



## I-64 Hampton Roads Bridge-Tunnel Expansion Responses to Questions (Questions received as of January 22, 2018)

- Q1:** Appendix A - Definitions defines Lead Designer as follows: “Lead Designer” means the member of the Offeror’s team responsible for the overall design of the Project. The Lead Designer must be a single entity and shall not be structured as a Joint Venture.” As we shape the design team for the Project, it is becoming apparent that both the different elements of the Project and the need to bring the optimal technical expertise for each component and each of the tunnel options may require the composition of a more complex design team, not just one single entity Lead Designer. Also, existing surety and insurance constraints, and project risk implications further add to the difficulty of having just one single design entity. Therefore, we are hereby requesting that the Department allow the Lead Designer to include more than one single entity within the Design-Builder’s structure. We suggest that the definition of Lead Designer be revised as follows: “Lead Designer” means the member or members of the Offeror’s team that in conjunction will be responsible for the overall design of the Project. Each Lead Designer member must be a single entity and shall not be structured as a Joint Venture”. We believe that this change would also be in the best interest of the Department, for it would result in increased local knowledge and design team experience to better fulfill the highway, soft tunnel (for both immersed and bored tunnel options), and bridge/marine RFQ requirements (only Lead Designer’s project experience is currently allowed to be submitted as part of Form J “Design Experience”).
- Q2:** Appendix A – Definitions, states that the “Lead Designer” must be a single entity and shall not be structured as a Joint Venture. The responsibility of the design team is to perform the work under a contract with the Offeror. The design team could be a single entity or a joint venture of design firms that would have joint and several liability as a joint venture. A Design Joint Venture can also be structured such that the managing general partner is the single point of contact and responsible for all of the aspects of the design. This can be organized effectively and efficiently managed. This would also allow the use of design expertise to specifically satisfy the different aspects of the construction elements (roadway, bridge and tunnel). This would increase the competition of teams by bringing the best experienced design firms to develop the most cost-effective solutions for the project. Please consider allowing the use of joint venture design teams.

**Q3:** Statement of Qualifications, Section 3.3.1(B), states that the Lead Designer must demonstrate experience in highway, bridge, tunnel and island projects. If the Lead Designer is a single entity then this will limit the competition of design firms with expertise in different aspects of the design. We ask you to please consider the relevant collective experience, in accordance with the criteria set forth, of an Offeror's design team providing the design experience in a Prime Consultant– Key Subconsultant organizational structure; and, not limit the evaluation to the experience of a single design entity. We respectfully submit that it would be in the best interests of the Project to consider the breadth of design experience and expertise of a design team as a whole, as opposed to a single design entity, for the following reasons:

A. The number of consultants that can satisfy the requirement of demonstrating the relevant experience in a single entity is extremely limited, and made more limited by the fact that several national consultants are conflicted out from being part of an Offeror team. The result severely limits the number of Offeror Teams that will be able to submit as well as limit the potential innovative approaches that meet all of the objectives of the Project that could result in receiving the best schedule and cost proposals.

B. We believe that considering the relevant design experience and expertise of a Joint Venture design team or a design team comprised of a qualified Prime Consultant and subject matter subconsultant experts in each of the key elements of the project will offer VDOT the experience and expertise equal to, if not superior to, that of a single entity design firm.

**Response to Q1 to Q3:** *This replaces the Department's response in the document "Responses to Questions (Questions received as of January 10, 2018)". The Lead Designer may be a single entity or may be structured as a Joint Venture. The Joint Venture must be comprised of no more than three members or joint venturers, and the Offeror shall identify in its SOQ a single member or joint venture that will serve as the managing joint venture for the Joint Venture.*

*In addition, the Lead Designer is not precluded from engaging other design firms with the necessary expertise as a sub-consultant. An offeror must demonstrate experience by the Lead Designer firm itself in the management of at least two (2) of the five (5) transportation projects required by Part B, Section 3.3.1 of the RFQ. Form J must indicate whether the project being submitted was performed by either the Lead Designer or its sub-consultant. If the work was performed as part of a Joint Venture or partnership, the offeror must describe how the Joint Venture or partnership was structured and the portion of such work performed by the sub-consultant. This response is reflected in Addendum Number 1 dated February 2, 2018.*

**Q5:** The Tunnel Constructor has constructed large diameter bored tunnels in soft soils for roadway or rail lines for at least two recent projects. Please define the large diameter range for bored tunnels.

**Response to Q5:** *As referenced in Part B, Sections 3.3.2 of the RFQ, "large diameter tunnels" are tunnels with a diameter of at least 40 feet. This response is reflected in the Addendum Number 1 dated February 2, 2018.*

**Q6:** This section states that the Tunnel Designer must have designed large diameter bored tunnels constructed in soft soil for roadway or rail lines for at least two recent projects. We respectfully submit that it would be in the best interest of the Project for you to allow the consideration of projects that are other than road or rail use while fulfilling the remainder of the requirements. This would be consistent with your qualification requirements for the Lead Tunnel Engineer (Appendix C – Table 2) that allows for tunnel experience other than highway and for the broader experience of the Tunnel Designer in soft soil conditions.

**Response to Q6:** *The Department will accept recent projects demonstrating the Offeror's experience in large diameter tunnels (at least 40 feet in diameter) constructed in soft soils, that may or may not*

*involve roadway or rail tunnels as compliance with the requirements in Part B, Section 3.3.2. This response is reflected in the Addendum Number 1 dated February 2, 2018.*

**Q7:** In the interest of sustainable practices may Offeror, Lead Contractor, and Lead Contractor Members submit required financial statements for the three most recent completed fiscal years in electronic form only? This accommodation would also align with the allowance in (a) (viii F) for SEC Filings to be submitted electronically in read-only format on flash drives.

**Response to Q7:** *The Department maintains its requirement that physical copies of required financial statements be submitted as part of the Statement of Qualifications.*

**Q8:** The Project Executive position as described is typically associated with a P3/DBFOM project where the Equity/SPV team has an executive on-site full time to manage its respective interests. On a Design-Build project such as this one, the Project Manager is responsible for overall delivery of the project and has the authority to make decisions for and oversee the performance of the Design-Builder (both are duties which are currently under the Project Executive).

As these roles would be duplicative on a Design-Build project can the Key Personnel table be revised to reflect the Project Manager as the top position? Note s/he will report to a board comprised of Design-Builder senior executives.

**Response to Q8:** *The Department maintains its requirement on separate positions for the Project Executive and Project Manager. However, Appendix C will be revised to state that the Project Executive will **not** be required to be assigned to the Project on site full-time until completion of the construction work. This response is reflected in the Addendum Number 1 dated February 2, 2018.*

**Q9:** Can VDOT please clarify whether the two (2) page limit for Section B Project Descriptions is two pages per project, or two pages for all projects included on Forms I, J, K, and L, respectively?

**Response to Q9:** *The 2 page limit in Part B, Sections 4.2.2 (a)(ii), (b)(i)(B), (b)(ii)(B) refers to an overview of all projects included on Forms I, J, K, and L. The Offeror is expected to further discuss in detail an individual project in Forms I, J, K, and L for which a 1 page/per project limit has been set. This response is reflected in the Addendum Number 1 dated February 2, 2018.*

**Q10:** The Quality Assurance Manager position as described is typically associated with a P3/DBFOM project where the Equity/SPV team has an executive on-site along with a Quality Manager who oversees the Design Builder. On a Design-Build project such as this one, there is usually an overall Quality Manager who has a QA manager and a QC manager reporting to him/her. This entire Quality group typically reports to the Project Manager and is not in the line of authority of the Construction Manager. The Quality Assurance Manager and team may often be a separate company that fulfills this role for the Project Manager.

As these roles would be duplicative on a Design-Build project, can VDOT revise the Key Personnel table to reflect the Quality Assurance Manager reporting to the Project Manager as the top position? Note s/he will report to a board comprised of Design-Builder senior executives.

**Response to Q10:** *The Department reserves its right to respond to this question by February 12, 2018 as indicated in Addendum Number 1 dated February 2, 2018.*

**Q11:** Can VDOT provide 11"x17" Microsoft Word templates for Forms I, J, K, and L?

**Response to Q11:** *As indicated in Part B, Section 1.3, Offerors are allowed 11x17" pages for Forms I, J, K and L. The MS Word templates for the forms available here <http://www.p3virginia.org/projects/hampton-roads-bridge-tunnel-2/> (labelled as HRBT SOQ Transmittal Letter) may be adjusted to the appropriate page size.*

**Q12:** Are Offerors to include only the projects shown on Forms I and J in Part 2 and 3 (Section B) – Project Descriptions, or is there an opportunity to provide more than two projects in both Part 2 and Part 3? The Evaluation Criteria allows for "at least two" projects while in Part B 4.4.2 (a)(ii) the directions specify projects shown on Forms I and J.

**Response to Q12:** *Offerors must submit 5 projects best meeting the requirements for the experience of a Lead Contractor (in the format prescribed in Form I) and a Lead Designer (in the format prescribed in Form J). The same projects identified in Forms I and J will also be discussed in Volume 2, Part 1, Section B of the SOQ as instructed in Part B, Section 4.2.2 (a)(ii) of the RFQ.*

*On the other hand, offerors must submit at least 2 projects best meeting the requirements of a Tunnel Constructor (in the format prescribed in Form K) and a Tunnel Designer (in the format prescribed in Form L). The same projects identified in Forms K and L will also be discussed in Volume 2, Part 2, Section B of the SOQ as instructed in Part B, Section 4.2.2 (b)(i)(B), and/or (b)(ii)(B).*

**Q13:** There is no place on Form I or K to identify the construction firm submitting the Form. Form I – Construction Experience item b asks for “Name of the prime design consulting firm responsible for the overall project design” and Form K – Construction Tunnel Experience Item B asks for “Name of the prime design consulting firm responsible for the design of the tunnel.” Can VDOT add an area on the form to identify the submitting prime/general contractor or update item b to request the submitting prime/general contractor?

**Response to Q13:** *The name of the firm that had performed the work, and is submitting the project to fulfill the requirements of Part B, Sections 3.3.1 and 3.3.2 may be stated in the portion in Forms I, J, K and L marked “(h) Narrative describing the work performed by the firm identified as the Lead Contractor/Lead Designer/Tunnel Constructor/Tunnel Designer” for this procurement”.*

**Q14:** There is no place on Form J or L to identify the prime design consulting firm submitting the Form. Form J – Design Experience item b asks for “Name of the prime/ general contractor responsible for overall construction of the project.” and Form L – Design Tunnel Experience item B asks for “Name of the prime/ general contractor responsible for construction of the tunnel.” Can VDOT add an area on the form to identify the submitting prime design consulting firm, or update item b to request the submitting prime design consulting firm?

**Response to Q14:** *See response to Question 13.*

**Q15:** Can VDOT please clarify the appropriate usage of “Offeror,” “Lead Contractor,” “Lead Contractor Member,” and “Lead Designer”?

For example, what if the Offeror is a to be formed limited liability company (LLC) created specifically for the purposes of the Hampton Roads Bridge-Tunnel Project. The entity would not meet the RFQ Definition of a Joint Venture although the Offeror’s Lead Contractor Members will be joint and severally liable for the overall construction of the Project.

In this scenario would it be appropriate to list each entity comprising the to-be-formed LLC as a “Lead Contractor Member” and the “Offeror” itself would be the “Lead Contractor”? That way on, for example Forms E and F, each “Lead Contractor Member” could respond with its qualifications as those companies comprise the “Offeror.”

**Response to Q15:**

*Offeror teams must submit in its SOQ as requested within the RFQ.*

*In the scenario described, the to-be-formed LLC would be the Offeror – i.e., the entity seeking to be in privity with VDOT for the full performance of the Comprehensive Agreement (the CA). Only the to-be-formed LLC would be liable to VDOT for performance; there would be no joint and several liability for the performance of the CA. Any entity holding a contract with the to-be-formed LLC for the performance of a portion of the CA work would, in strict legal terms, be a subcontractor.*

*Note, the Offeror and the Lead Contractor could be the same entity – i.e., the entity intending to be the primary constructor could also be the entity seeking to be in privity with the Department under the CA. However, under the scenario that would be unusual because the Offeror would be the to-be-formed LLC, which would not have any construction experience.*

*Also note, the term “Lead Contractor Member” only applies when the Lead Contractor itself is a JV. Accordingly, the concepts of: (a) the to-be-formed LLC as the Offeror, and (b) any “Lead Contractor Member” are not connected.*

*Finally, note, Form E should be completed for each of: (i) the Offeror, (ii) the Lead Contractor, and (iii) the Lead Designer. (See, RFQ Part B, 4.2.1(e)(i)) Of course, to the extent any of (i), (ii), or (iii) are the same entity, only one Form E would be required of that discrete entity. But Form F should be completed only for the Offeror. (See, RFQ Part B, 4.2.1(e)(i))*