following circumstances:

- a) 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;
- b) 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.

Proposers for the RFP 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 Staff, or any proposed subcontractor may result in, or could be viewed as, an organizational conflict of interest (see also [Section 1.8](#)).

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

Rummel, Klepper & Kahl, LLP (RK&K)
Brightfields, Inc.

Any firm that is rendered ineligible through any state or federal action, including but not limited to suspension or debarment, 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's solicitation 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

The Department will conduct field survey and verify the existing right of way and easements within the proposed Project Area. This information will be provided to Proposers as part of the RFP.

1.11.2 UTILITIES

The Department will provide utility base plan, and utility designation information as part of the RFP.

1.11.3 RIGHT OF WAY

The Department will acquire real estate for the Project based on the concept plans. Additional information will be provided during the RFP phase.

1.11.4 ENVIRONMENTAL

A portion of the Project Porter Site is a Delaware Hazardous Substance Clean Up Act (HSCA) Site known as Facility ID: 100 Walnut Street (DE-1114) and a portion of the site is part of Facility ID: 121 North Poplar Street Site (DE-1066). Portions of the site were a leather factory (tannery) and a gasoline service station. Several environmental investigations have been performed at the site. Arsenic, lead, polycyclic aromatic hydrocarbons (PAHs) and petroleum impacted areas were identified.

The Department is currently evaluating contaminated areas on the Porter Site to determine limits of contamination and extent of mitigation required. Additional information will be provided in the RFP. The successful Proposer will need to complete the project in accordance with the Delaware Department of Natural Resources and Environmental Control HSCA policies and guidance documents.

1.11.5 GEOTECHNICAL INFORMATION

The Department has obtained limited Soil Borings which will be provided in the RFP.

1.11.6 DESIGN AND CONSTRUCTION

Design and construction criteria will be provided as part of the RFP.

1.11.7 TRAFFIC

Traffic information for the Walnut Street/2nd Street Intersection and Front Street/Walnut Street intersection will be provided in the RFP along with traffic performance criteria for the construction phase and the permanent condition.

The contractual status of the above mentioned items will be indicated in the RFP. The RFP document will prevail in the event of a conflict regarding requirements.

1.12 PROPOSER RESPONSIBILITIES

The successful Proposer 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):



- a) Design and construction;
- b) Design and construction management;
- c) Design and Construction Quality Control;
- d) Project Financing, Operation and Maintenance of Parking Facility for pre-determined time period;
- e) Aesthetics and landscaping;
- f) Participation in the Department's Project-related Public Outreach;
- g) Coordination with Project stakeholders and other contractors adjacent to the Work;
- h) Environmental investigations, mitigation, and compliance monitoring associated with or resulting from the successful Proposer's actions;
- i) Maintenance of traffic;
- j) Access to property (both temporary and permanent);
- k) Project safety and security;
- l) All necessary surveys, geotechnical investigations, and soil borings to the extent not provided or warranted by the Department;
- m) All harmful and hazardous material remediation created by the successful Proposer or identified in the RFP;
- n) Storm Water Management, Drainage, and erosion control;
- o) Construction waste recycling, disposal, and handling;
- p) All required permits, approvals, clearances, and licenses required for the successful Proposer's Work, Work sites, and storage sites not previously obtained by the Department;
- q) All modifications to existing permits and approvals previously obtained by the Department and/or as a result of the successful Proposer's design, actions, or construction scheduling;
- r) All ancillary Work, such as access roads, driveways, temporary fencing, relocation of drainage, Work sites, and temporary Work;
- s) Location, acquisition, permits, and transportation for Material;
- t) Coordination, identification, avoidance, design and relocation of all utilities and municipal drainage facilities as required by the RFP;
- u) Site clearing and restoration;
- v) Maintenance of the Project from Notice to Proceed (NTP) until final acceptance;
- w) Operating and maintaining the facility in accordance with the terms outlined in the RFP and executed contract; and
- x) All other activities, functions, or elements necessary for the successful completion and subsequent acceptance of the Project by the Department.

1.13 INSURANCE, BONDING, LICENSING

One or more of the Principal Participants of the Single Legal Entity with which the Department will contract for services after completion of the RFP phase must be licensed, as appropriate, with



the following; Delaware Association of Professional Engineers, the Division of Professional Regulation Board of Architects, and all participants must be registered with the Delaware Division of Revenue, prior to the award of any contract.

The selected Proposer 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 Proposer may use multiple insurance providers to provide the various types of insurance identified in the RFP; however, the Proposer shall use one single insurance provider for each type of insurance (i.e., the Proposer may have one insurance provider for professional liability and a different insurance provider for commercial general liability, but the Proposer 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 3.5.4**. During the RFP phase, the Proposer 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 entities participating on the Proposer's Team 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 and applicable regulations.

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

- a) Parent company and other guaranties;
- b) Statements of joint and several liability by Principal Participants (see Section 3.5.3(e));
- c) Parent company securities; and
- d) Warranties.

1.14 COSTS

Submitters are solely responsible for all costs and expenses of any nature associated with responding to this RFQ.

1.15 ROLE OF THE DEPARTMENT

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

- a) Environmental clearances and permits specified in the RFP. All others shall be obtained by the Design-Builder; and
- b) Contract oversight; and
- c) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Short-List, and selection of the Design-Build-Operate-Maintainer; and
- d) Contract procurement and oversight; and
- e) Design and Construction Quality Acceptance; and



- f) Quality Acceptance verification for Asphalt and Concrete Materials Testing; and
- g) Coordination of Public Outreach Efforts; and
- h) Acceptance of the Work

At the Department's sole discretion, it may delegate certain activities to its consultants, but the Department will remain responsible for this Project.

1.16 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.

1.17 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Submitter will be notified whether or not it has been selected for the Short-List.

1.18 PROPOSAL STIPEND

The Department will provide for stipends for this Project in the amount of \$25,000 as part of the RFP phase 2 only. Unsuccessful Proposers will be reimbursed after the contract is executed with the successful Proposer. The successful Proposer will not be paid the stipend.

2 PROCUREMENT PROCESS

The process for procurement of the Contract will be in accordance with Delaware law, this RFQ, and the issued RFP. All proposals made pursuant to this chapter may provide for the design-build mode of infrastructure development.

The overall procurement process includes the following two steps:

- a) Request for Qualifications/Statement of Qualifications (determination of the Short-List); and
- b) Scope of Services Package/Proposals. Pass/fail and technical evaluation factors may be present in both the RFQ and RFP phases. Evaluation of the Statement of Qualifications (SOQ) and Proposals will be based on information submitted in the SOQs and Proposals or otherwise available to the Department. The intent of the Department is to award the Contract to the Proposer that provides the Proposal with the best combination of financial, time, and technical score, and in the best interest of the state.

2.1 REQUEST FOR QUALIFICATIONS PHASE

This RFQ sets forth what is required during the RFQ phase of the procurement.

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 Statement of Qualifications are addressed in [Section 3.0](#).

Statements of Qualifications submitted in response to this RFQ must include a response to each pass/fail and technical evaluation factor. The Department will evaluate the SOQ's using the



pass/fail and technical factors set forth herein. The Department will determine a Short-List of no more than 3 of the most highly qualified Submitters.

2.2 REQUEST FOR PROPOSALS PHASE

Only the Short-Listed Submitters will receive and may respond to the Request for Proposals. Following the requirements to be defined in the Request for Proposals, the Department will select the successful Proposer.

The RFP will provide specific instructions on Proposal requirements, Proposal evaluation factors, the objectives and requirements for the evaluation, and the evaluation rating and scoring guidelines for the RFP phase of the procurement.

Financial considerations, time and other technical factors will be used by the Department to select the best value proposal as will be specified in the RFP.

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	September 30, 2016
Project Informational Meeting	October 11, 2016 10:00 A.M.
Final Date for Receipt of RFQ Questions	Six (6) business days prior to receipt of SOQ's
Final Responses to RFQ Questions posted	Three (3) business days prior to receipt of SOQ's
Statement Of Qualifications Due Date / Time by	See front cover of RFQ
Short-List Announced	Early November 2016
Issue Request For Proposals	Late November 2016
Final Technical and Price Proposals Due	February 2017
Issue Notice-to-Proceed	May 2017
Project Complete and Accepted by	Spring 2019

3 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 shall 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 not allowed.



3.1 DATE AND TIME OF RECEIPT

SOQ's must be received no later than the Date and Time as specified. The SOQs shall be clearly identified as such and be enclosed in sealed packages. *It is the Submitter's sole responsibility to ensure delivery of its SOQ to the Department prior to the time specified.* Late submittals will not be considered and will be returned unopened to the address indicated on the cover of the package.

E-mailed/electronic responses will not be accepted.

3.2 SUBMITTAL ADDRESS

The SOQs must be delivered to the following address:

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

3.3 PAGE LIMIT, FORMAT, AND QUANTITIES

The SOQ shall be organized to correspond with information required by Section 3.5. The SOQ shall be limited in pages as described, per section, in Section 3.5 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.

Text shall be in a standard font, a minimum of eleven points, single-spaced. Pages shall be 8.5 inch by 11 inch (excepting the organizational chart which may be 11inch by 17inch per Section 3.5.8(b)) white paper, single sided, with simple lettered/numbered dividers for each section. Content on dividers will not be evaluated. 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) at the bottom of the page.

Submitters shall present information clearly and concisely. Documentation that is not legible 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.

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."

An electronic copy in PDF format shall be provided on a CD included with the original.

An electronic copy of the redacted submission (below) is to be included on the same CD.

3.4 FREEDOM OF INFORMATION AND CONFIDENTIALITY OF DOCUMENTS

In order to comply with the State of Delaware's Freedom of Information Act, firms responding to this Request for Qualifications and any future Request for Proposals **shall prepare and submit** one (1) electronic copy on CD of their submission with any proprietary or confidential information redacted. This copy should be clearly marked as "Redacted Copy" and submitted along with the other copies. **This electronic copy is required even if the submission contains no proprietary or confidential information.** Firms should review Delaware's Freedom of Information Act for each record so defined;

<http://regulations.delaware.gov/AdminCode/title2/2000/2100/2101.shtml> to determine what information may be considered proprietary or confidential and may be redacted from their proposal submission.



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". If later requested under the Delaware Freedom of Information Act (FOIA), 29 Del. C. §10002, the information will be reviewed to determine if such material is exempt under FOIA. The Department will inform the provider if there is such a request.

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

- a) Clearly mark all proprietary or trade secret information as such in its SOQ and include a cover sheet stating "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION" and identify each section and page which has been so marked;
- b) 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 exempt from production.

3.5 STATEMENT OF QUALIFICATIONS CONTENT

In providing the SOQ, Submitters shall be guided by the Project goals in [Section 1.3](#) and the objectives, criteria, requirements and information described below. The requirements for each criteria and the information to be submitted are listed and described below in detail.

3.5.1 COVER LETTER

The cover letter is limited to two single-sided pages.

The Submitter shall provide a cover letter indicating its desire to be considered for the Project and stating the names and roles of all Principal Participants, the Lead Architect/Engineer, Construction Manager, Facility Operator/Maintainer, and Environmental Manager. The Submitter shall identify a single point of contact for the Submitter and the address, telephone, facsimile, and email where notifications and/or inquiries will be directed during the RFQ process. Authorized representatives of the Submitter's organization shall sign the letter. This cover letter shall serve as the Letter Of Interest.

3.5.2 ADDENDA ACKNOWLEDGEMENT

The addenda acknowledgement has no page limit.

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

3.5.3 SECTION 1 – LEGAL

Section 1 – Legal has no page limit.



The objective of Section 1 – Legal 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. Section 1 – Legal shall include:

a) FORM B - SUBMITTER'S ORGANIZATION INFORMATION

One form for the Submitter's organization identifying the Lead Principal Participant(s), and the percent equity share held. Each member of a Joint Venture (JV), Limited Liability Company (LLC), or partnership must be an equity partner in the organization.

b) FORM C - PRINCIPAL PARTICIPANT AND DESIGN CERTIFICATION

Include a separate form for each Principal Participant and the Lead Architect/Engineer.

c) 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;

i. "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."

ii. 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.

d) 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 Professional Architects; and the Delaware Division of Revenue.

e) 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.

f) Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign for that Principal Participant.

g) 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.

h) 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.

3.5.4 SECTION 2 – FINANCIAL

Section 2 – Financial has no page limit.

The objective of Section 2 - Financial is to identify Submitters with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding. Section 2 – Financial shall include:

a) Surety Letter

The Submitter shall submit *FORM H- BACKLOG INFORMATION* and 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 the table below represent minimum levels required. 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 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.

RFQ Surety	RFP Proposal Bond/Security	Payment/Performance Bond/Security
Letter of Surety capacity	Ten Percent of Proposal Amount	100% of Contract Amount

b) Financial Statements

The Submitter shall provide *FORM I- PAST REVENUE* and 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 Proposer 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.

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.

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.

3.5.5 SECTION 3 – PAST PERFORMANCE

Section 3 – Past Performance has no page limits.

The objective of Section 3 – Past Performance is to demonstrate a record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration. The Submitter must show Past Performance by demonstrating experience in managing and operating this type of facility in this type of urban environment. The Department seeks to avoid Submitters with firms or personnel with a history of legal, financial or safety problems that could adversely impact the Project. The Department also requires the commitment of the Submitter, Principal Participants, and Lead Architect/Engineer regarding representations made in the SOQ.

For Section 3 – Past Performance, Submitter shall include *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. 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 email and telephone 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.

a) 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 Architect/Engineer, 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

b) 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 Architect/Engineer, or subcontractors performing 15% or more of the design or construction, has been involved on all 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

c) 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



d) Termination for Cause or Default

The Submitter shall describe the conditions surrounding any contract (or portion thereof) entered into by any Principal Participant, Lead Architect/Engineer, 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

e) Disciplinary Action

The Submitter shall indicate any disciplinary action taken against any Principal Participant, Lead Architect/Engineer, 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

f) Form G – Safety Questionnaire

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

3.5.6 SECTION 4 – KEY STAFF

Section 4 – Resumes shall be a maximum of one page each. The page limit for Section 4 – Resumes is 5 pages.

The objective of Section 4 – Key Staff is to identify the proposed and committed staff for key management positions on the Project. Key Staff shall have demonstrated experience and expertise in producing quality work of a similar scope, nature and complexity to this Project. Design-Build experience is desirable but not required for all Key Staff. Section 4 - Key Staff shall include resumes for the following Key Staff:

a) Manager Maintenance/Operations

Shall have a minimum of 15 years of experience with parking facility management/operations with similar scope, nature, and complexity as this Project. Emphasis on managing day-to-day operations, revenue collection, staffing, etc. Experience with managing routine maintenance program, as well as program of capital improvements.

b) Construction Manager

Shall have a minimum of 15 years of experience in management of construction projects that included work of a similar scope, nature, and complexity as this Project. The Construction Project Manager shall have served in a similar role on a minimum of one prior project of similar scope, nature and complexity as this Project. Consideration for experience with local projects will be part of the evaluation. The Construction Manager shall be the on-site representative and single point of contact for all project management and administrative activities during execution of the Work.



- c) Lead Architect
The Lead Architect shall be a registered architect in the State of Delaware and shall have a minimum of 15 years of experience in designing projects that included work of a similar scope, nature, and complexity as this Project. Experience with parking facilities is recommended, but not required.
- d) Lead Structural Engineer
The Structural Engineer shall be a registered professional engineer in the State of Delaware and shall have a minimum of 15 years of experience with parking facilities or projects of similar scope, nature, and complexity as this Project.
- e) Environmental Manager:
Shall have a minimum of 15 years of experience with environmental investigation and remediation. Must be a Delaware HSCA-certified environmental consultant and have experience working with DNREC Site Investigation and Restoration Section on remedial design and implementation. Experience with environmental remediation on construction projects in accordance with DNREC regulations is required.

3.5.7 SECTION 5 – TEAM EXPERIENCE

Section 5 – Team Experience is limited to 12 pages, inclusive of Form D but exclusive of Form E.

The objective of Section 5 – Team Experience is to identify Submitters with demonstrated financial, technical, construction, maintenance and operations expertise to plan, organize, and execute the design, construction, operation, and maintenance of the parking facility and associated uses on projects of a similar nature to this Project in a quality, safety, time and budget conscious manner.

The following information is to be submitted and labeled as Section 5 –Team Experience:

- a) FORM D - PAST PROJECT DESCRIPTION
Using Form D, Submitter shall provide a total of 6 past project descriptions for projects completed within the past 10 years having a scope comparable to that anticipated for the Project. The total of 6 past projects shall include a minimum of two projects for each Principal Participant, Lead Engineer, and subcontractor performing 15% or more of the design or construction.
- b) FORM E – SUBCONTRACTOR INFORMATION
For purposes of the RFQ, Submitter shall provide the names of the lead design firm and design or construction sub-contractors expected to perform more than 15% of the contract work.

3.5.8 SECTION 6 – PROJECT UNDERSTANDING AND APPROACH

Section 6 – Project Understanding and Approach is limited to 4 pages inclusive of the organizational chart.

The objective of Section 6 – Project Understanding is to identify Submitters demonstrating an understanding of the management/operation, design,



construction and quality issues associated with the Project. Project specific technical solutions are not required or desirable. The following information shall be included in the Submitter's narrative for Section 6 – Project Understanding:

- a) The Submitter shall provide a narrative description of the Submitter's approach to financing and contracting for this Project. The narrative shall describe the methodology for integrating the various entities and areas of expertise within the Submitter's team into an efficient and effective organization considering the Department's Project goals listed in Section 1.3.
- b) The Submitter shall include an organizational chart reflecting the major Project functions, reporting relationships, lines of communication, and other elements critical to successful completion of the Work. The organizational chart shall reflect, at a minimum, all Key Staff identified in the SOQ. The organizational chart shall not exceed one page and may be 11"x17".
- c) The Submitter shall briefly describe the significant issues and risks facing the selected Submitter and/or the Department and how the Submitter's approach may serve to mitigate such risks.

4 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS

4.1 REVIEW AND EVALUATION

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

Information submitted in accordance with [Section 3.0](#) will be evaluated in accordance with both the pass/fail evaluation factors listed in Section 4.2, and the technical evaluation factors in Section 4.3.

The Department will determine a Short-List of no more than three (3) of the most highly qualified Submitters.

4.2 PASS/FAIL EVALUATION FACTORS

An SOQ must receive a 'pass' rating for all pass/fail evaluation factors before being further evaluated using the technical evaluation factors in Section 4.3. If an SOQ receives a 'fail' rating for any single pass/fail evaluation factor this will be considered a Deficiency, the SOQ will be considered unacceptable, and the SOQ will not be further evaluated and will not be included on the Short-List. The pass/fail evaluation factors and criteria are as follows:

- a) Proposal Responsiveness
The SOQ is complete, in the specified format, and does not deviate from the RFQ requirements in any material respect.
- b) Section 1 - Legal
The SOQ presents evidence showing the Submitter's 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; and
- Proper licensure of all participating firms.

c) Section 2 - Financial

The SOQ demonstrates the ability of the Submitter to provide required bonds and meet other financial requirements of undertaking and completing the Work.

The Department may allow certain deficiencies in the SOQs relating to the above pass/fail evaluation factors to be corrected through Clarifications (see Section 4.7) but shall have no obligation to do so.

4.3 TECHNICAL EVALUATION FACTORS

The technical evaluation factors and criteria are as follows:

4.3.1 Section 3 - Past Performance

The complete record of Submitter's design, construction, and safety performance as provided on Form F and Form G.

4.3.2 Section 4 - Key Staff

The proposed Key Staff demonstrates design and/or construction experience relevant to the size, complexity, nature, scope, and composition of this Project with an emphasis on previous work experience relevant to the role and function proposed for this Project.

4.3.3 Section 5 - Team Experience

The Submitter, its Principal Participants, the Lead Engineer and Key Staff have demonstrated technical, construction, facility operations, and management experience relevant to the size, complexity, nature, scope and composition of this Project.

4.3.4 Section 6 - Project Understanding and Approach

The Submitter demonstrates an understanding of and approach to how the Design-Build-Operate-Maintain process and the team's organization will contribute to meeting the Department's Project goals, identifying project risks, and mitigating project risks.

The Submitter's organizational chart appropriately reflects the communications, relationships and functions required to implement the Submitter's approach and successfully complete the Work.

4.4 RELATIVE IMPORTANCE OF TECHNICAL EVALUATION FACTORS

All technical evaluation factors are of equal importance.

4.5 EVALUATION RATINGS

Ratings for each technical evaluation factor and the overall 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 use a plus (+) or minus (-) suffix to differentiate the strengths or limitations within a technical rating.

Provided that all pass/fail factors have been rated as 'pass', the technical evaluation factor ratings assigned to each technical evaluation factor will be compiled to determine an overall rating for the SOQ. The ratings of each of the technical evaluation factors and the overall rating for the SOQ will be arrived at through a consensus process. Numerical scores will not be assigned.

Any SOQ that receives a 'fail' for any pass/fail factor will receive an overall SOQ rating of Unacceptable and will not be included on the Short-List.

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.

4.6 DETERMINATION OF THE SHORT-LIST

The Department will establish a Short-List of up to three (3) of the highest rated Submitters. Neither the overall ratings nor the ranking of the Submitters on the Short-List will be disclosed until the procurement process is complete and the Contract is executed.

4.7 REQUESTS FOR CLARIFICATION

If Submitter provided SOQ 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.



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. DEPARTMENT OF TRANSPORTATION RIGHTS AND DISCLAIMERS

4.8 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:

- a) Rejection of any or all Statements Of Qualifications;
- b) Issuance of a new Request For Qualifications;
- c) Cancellation, modification, or withdrawal of the Request For Qualifications;
- d) Issuance of Addenda, supplements, and modifications to this Request For Qualifications;
- e) Modification of the Request For Qualifications process (with appropriate notice to Submitters);
- f) Appointment of the Primary Design-Build-Operate-Maintain Evaluation Committee and evaluation teams to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation;
- g) Approval or disapproval of the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- h) 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;
- i) Correspondence with the Submitters responding to this SOQ, including holding meetings, to seek Clarifications and an improved understanding and evaluation of the SOQs;
- j) Seeking or obtaining data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- k) Waiver of Weaknesses, informalities, and minor irregularities in Statements Of Qualifications;
- l) Disqualification of any team that changes its SOQ without Department written approval;
- m) 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,
- n) 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:



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 on-going contracts with the Department (or the State of Delaware);
 2. Default on the part of the Submitter, a Principal Participant, Lead Architect/Engineer under previous contracts with the Department (or the State of Delaware);
 3. Unsatisfactory performance by the Submitter, a Principal Participant, and/or a Lead Architect/Engineer under previous contracts with the Department (or the State of Delaware);
 4. Issuance of a notice of debarment or suspension to the Submitter, a Principal Participant, and/or a Lead Architect/Engineer;
 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. Existence of an organizational conflict of interest under [Section 1.9](#) or evidence of collusion between a prospective Submitter (or any Principal Participant or Lead Architect/Engineer) and other Submitter(s) (or Principal Participants or Lead Architect/Engineer) in the preparation of an SOQ, proposal, or bid for any Department construction project; and/or
 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.
- o) 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.
- p) 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.
- q) 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.

4.9 DELAWARE DEPARTMENT OF TRANSPORTATION DISCLAIMERS

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

- a) Any obligation to award or execute a Contract pursuant to this Request For Qualifications; and
- b) Any obligation to reimburse a Submitter for any costs it incurs under this procurement except as provided in Section 1.18.

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



5 GENERAL NOTICES

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

5.1 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.

5.2 DIVERSITY PARTICIPATION OPPORTUNITIES

DelDOT/DTC affirmatively assures that, in regard to any agreement, contract or subcontract entered into with the Department pursuant to this matter, qualified and certified minority business enterprises (MBEs), women business enterprises (WBEs) and (VOBs) veteran owned business enterprises will be afforded full opportunity to submit bids and will not be discriminated against on grounds of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, or national origin in consideration for an award. Submitters and Proposers should understand that the participation of qualified and certified MBEs, WBEs and VOBs is a matter of great interest to the Department. Submitters interested in contacting qualified firms, may view the State of Delaware Office of Supplier Diversity website at: <http://directory.osd.gss.omb.delaware.gov/index.shtml>.

5.3 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, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, or national origin. Proposers shall take affirmative action to insure that all applicants are treated during employment without regard to their race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, or national origin. 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. Submitters and 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.

5.4 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

APPENDIX A- ABBREVIATIONS AND DEFINITIONS

REQUEST FOR QUALIFICATIONS

ABBREVIATIONS AND DEFINITIONS

T201753101

PORTER SITE PARKING AND TRANSIT FACILITY



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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 describing 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 Manager**" means a Principal Participant, or Specialty Subcontractor, that leads the team managing all aspects of construction, scheduling, coordination, and quality control for the Project.

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



Delaware Department of Transportation

"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 financial terms, and maintenance and operations terms. 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/ Delaware Transit Corporation.

"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").

"Environmental Manager" means a Principal Participant, Specialty Subcontractor, or in-house entity that leads the team providing the environmental assessment, coordination, mitigation planning, permitting, and related activities for the Project.

"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 architect that leads the team furnishing or performing the architectural 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.

“Lead Structural Engineer” means a Principal Participant, Specialty Subcontractor, or in-house engineer that leads the team furnishing or performing the structural design of the Project.

“Manager Maintenance/Operations” The long term Operator of the facility who is responsible for all aspects of managing the daily operations of the parking facility, revenue collection, maintenance of mechanical, plumbing, electrical, and security, drainage, structural, and paving systems for the parking facility and transit hub.

“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 of 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.

“Public Private Initiative” means a contractual arrangement between a public agency (federal, state or local) and a private sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public.

“Quality Acceptance” 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



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documentation of Quality Acceptance (QA) activities. Quality Acceptance also includes IA testing, the Department's Project Manager's written acceptance, final inspection, and final acceptance.

"Quality Acceptance 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, 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 contract for this Project. A Proposer/Submitter may have a prime/subcontractor relationship with many different types of subcontractors, including Architects and constructors.

"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).

"Sub-contractor" means an individual or legal entity contracting with the Submitter to perform any part of the design or construction of an item of work as part of the Submitter's contract with the Department.



"**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

CD-ROM	Compact Disc - Read Only Memory
CE	Construction Engineering
CFR	Code of Federal Regulations
CPA	Certified Public Accountant
DB	Design-Build
DelDOT	Delaware Department of Transportation
DNREC	Division of Natural Resources and Environmental Control (State of Delaware)
EA	Environmental Assessment
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
IA	Independent Assurance
JV	Joint Venture
LD	Liquidated Damages
LLC	Limited Liability Company
LOI	Letter of Interest
MOU	Memorandum Of Understanding
NTP	Notice to Proceed
PE	Preliminary Engineering
PI	Public Information
QA	Quality Acceptance
QC	Quality Control
RFP	Request For Proposals
RFQ	Request For Qualifications
ROW	Right Of Way
SEC	Securities and Exchange Commission
SOQ	Statement of Qualifications



APPENDIX B

REQUIRED FORMS

REQUEST FOR QUALIFICATIONS



**APPENDIX B
STATEMENT OF QUALIFICATIONS
FORMS**

TABLE OF CONTENTS

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FORM G - SAFETY QUESTIONNAIRE

FORM H - BACKLOG INFORMATION

FORM I - PAST REVENUE



FORM A - ADDENDA ACKNOWLEDGMENT

Submitter (Team) Name: _____

Addendum Number:		Dated:	
Addendum Number:		Dated:	
Addendum Number:		Dated:	
Addendum Number:		Dated:	
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 Engineer			
Per RFQ Section 3.5.6			
Other Key Staff			
Per RFQ Section 3.5.6			



FORM C - PRINCIPAL PARTICIPANTS AND DESIGN CERTIFICATION

Name of Submitter: _____

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

1. Has the firm¹ 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: _____

¹ (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

Facility Manager/Operator: Lead Architect

Years of Experience:
Parking Decks/Garages: _____ 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 E - SUBCONTRACTOR INFORMATION
(Including Sub Consultants)

Name of Submitter: _____

SUBCONTRACTOR NAME	CITY, STATE, AND PHONE NUMBER	WORK PLANNED FOR THE PROJECT

Notes: (1) Attach a maximum of one page summary of subcontractor experience for each subcontractor listed, including subconsultants.



FORM F - PAST PERFORMANCE

(Page 1 of 2)

(Form Required for Principal Participant, Lead Engineer, Lead Architect, Construction Manager, Facility Maintainer/Operator)

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.



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

(Page 1 of 2)

Name of Submitter: _____

Firm Name: _____

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

Item	2013	2014	2015
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 of 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 Submitter 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
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)			
			2013	2014	2015	2016
Principal Participant(s)						
Lead Architect						
Lead Engineer						



FORM I - PAST REVENUE

Name of Submitter: _____

Proposer Entities/Firm Name	Total Revenue by Year (\$US in Millions)		
	2013	2014	2015
Principal Participant(s)			
Lead Engineer			
Others			

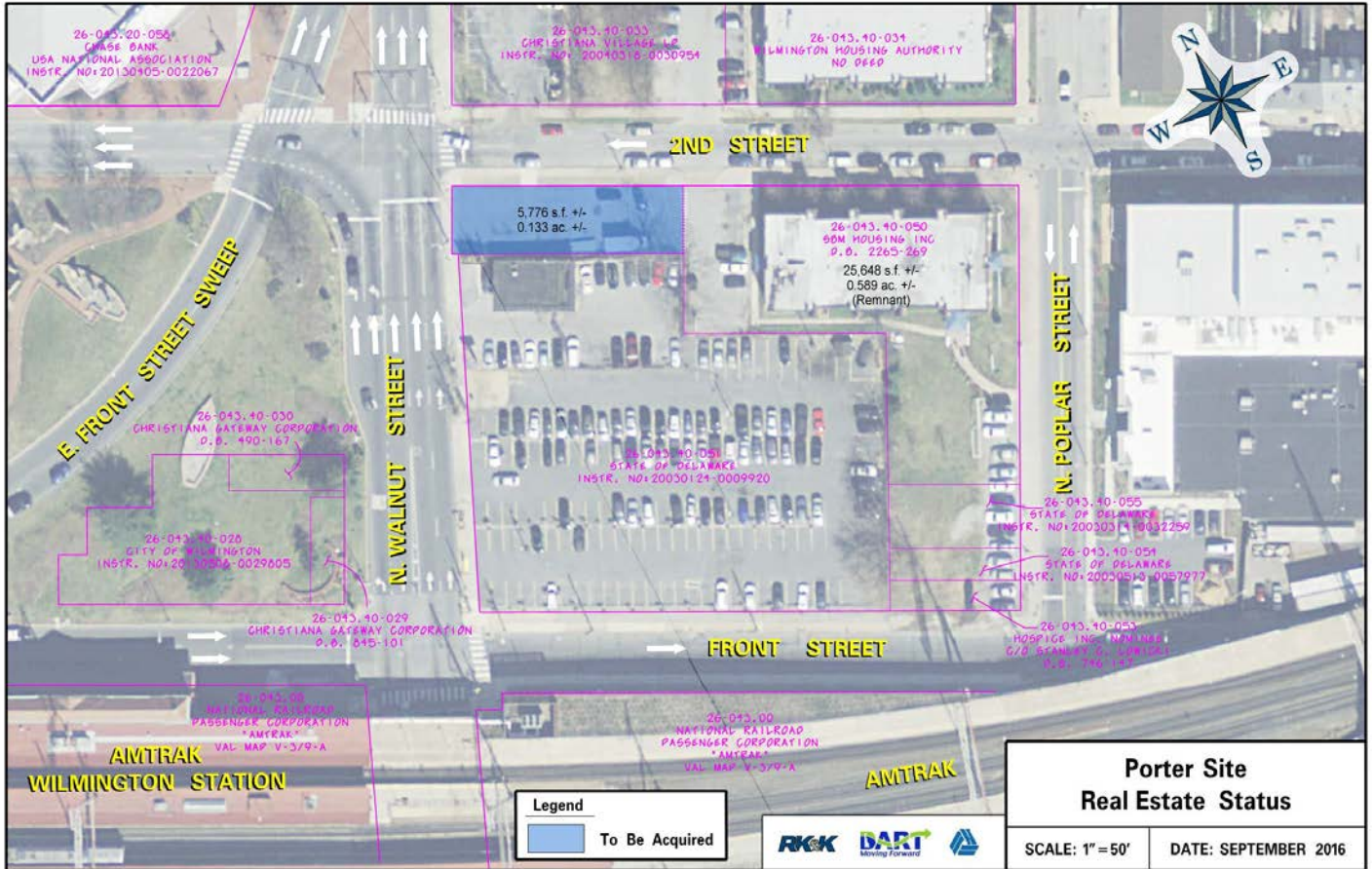


APPENDIX C

REFERENCE DOCUMENT

REQUEST FOR QUALIFICATIONS

RIGHT-OF-WAY



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