

Design/Dwrf Manual



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Idaho Transportation Department Design-Build Manual

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1 INTRODUCTION

Design-build contracting is beneficial for an array of projects, and its benefits include accelerated delivery, construction activities that are customized to the contractor, opportunities to mitigate and/or allocate risks, and optimization of contractor innovations. The purpose of this document is to establish and explain the Department's process for procuring and administering both the design and construction of a project with a single contract. The process should clearly communicate all known information to the design-build firm.

1.1 Authority

Idaho Code §40-902 describes the contracting process for design-bid-build projects. Idaho Code §40-904 and §40-905 allows the Department to use design-build and Construction Manager/General Contractor (CMGC) contracting methods under certain circumstances. 23 CFR 636 describes FHWA's policies and procedures for utilizing design-build contracting on federal-aid projects.

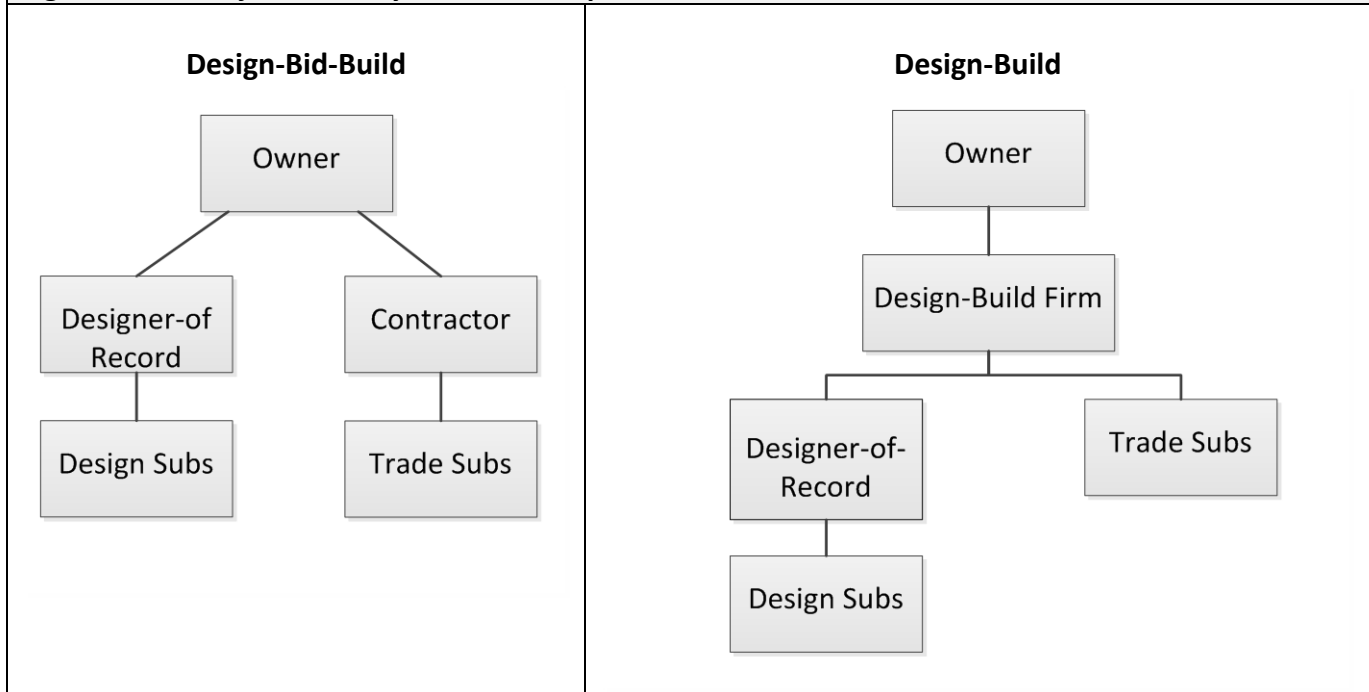
Three design-build methods are available for use: best value, which takes into account both technical score and price, and can use contract time as a selected criteria; fixed price best design, which allows the Department to capitalize on the amount of money available; and lowest price technically acceptable for routine projects where there are minimal opportunities for innovation and the design is more complete than other design-build projects.

1.2 What is Design-Build Contracting?

Design-build is a method of project delivery in which the Department executes a single contract with one entity (the design-build firm) for combined design and construction services to provide a finished product (see Figure 1.2-1).

Design-build is a two-phase procurement process; the first phase is a qualifications-based evaluation in response to a Request for Qualifications (RFQ) and results in a short-list of the most qualified proposers. The short-listed proposers are then given an opportunity to submit technical and price proposals in response to the Request for Proposals (RFP). A technical proposal will reflect the product that the design-build firm intends to deliver to meet the Department's goals and objectives, and the price proposal will be a lump-sum price for the work defined in the RFP. The successful firm's technical and price proposal that was submitted in response to the RFP becomes a part of the contract.

Figure 1.2-1: Project Delivery Method Comparison



The Department's general design-build process includes:

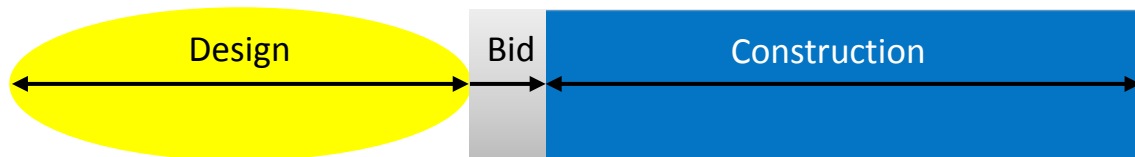
- Project nomination as design-build
- Project review and Board approval
- Team formulation
- Risk Assessment Workshop
- Data gathering
- Conceptual Design
- Request for Qualifications (RFQ)
- Request for Proposal (RFP)
- Selection of design-build firm
- Administration of contract

The Department's role in the project will focus on two key areas: describing project requirements and expectations in sufficient detail to guide the proposers' response and ultimately become part of the contract, and administering the design-build contract after award. It is particularly important that Department staff be able to define the goals and objectives of the project early in the process. It is necessary to describe the project and essential requirements in such a way that the design-build firm has enough information to deliver the intended project.

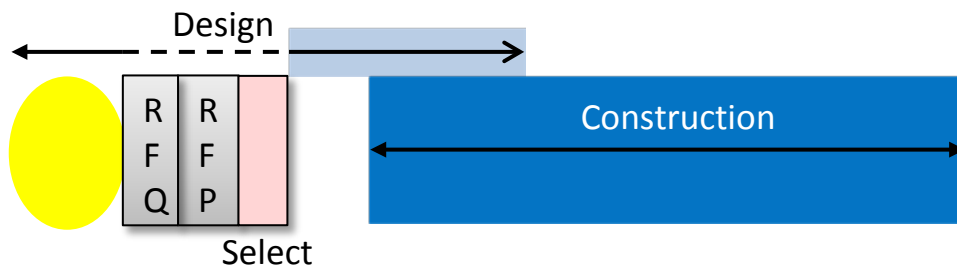
Design-build is an effective tool in advancing projects by allowing construction to begin earlier in the project lifecycle. Figure 1.2-2 graphically shows the time difference between traditional design-bid-build contracting and design-build contracting.

Figure 1.2-2: Time Savings Using Design-Build

Design-Bid-Build Contracting



Design-Build Contracting



1.3 What is the Design-Build Project Delivery Process?

Delivering a project using design-build contracting eliminates very few steps when compared to the typical design-bid-build process. The same deliverables and requirements apply whether performed by the Department or the design-build firm. The responsible party and timing are what make design-build contracting different from design-bid-build. The design-build process shifts some tasks and responsibility from the Department to the design-build firm. Therefore, special attention to the terms within the contract documents is critical in determining contractual responsibilities.

The overall project development and design-build firm selection process varies little from project to project. The most significant difference in the development of a project using design-build versus using design-bid-build is in the field work and level of design completed before advertising the project. Instead of final plans and specifications, the project team is, for the most part, developing a scope of work and technical specifications, which is the description of the final constructed project. This complete description must be established before advertising the project.

During the conceptual design stages, the project team should focus on the project development objectives of identifying, assessing, and allocating the project risk to the party best able to manage them. The Department may choose to retain high-risk areas or, on a case by case basis, the Department may choose to allocate or share these risks with the design-build firm. A determination needs to be made on who can best manage each risk.

The procurement process used by the Department consists of two steps and is intended to result in a contract that represents the best value to the public. The first step is a qualifications based selection process that evaluates each proposer on criteria such as experience and project understanding, and results in a short-list of the top proposers. Technical and price proposals are then solicited from the short-listed proposers only. The technical proposals are submitted in response to specific project

criteria or risk areas that the Department wants the proposers to focus on. The technical proposal should present opportunities for innovation and address the project goals. The price proposal will become the contract amount, time adjusted if applicable, unless a fixed price-best design contracting method is warranted.

The final phase of the process involves administering the contract. The roles and responsibilities of the Department and the design-build firm will be described in the RFP and later in this manual.

For a comparison of project delivery methods that are available to the Department, see Appendix B: Project Delivery Methods. For a general depiction of the design-build procurement process, a flow chart has been provided in Appendix C: Design-Build General Procurement Activities.

2 PROCUREMENT OVERVIEW

The design-build delivery method can offer advantages to a project. An important consideration associated with this delivery method is the procurement process used to select a design-build firm. In all three methods, pre-screening through the RFQ is used to short-list the highest qualified firms before considering technical or price factors.

The Department will follow a specific decision making process to identify and select a project for using the design-build contracting method (see Appendix D: Alternative Contracting Project Nomination Form). Assessment of the project complexity, schedule, risks, current level of design, agency and market factors, and third party coordination are factors that contribute to the specific contracting method. The Department will also identify project development staffing needs and determine who (in-house or third-party) will perform conceptual design services such as preliminary mapping and baseline survey, hydraulic analysis, geotechnical investigation, traffic management, right of way, environmental studies and permitting.

The Department will establish a multi-disciplined team to develop the RFQ and RFP documents prior to project advertisement. The project team will identify the project goals, develop the conceptual design and construction scope of work, develop a detailed description of the project, collect the base data, and to identify required design elements, identify environmental permitting requirements, identify right-of-way needs, etc.

2.1 Procurement Types

The first step in the procurement process involves pre-qualification of proposers based on their responses to a Request for Qualifications (RFQ). This step results in two to five of the highest ranked firms being short-listed. It also serves to reduce industry costs in responding to requests for technical and price proposals, it encourages the most qualified proposers to participate by increasing their chances of success, and it serves to reduce the Department's cost to review the proposals. The number of short-listed proposers will be determined on a project by project basis and should be indicated in the RFQ.

The second procurement step is a Request for Proposals (RFP) and subsequent evaluation of technical and price proposals from the short-listed firms. FHWA approval of the RFP is required prior to advertisement on Federal-aid projects. This step may include the opportunity for the proposers to

obtain pre-approval of Alternative Technical Concepts (ATC) before submitting their proposals.

Best Value Method

The best value procurement method is used to select the design-build firm that presents the best combination of technical features and price to the Department and public that meet or exceed the Department's requirements identified in the RFP. The final score will be obtained by dividing each proposer's price by the score given by the technical review team. The Department shall select the responsive and responsible proposer whose score is the lowest. This adjustment shall be used for selection purposes only and shall not be included in the contract amount.

$$\text{Final Score} = \frac{\text{Price Proposal}}{\text{Technical Proposal Score}}$$

Best Value – Time Adjusted Method

If a time factor is included with the best value method, the Department will adjust the bids using a value of time factor established and stated in the RFP. The value of time factor shall be a value per day, and the time adjusted price is the total time value plus the bid amount. An adjusted score will then be obtained by dividing each proposer's time adjusted price by the score given by the technical review team. The Department shall select the responsive and responsible proposer whose adjusted score is the lowest. This price adjustment is used for selection purposes only and is not be included in the contract amount.

$$\text{Final Score} = \frac{\text{Time Value} + \text{Price Proposal}}{\text{Technical Proposal Score}}$$

Fixed Price – Best Design Method

The Department will establish a fixed dollar amount for the project, and only require the submission of qualitative technical proposals from the short-listed firms. This type of method is typically schedule driven, which requires proposers to consider factors such as project duration, team quality, and alternate designs when putting together their proposal. This method is typically used when there is an established budget but possibly some uncertainty about the full scope of the project; and allows the Department to select the proposer who offers the best product or advantage in response to the requirements of the RFP. The fixed price will be the same for all proposers, and in this approach, the contract is awarded to the proposer with the highest technical score while responding to the requirements of the RFP.

$$\text{Final Score} = \text{Technical Proposal Score}$$

Lowest Price - Technically Acceptable

This method is similar to the best value method, except that the contract is awarded to the responsive proposers with the lowest price proposal that meets all contract requirements. This approach should be used on projects where risk is low, the design and construction criteria are concise, clearly defined, and innovation or alternatives are not necessarily being sought.

$$\text{Final Score} = \text{Lowest Price}_{(\text{Technically Acceptable Proposal})}$$

2.2 Typical Procurement Timelines

Listed below are typical timeframes needed to perform each procurement item. These timeframes will vary based on project complexity and procurement method. Clarifications and addendums will be addressed as needed throughout the RFQ and RFP advertisement periods. Where applicable, alternative technical concepts will be addressed during the specified timeframe and as they are received.

Table 2.2-1: Typical Procurement Timelines	
Procurement Item	Approximate Time
Risk assessment, data gathering and conceptual design	Varies, months to years
Request for Qualifications (RFQ) advertisement period	3 to 4 weeks
Evaluate Statement of Qualifications (SOQ)/develop short-list	4 weeks
Federal authorization (if applicable)	2 weeks
Request for Proposals (RFP) advertisement period	2 to 4 months
Evaluate technical proposal	4 to 6 weeks
Contract award and execution	3 to 4 weeks

3 ROLES AND RESPONSIBILITIES

The Department's roles and responsibilities should focus on facilitating the design-build firm's management and control of the project and achieving the Department's objectives, while avoiding measures that would negate the inherent benefits of design-build. The relationship between the Department and the design-build firm should reflect an attitude of trust and confidence while still allowing appropriate protections to the Department in the event of a dispute. These factors should be considered when the district assigns the project team.

3.1 Innovative Contracting Unit

The Innovative Contracting Unit (ICU) is primarily responsible for design-build programmatic decisions and overseeing the procurement of design-build contracts. The primary responsibilities of the ICU include:

- Administer the Alternate Contracting Program
 - Compliance with Legislative requirements
 - Maintain templates and manuals
 - Review nominated projects and request Transportation Board approval
- Procurement Facilitation
 - Guide RFQ/RFP development
 - Advertise the RFQ/RFP and serve as single point of contact

- Advertisement issues (addendum/questions/ATCs)
- Conduct procurement meetings (i.e. 1-on-1 meeting, debriefings)
- Oversee proposal evaluation process
- Serve as liaison between project team/evaluation committee and contracting officer

The ICU will provide or designate a procurement facilitator who will be responsible for administering the entire procurement process, and will be the single point of contact for the proposers and for the evaluation committee members.

3.2 District

The District initiates alternative contracting project nominations and will be responsible for completing the Alternative Contracting Project Nomination Form (see Appendix D) and the Project Charter. Once this information is completed, the District submits all the required material to the ICU for review and processing.

Prior to the start of the design-build project, the District assigns a project manager and establishes a multi-disciplined project team who will complete the conceptual design, develop the project scope, and draft the project specific RFQ/RFP sections and contract requirements. The objective is to have a well-informed, involved project manager who can accurately communicate the Department's goals, intent, and requirements for the design-build contract. The project manager must collaborate with the project team and with the design-build firm to assure efficient, collaborative design oversight and construction administration.

The project manager will coordinate the conceptual design, the development of the design-build technical and special provisions, design criteria, necessary environmental studies, permits, and assessments required for the project including reviewing environmental documents. The most important functions of the project manager during the development phase of the project is to gather sufficient data to enable proposers to bid on the project and translate the project goals and requirements into specifications. The project manager should ensure the procurement documents are prepared in accordance with the scoping and environmental documents and meets the needs of the Department's management and key project stakeholders. Once the RFQ and RFP have been advertised, the project manager should be available as a resource to the evaluation committee.

When the contract is awarded to the design-build firm, the District will administer the contract similar to a design-bid-build project.

3.3 Design, Materials, and Construction

Design/Materials/Construction (DMC) in conjunction with the ICU will be responsible for advertising and awarding design-build projects. DMC personnel will hold the public price opening meeting where the proposer's lump sum bid price and technical score will be read aloud. The DMC personnel will then combine the individual technical score with the price proposal, and any other sealed information and announce the successful design-build firm. The DMC will also secure the required concurrences for contract award in addition to coordinating the execution of the contract.

4 CONFIDENTIALITY

It is important to understand that the evaluation and selection process is a competitive process. As

such, the Department has the authority and obligation to keep certain information confidential during the competitive process. Confidentiality is critical to the validity of the evaluation and selection process. Documents will not be accessible to the general public, to proposers, or to Department employees not involved in the selection process.

4.1 Conflict of Interest Guidelines

The Conflict of Interest Guidelines as contained in both the RFQ and RFP documents are to clarify the Department's policy on potential conflicts of interest that may arise when third party service providers (consultants, subconsultants, contractors and subcontractors) perform work for the Department relating to a potential design-build project. Both state and federal regulations govern disclosure and management of conflicts of interest in highway contracting processes.

The Department, the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, Idaho State Code, and the Federal Highway Administration all have conflict of interest and personal conduct guidelines that must be reviewed and adhered to throughout the design-build procurement process. Contact the ICU with any questions regarding conflict of interest that are not addressed in these sources.

5 PROJECT SELECTION

The Department will evaluate and identify candidate projects each year as part of the Idaho Transportation Improvement Program (ITIP) update cycle. Districts, divisions, and sections shall use the project selection guidelines to evaluate projects and submit recommendations with their ITIP submittal. State Code limits the use of alternative contracting methods to 20% of the highway program annually.

Some reasons why the design-build delivery method would be favored over other delivery methods are as follows:

- Accelerated project delivery
- Schedule certainty is required
- Early cost certainty is required
- Scope and project goals are well defined
- Complex constructability issues
- Unique or technical scope
- Department has limited applicable experience
- Opportunity for innovation exists
- Minimal third party risks exist

Not all TIP projects need to be evaluated; only those that are most likely to be suitable alternative delivery projects. The process for evaluating nominated projects may also be initiated during project development of conventional design-bid-build projects when applicable.

A project selection team will review the merits of each nominated project to determine whether nominated projects will be recommended to the Idaho Transportation Board.

5.1 Project Nominations and Approval

In assessing whether design-build or other alternative contracting methods are appropriate, the

primary considerations have been summarized in Appendix D which includes the Project Delivery Evaluation Matrix and the Alternative Contracting Project Nomination Form.

The Contracting Method Evaluation Matrix provides a framework to investigate the opportunities and risks of each contracting method. It also provides guidance and consistency in evaluating the suitability of alternative contracting methods and subsequent nomination of projects. The objective of this process is to determine how each contracting method aligns with the project characteristics, Department needs, policy or regulatory factors, and life cycle requirements.

The opportunity and risk evaluation process involves an examination of seven separate factors relating to each delivery method. Upon examination of each factor, the process asks users to rate the contracting methods in terms of their appropriateness for each factor. The process can be summarized in the following steps:

- **Understand the Factor:** Read the brief description of each factor.
- **Analyze the Contracting Methods:** After understanding the factor, assess all opportunities and risks corresponding to each alternative contracting method.
- **Complete the Factor Summary Table:** Review the opportunities and risks that apply to each contracting method and analyze their implications, then complete the summary opportunities/risks table at the end of each factor section.

This analysis will be summarized on the Alternative Contracting Project Nomination Form, which will be attached to the Project Charter (form ITD-0332) when officially submitted to ICU for consideration.

6 PROJECT MANAGEMENT

Effective project management for design-build projects will focus efforts on overarching project goals while mitigating risks, ensuring quality work products, and monitoring project controls. Early coordination efforts are needed to maximize project success and reduce Department risk. The project management level of effort will vary for each project depending upon project scope, complexity and opportunities for innovation.

6.1 Project Organization

The project team structure should be established by the Project Manager. If the Department will be supported by consultants, the services of appropriate consultant(s) should be acquired early in the process. The specific key individuals (Department and/or consultant) should be determined as well as their anticipated duration and extent of their commitment to the project. Continuity of key staff throughout project preparation, procurement, selection, and execution contributes significantly to the overall success of a design-build project. Identified staff should include the following:

A typical project team is comprised of, but not limited to:

- Project Manager if different than design engineer/resident engineer
- Specific sections or subject matter experts
- Federal Highway Administration (federal oversight projects)
- Local partners/stakeholders

6.2 Risk Assessment

Risk identification, analysis and ongoing management is a crucial part of the design-build process, and

should be one of the first steps taken when the Department initiates a design-build project. Figure 6.2-1, shows a systematic approach to identifying and managing risk. In general, risk should be allocated to the party that can best take steps to avoid adverse impacts or to manage the effects of the risk. If requirements are not clearly identified in the contract, costly change orders, claims, delays or regulatory enforcement action may result.

The Department's project team and project stakeholders should participate in the risk assessment. FHWA will be invited to participate in risk assessments on federal oversight projects. Once risks are identified, the participants will determine measures to mitigate the potential impact of a risk and whether to allocate certain risks. The risk-related decisions will serve as a key indicator of where to focus conceptual design efforts, namely on those activities that will reduce the risks to the Department and/or the proposers or design-build firm. In addition, the RFP evaluation factors and contract clauses will be developed to implement the risk allocation or management strategies.

Figure 6.2-1: Risk Management



6.3 Project Goals

Clearly and definitively articulated project goals will be the basis for the scope of the project and are critical to the design-build procurement process and ultimate success of the project. Goals are frequently end-result or outcome-focused, and are usually developed in the form of time, quality, and cost and guide all subsequent decisions of the RFQ and RFP development.

Prior to goal setting, all pertinent project stakeholders should be consulted. The materials that should be reviewed and considered may include:

- Project Charter
- Project environmental mitigation requirements
- Project political and community commitments
- Other project specific information or details as identified

Examples of considerations or influences that drive project goals are:

- Constrained budgets
- Finance strategies or funding sources

- Restricted design and construction time frames
- Congestion and management of traffic
- Minimizing impacts to the public
- Highly technical or extremely complex solutions
- Political and/or community commitments
- Environmental mitigation or enhancement commitments
- Quality

6.4 Quality Management (Design)

The design-build firm will provide the Design Manager (DM) who is the engineer of record and responsible for quality control and quality assurance of the design and certifying that the design meets the contract requirements and all current practices and standards. Design quality management requirements are specified in the Design-Build Quality Management and Design-Build Design Administration special provisions, and the Design-Build Quality Management Plan template.

The Department's role is to verify that the design meets the requirements of the contract, audit the design-build firm's design quality process, and accept each construction ready package. FHWA will be involved in reviewing and approving design documents and plans for federal oversight projects consistent with the ITD and FHWA Stewardship and Oversight Agreement.

6.5 Quality Management (Construction)

The role of the design-build firm changes compared to traditional design-bid-build contracts. As with design-bid-build contracts, construction quality control activities (e.g. inspection, sampling, and testing) remains with the design-build firm under the responsibility of the Construction Manager (CM). In addition, the design-build firm will hire a Construction Quality Assurance Manager (CQAM) to manage quality assurance activities **unless the district elects to retain the quality assurance activities**. The construction quality assurance is independent of the design-build firm and may not be owned in any part by the design-build firm, by a Major Participant, or by a construction subcontractor. The CQAM reports directly to the Engineer but keeps the design-build firm's project manager informed as well. Construction quality management requirements are specified in the Design-Build Quality Management and Design-Build Construction Administration special provisions, and the Design-Build Quality Management Plan template.

The Department's role is to provide oversight of the quality assurance activities for contract compliance including performance of the independent assurance activities defined in the Department's Quality Assurance Manual. The Department also retains the following responsibilities:

- 1) Testing performed by the Central Materials Laboratory as defined in the Department's Quality Assurance Manual Minimum Testing Requirements tables
- 2) Environmental inspections
- 3) Final acceptance of the project

6.6 Schedule Management

A baseline Gantt Chart will be submitted by each proposer in response to the RFP. In addition, Critical Path Method (CPM) schedules are required by the design-build firm on all design-build projects. The CPM schedules track the design-build firm's progress and are also used to forecast and verify progress

payments to the design-build firm.

6.7 Cost Management

Throughout the conceptual design process, project features should be reviewed to establish a range of costs for various plausible design options. These costs will be used to obligate the appropriate amount of funds prior to advertising the RFP.

Design-build contracts are typically lump sum. The design-build firm submits regular invoices and progress reports that the project manager uses to verify progress payments based on the percentage of actual work complete for each schedule activity. Testing and inspection documentation must support the work on each activity that has occurred.

7 DESIGN

The level of design needed for a design-build project should only be advanced far enough to define the goals and scope, and not limit innovation. In most cases, conceptual design (approximately 15-20% level) is all that is needed, and traditional requirements set forth in the Design Manual or other references are not required before advertising a project. Conceptual design should include investigative activities to resolve uncertainty and reduce risk in key areas. Sufficient conceptual design should be done to mitigate high risk items such as right-of-way limits, obtain municipal consent, meet environmental and permitting requirements, and finalize details of the project scope.

The following sections describe conceptual design tasks that should be addressed before issuing a RFP. This is not an all-inclusive list of tasks since the requirements will change based on the needs of the project. The Department will determine whether the results of conceptual design efforts will be included in the reference documents or be contractual requirements. Accurate and reliable information that is critical in defining the project requirements should be specified within the RFP and contract documents, most likely as a special or technical provision.

The design-build firm will be starting the project with the Department's conceptual design details and will then complete the design as part of the contract. Correspondingly, the proposers will submit total project price based on the conceptual information provided, defined project goals and objectives, and other information contained in the RFP.

7.1 Design Criteria

During the conceptual design phase, it is imperative that all design criteria are evaluated in light of potential influence and impact to the final design. For that reason, the RFP documents must clearly identify and define requirements to meet the overall Department objectives. All design work must be in accordance with Department manuals and specifications, but the design-build process is designed to allow the design-build firm to develop the project to minimize costs while meeting the contract requirements. For that reason, it is imperative that the RFP documents identify any requirements to ensure the overall objectives of the Department and District are met. All specific project requirements must be clearly identified in the contract documents.

7.2 Design Exceptions

Design exceptions will follow the standard process and include FHWA on federal oversight projects.

7.3 Engineering Data

The amount of time the proposer's have to formally develop the RFP is very short; therefore, the Department should focus on data collection instead of intensive analysis and reports. Even at a conceptual level, this preliminary data will provide a basis for describing the Department's expectations of the project. Providing this information to potential proposers will facilitate their optimization of the project and increase opportunities for innovation.

The amount of data gathered will vary depending on the project's needs, but usually will require less effort than preliminary design for a traditional design-bid-build project. Consider the following questions and objectives when defining the conceptual design level of effort:

- Is there a clear and complete definition of the desired outcome for the task?
- Does the task support project risk assessment and allocation?
- Does the task assist development of the conceptual design or is it likely it will be recalculated or redone by the design-build firm after the contract is awarded?
- Will the task have the potential to funnel all proposals towards a single solution?
- Does the task provide all proposers with an equal platform to prepare their proposals?

In an ideal scenario, the amount of base data provided by the Department carries the project up to the point at which solutions begin to separate (bridge types, walls vs. fills, alignments, etc.). Providing inadequate information requires either estimation by the proposers or additional data gathering. The level of risk associated with the amount of data provided will be a factor in setting the proposal price.

Contract provisions will be written to reflect the findings of the preliminary studies and project specific requirements. Reference documents provide non-contractual information to the proposer. Engineering data that will most likely be added as reference documents could include the following:

- Control survey data, monument data, and plots
- Project mapping and other survey data
- Geotechnical investigation data and maps
- Technical data, reports, and information gathered for the project
- CADD files

A number of typical risk areas are described below with a preliminary assessment of the responsibility and allocation. Each project may have additional technical areas that are not described in this manual.

7.3.1 Preliminary Survey and Mapping

Preliminary mapping provides survey control for the project and a base map for initial project development by the project team and the proposers. The recommended survey and mapping tasks to support other data gathering investigations and provide the base map for delineating feature locations include:

- Establishing survey control throughout the project.
- Stationing along the control lines to establish potential feature and design criteria locations.
- Existing cadastral information describing existing and future right-of-way.
- Construction easements associated with the conceptual design.
- Topographic information, such as contour lines and major site features to define the footprint of the project as expected by the Department or as intended by the proposers.

The effort of survey and mapping information is less than what is typically needed in the design-bid-build process; how much less is dependent on the project type and needs. If the project concepts are highly dependent on precise information, more detailed field information is necessary. It should be noted that the exact limits of the project are not always known during the conceptual design stage. Whenever possible, strive to obtain data beyond the limits identified.

7.3.2 Geotechnical

The Department should provide the same information to all proposers and minimize proposal development costs by gathering enough data to allow competitive price proposals. The geotechnical data should provide enough information to allow the proposers to perform a preliminary assessment of geologic features and to address key engineering issues. Providing inadequate data to the proposers may require them to gather additional data.

After the geotechnical investigation is completed. Preliminary geotechnical engineering analyses will need to be performed, as necessary, to address feasibility issues and to define project design criteria such as pavement type or foundation type constraints. This information will be used to:

- Establish design parameters in the various supporting areas of typical highway projects (for example, bridge foundation type, seismic design criteria, pavement design, excavation limits, and embankment design)
- Establish a preliminary project cost estimate

The Department may provide additional information relating to the soil investigation, such as geological data, groundwater data reports, logs of previously completed nearby borings from past projects, memoranda, and fence diagrams as reference documents in the RFP.

Existing Pavement Conditions: It is important to provide the proposers with pavement condition reports and the structural composition of the existing pavements. Provide an existing pavement report to the proposers for all roadways within the project limits, including all shoulders.

Pavement Design: Often times there are opportunities for innovation in pavement design. Any data or reports should be carefully examined to determine if they should be reference documents or if a technical provision should be written for certain requirements. Project specific pavement design criteria should be stated in the RFP to ensure that all proposers receive the same base data and requirements. The project specific pavement design criteria will be developed in accordance with Department's Materials Manual.

7.3.3 Hydraulics and Drainage

If hydraulics or drainage are components of the project, the project team should consider the extent of the data to gather. The focus should be on establishing the technical provisions for the project.

Some projects may require a preliminary hydrologic analysis to provide base data and establish design criteria or to fulfill regulatory requirements. For example:

- Ground water levels and/or ground water monitoring
- Back water analysis
- Drainage data
- Existing drainage features
- Local agencies' requirements, such as ordinances, requirements, and design criteria

7.3.4 Right-of-way

This section serves as a supplement to the Department's Right-of-Way manual by providing policies

and procedures specific to design-build. Where the design-build requirements of the Right-of-Way Manual conflict with this manual, the Right-of-Way manual shall take precedence. On Federal-aid projects, no construction activities may begin prior to the Right-of-Way Certification being issued.

Right-of-way and access are potential high-risk areas that can significantly impact the project schedule both in conceptual design by the Department and contract execution by the design-build firm. The Department must delineate the existing right-of-way and purchased access (ITD-606) as part of base data collection. The project manager shall determine access control and any closures of approaches (permitted or not) shall be addressed prior to advertisement of the RFP. Additionally any necessary permit changes shall be made with property owners prior to RFP advertisement.

Right-of-Way Certification shall be issued by the Department in all circumstances. If Right-of-Way Certification is not available prior to advertising the RFP, appropriate controls must be included in the RFP so no construction activities begin prior to the certification being issued.

The Department's ability to acquire property in a timely manner is limited. Because the Department, rather than the design-build firm, is in the position to appraise, negotiate, and purchase right-of-way or relocate impacted facilities associated with a design-build project, these risks will normally remain with the Department. The project manager shall consult with the Right-of-Way Section and ICU in order to determine whether the project should even be considered for design-build contracting, and to assess the right-of-way personnel required to meet a project's schedule.

In some cases, the Department may choose to delay purchasing a portion of the required right-of-way until the final footprint is determined by the design-build firm. This delay is advantageous in areas with very high real estate costs, where the Department wishes to minimize the amount of real estate purchased. The Department should relay the requirement to minimize right-of-way needs within the RFP. When making this decision, consider the potential cost of delays associated with right-of-way acquisition into the Department's overall risk.

When unusual circumstances exist, the Department has the authority to delegate responsibility for right-of-way acquisition to the design-build firm. In this case, the Department will retain the authority for review and approval of all steps of the acquisition process. The design-build firm will be required to develop the right-of-way plans and other pre-acquisition information necessary to complete a right-of-way acquisition. Legal work related to condemnation shall be conducted by the Department's Deputy Attorney General's staff and the Right-of-Way Acquisition/Condemnation expert in the Right-of-Way Section.

A sharing of responsibility for right-of-way acquisition is generally the least desirable option, as inconsistencies and unpredictable costs are likely due to different approaches used by the design-build firm versus those of the Department.

7.3.5 Traffic

Traffic study data is used to support a number of technical areas when developing the project scope and should be made available to the proposers as a reference document. A baseline of data is necessary to set project parameters as described by the conceptual design or in the design criteria. Accurate traffic data is necessary for:

- Forecasting demand
- Environmental factors (noise studies, air quality studies, etc)

- Intersection channelization
- Lane configuration determination
- Pavement designs
- Design guidelines based on tabulated traffic data values
- Effectiveness of operational elements (detection systems, video cameras, location and size of variable message signs, etc.)

In addition to the environmental and design processes, the construction phase of the project relies on traffic data to determine appropriate means of traffic staging and control. This is typically an important concept to describe in the proposals. The necessary parameters to establish the appropriate and/or acceptable means of maintaining traffic need to be defined in the RFP.

7.3.6 Context Sensitive Solutions

Project requirements for context sensitive solutions should be clearly defined within the RFP. This includes identifying wall and bridge treatments, including colors and patterns. The RFP may include visual quality alternatives to reduce costs and allow for innovation, but needs to be coordinated with the affected stakeholders prior to release of the RFP.

7.3.7 Utilities

Early coordination, even as early as during the project initiation phase, between the Department and any utility that might be affected by the project is critical to the success of the project. This early coordination will allow the utilities time to program budgets to cover relocation costs.

The Department's standard utility process must be followed. All utility contracts will be two-party agreements between the Department and the utility. Even though the design-build firm may be responsible for coordinating and developing the agreement documents, the design-build firm will not be a signatory.

Whenever possible, and if the risk of inaccurate relocation is low, the Department should attempt to secure all utility agreements prior to awarding the design-build contract. However, due to the reluctance of a utility company to enter into an agreement without finalized plans or the uncertainty of accurate relocation determinations, it may be necessary to execute utility agreements after contract award to allow the design to be more complete.

The RFP and contract documents must state the applicable requirements for the protection-in-place or relocation of utilities affected by the project and whether a utility is to be relocated at the expense of the project or the utility entity. The requirements should be listed or specified in the Special Provisions of the RFP, with a copy of any secured utility agreements in the reference documents. If utility work has not been completed or arrangements have not been made for its completion prior to advertising the RFP, appropriate controls must be included in the RFP so no construction activities begin.

7.3.8 Railroad

Railroad agreements are similar to other third-party agreements, but often require long lead time to finalize. For this reason, discussions with railroads should be initiated as early as possible in the project, and agreements with railroads should be in place prior to issuance of the RFP. The design-build RFP and contract documents should recognize potential impacts to schedule and cost due to the unpredictability of railroad participation. Key railroad requirements, including the railroad's involvement, authority, review times, and fees should be identified in the RFP. If railroad work has not

been completed or arrangements have not been made for its completion prior to advertising the RFP, appropriate controls must be included in the RFP so no construction activities begin.

7.3.9 Environmental

Completing environmental documentation is the Department's responsibility, but the design-build firm will be responsible for any variances or additional impacts not addressed in the Department's documentation.

To ensure environmental compliance, the project manager will work with the District Sr. Environmental Planner during all phases of the design-build process. It is important to include the District Sr. Environmental Planner early in the project nomination process and throughout the RFQ and RFP process to sufficiently understand and define the environmental requirements, commitments, risks and potential fatal flaws (especially those affecting construction options and costs).

The Department must also consider which processes will be completed by state forces and which processes will be assigned to the design-build firm. Responsibility assigned to the design-build firm may include additional data collection, mitigation measures, reports, or permits. All data and analysis performed by the Department should be included in the RFP either as a contract provision or reference document.

The initial environmental documentation and permit applications should be based on a most probable scenario from the conceptual design. However, caution should be taken when using a worst-case conceptual design to avoid documenting or mitigating too much.

The RFP should specify the environmental commitments, the review and coordination process and points of contact, and by whom and the mechanism for review and approval

Environmental Approval

Environmental requirements will vary from project to project. All projects shall meet the environmental requirements of the pertinent lead agency.

For Federal-aid projects the project must have a NEPA document, the Department shall prepare the NEPA document (23 CFR 636.109), the NEPA document will be completed prior to the release of the RFP (except in unique circumstances), and the design-build firm may not proceed with final design prior to the completion of the NEPA process (23 CFR 771.109 & 771.113). If Department proceeds to award a design-build contract prior to the conclusion of the NEPA process, there are a number of additional requirements outlined in 23 CFR 636.109(b) which must be followed.

If the design-build firm proposes design changes that result in construction activities outside the environmentally documented areas, invalidates previous commitments, or results in a change of project scope from that identified in the approved environmental document, a written reevaluation is required. The design-build firm will be responsible for document preparation and the time required for approval, and should be clearly stated in the RFP. Prior to performing the reevaluation, the design-build firm will coordinate with the Department and any impacted resource agencies to determine if the proposed design changes warrant a reevaluation. The design-build firm will be responsible for conducting any required additional environmental studies and completing the documentation for the environmental reevaluation. The design-build firm will obtain FHWA or lead agency approval through the Department representatives for the reevaluation before proceeding with the proposed design

change.

The Department will, unless specified otherwise in the contract, develop, direct, manage, and monitor the performance of any mitigation plans required. The mitigation measures in the environmental document should be reviewed to determine the appropriate party to implement them, and the design-build firm will generally maintain mitigation until project acceptance.

Permitting

The regulating agency may require the Department, as owner, to be the permit applicant, which needs to be identified early. Otherwise, clearly assign and communicate the responsibility for permitting to the proposers within the RFP. If the regulating agency requires the Department to be the permit applicant for elements of work controlled by the design-build firm, it is good practice to require the design-build firm to generate the required permit applications for the Department's review and processing. When it is not reasonable to assign the schedule risk to a design-build firm, the Department should provide a guaranteed schedule to obtain a given permit.

Potential risks to consider when assigning permit responsibility include:

- Schedule delays due to third party approvals
- Lack of final design details (permit modifications or mitigation of additional impacts)
- Environmental compliance by the design-build firm

Expect complex projects to have permit modifications. The Department should obtain as many permits as possible before issuing the RFP. In most cases, the Department's preference is to have the design-build firm close all permits, but there may be some permits that extend a considerable time period beyond project completion and it may be beneficial for the Department to close these permits.

Strategies to mitigate permitting risks:

- The associated uncertainties and risks generally concern resource and regulatory agencies. Coordinate early and often with the agencies to discuss concerns, staffing, decision making, scoping. Pre-emptive discussions between the Department and the regulatory agencies will benefit the project by setting expectations and refining contract language to meet the expectations of the agencies. Regulatory familiarity with the project prior to receiving permit applications will also aid in expediting the review and approval process. Prior contact also helps alert the regulatory agency and design-build firm to project-specific issues that should be addressed by the design to expedite the approval process. When possible, establish a single point of contact with each involved agencies and the contractor to facilitate communication during the permitting process.
- Obtain "preliminary" commitments from the agencies in writing to expedite the permit application during design.
- When reasonable, perform enough design work upfront to obtain permits prior to the RFP. This would mitigate risk of the permitting work from the design-build firm scope of work.
- In lieu of design detail that may not be available, define criteria in the RFP.
- Identify construction activities that can begin before final permits are received. The design-build firm could start working in those areas while working in other design and permit application activities.
- Assigning an independent environmental monitor, with reporting requirements may alleviate

some concerns by resource agency(s).

- Establish communication protocol and involvement in monitoring.

The language used in the RFP should not alleviate the design-build firm's responsibility to prepare the necessary permit information or to modify existing project permits as necessary, nor should it indemnify the design-build firm from thoroughly investigating additional permit requirements.

Environmental Considerations

When planning how environmental requirements will be carried out and achieved, the Department should consider implementing the following items. Contractual items must be included in the RFP. Attachments to be included in the RFP or as reference documents include:

- Approved environmental document, including technical reports
- Mitigation requirements (including avoidance, minimization and conservation measures, BMP's, and compensatory mitigation)
- A list of all required permits, including any permits already acquired, with details on who will prepare, submit and review the permit application, and anticipated time frames for the expected application process. For a 404 permit, attach description of impacted wetlands by type, function, value and acreage.

Require the design-build firm to:

- Provide minimum qualifications for the design-build firm's environmental staff, when appropriate
- Comply with all mitigation requirements of the environmental decision document
- Develop, implement, maintain, and document Best Management Practices for the project design and per permit application requirements
- Identify, develop, implement and maintain mitigation measures resultant from their final design to gain regulatory approval
- Hold scheduled coordination meetings with regulatory agencies when appropriate/applicable

Noise

On projects that may require noise walls, preliminary noise analysis is required prior to releasing the RFP. The design-build firm shall update the noise analysis if the final design varies from the inputs used within the preliminary noise analysis. Re-evaluation of traffic noise impacts and decisions regarding noise abatement shall be done in accordance with ITD Traffic Noise Policy and 23CFR 772.

The project team should use assumed design features for the noise study and environmental applications, calculate the impact to receivers and document the required mitigation based on the assumed parameters, and define changes in the alignment that will require an adjustment to the prescribed mitigation measures. If significant variability is allowed in the design criteria, define the reapplication process and how the schedule and cost risk will be allocated.

Unforeseen Conditions

Unforeseen conditions arising during contract execution will remain the Department's responsibility and should be treated as a changed condition. The Department will develop, direct, manage, and monitor the performance of any mitigation plans required of the discovery. Examples include differing site conditions, hazardous materials, cultural resource sites, endangered species, or other issues of an environmental nature.

The design-build firm may or may not be asked to perform the associated work under a change order.

Haz Mat and Contaminated Materials

Pre-existing hazardous and contaminated materials present a risk to both parties. The project team should make every effort to identify the type, location and quantity of pre-existing hazardous materials that may be encountered.

Unless the risks can be quantified during procurement, the testing, handling and disposal of contaminated materials should not be included in the design-build firm's price proposal.

7.3.10 Local Agencies

The Department is responsible for identifying and coordinating with local agencies regarding potential impacts to the community and to develop any necessary agreements. If a design-build firm's specific solution goes beyond the predicted impacts, the resulting communication and coordination is the responsibility of the design-build firm but should be done in conjunction with the project manager.

7.3.11 Stakeholders/Public Involvement

The Department is generally the point of contact with stakeholders and the public, however the design-build firm may have varying degrees of involvement with third parties and adjacent property owners. The design-build firm may be required to provide information, support, and personnel toward the community relations effort, and may take the lead in these communications, but the Department must ultimately be accountable to the public for the success of a project.

If a third party betterment is requested, define the terms and conditions in an agreement and establish the performance criteria prior to the RFP. Otherwise the design-build firm may be responsible to address the requests at no additional cost to the project.

7.3.12 Traffic Management System

Considerations for incorporating intelligent transportation systems (ITS) in the project include:

- Early identification and meeting of the ITS stakeholder group
- Early planning to identify, develop and execute agreements
- Development of conceptual system design plans for ITS and communications
- Verification of existing infrastructure needed to support ITS elements and communication
- Development of Department required specifications rather than functional requirements
- Inclusion of ITS elements and work in the project schedule
- Determination of potential additional funding sources
- Identification of standards to be used for bidding and work identification purposes

In addition, consideration should be given for ITS elements to include:

- Software development
- Incident Information Management Systems
- Mass transit signal priority systems
- CCTV cameras
- VMS systems

7.3.13 Maintenance of Traffic

The design-build firm is responsible for developing the staging and traffic control plans. This is an area where there are typically opportunities for innovation and for the design-build firm to customize the

project to their means and methods. If this is an evaluation category in the RFP, minimum requirements should be included in the RFP or other contract documents. Sufficient conceptual design should be done to define the required minimum traffic control requirements per the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the State.

7.3.14 Existing Project Features or Systems

The RFP should include a section which specifies the responsibility for demolition and disposal or retainage of existing features or systems that are no longer necessary to the project.

7.3.15 Engineering Estimates

The project manager is responsible for developing and updating cost estimates. Cost estimate reviews should be conducted at various stages of the conceptual design, such as just prior to advertising the RFQ, as needed during the RFP development phase and prior to issuing the RFP. The detailed estimate is confidential and will be used to authorize funding and set expectations for potential proposers. This estimate is also used to perform the price reasonableness review for the design-build firm's price proposals during pre-award activities.

7.3.16 Document Distribution

Documentation such as the RFQ, RFP, addendums and responses to questions will be administered by the ICU, and advertised and distributed using the Department's current distribution process.

8 SELECTION PROCESS

The design-build selection process consists of two steps and is intended to result in a contract that represents the best value to the public. The first step is a qualification review of proposer experience and project understanding, and the highest ranked proposers form the short-list. The second step is for the short-listed proposers to submit technical; and/or price proposals, depending upon the method being used. The process allows the Department a great deal of flexibility in establishing evaluation criteria specific to the needs of a particular project. This section defines the process of incorporating and executing these two steps which are (1) Request for Qualifications and (2) Request for Proposals.

8.1 Request for Qualifications (RFQ)

The Request for Qualifications (RFQ) is the first step of the two-step selection process. The RFQ asks interested proposers to submit information on their capabilities, experience and past performance including, proposer's team organization, key personnel, QC/QA approach, individual and team history and current safety record. It is recommended that the RFQ also contain a category for project understanding and approach. The RFQ is structured to guide potential proposers in responding to the needs of the project and describing their successes on projects of similar scope, size and complexity; then the Department will be able to evaluate the proposals to select the most qualified, capable firms from the responsive Statement of Qualifications (SOQ) submitted. The short-listed proposers will be eligible to submit in the second step of the selection process by preparing a final proposal in response to the Request for Proposals (RFP).

The following sections outline the steps required to develop, publish, respond to questions, and issue addendums to a RFQ.

8.1.1 Request for Qualifications (RFQ) Template

Templates have been developed to maintain consistency among all projects. These templates can be

requested through the ICU office. The content of the RFQ will change based on the scope of each project. However, the RFQ is generally structured as outlined in Table 8.1.1-1.

Table 8.1.1-1: RFQ Template	
Document	Description
RFQ General Instructions	Outlines the procurement process, defines the SOQ requirements, and describes the evaluation and short-listing criteria.
RFQ Appendix A SOQ Instructions	Project description and status, design-build firm responsibilities, format and organization of the technical proposal, and project-specific evaluation criteria.
RFQ Appendix B	(not used)
RFQ Appendix C	Forms: <ul style="list-style-type: none"> • Form A: Acknowledgement of Receipt • Form C: Conflict of Interest • Conflict of Interest Guidelines • Form E: Project Experience • Form K: Proposed Key Personnel • Form O: Proposer's Organizational Information • Form P: Past Performance • Form Q: Proposer's Question Request • Form S: Safety Questionnaire • Form Z: Single Point of Contact

8.1.2 RFQ Development

The project manager will draft project-specific sections designated in the RFQ and coordinate with the ICU to ensure that the RFQ meets the requirements of Idaho state statutes and federal regulations. The project manager will set-up a RFQ development meeting with the ICU, team members, and other key individuals to determine the goals and scoring criteria for each project.

General Instructions and Appendices

The RFQ establishes the rules, processes, and procedures for preparing and submitting SOQs. It consists of general instructions and two appendices. The general contents of these items are as follows:

- General Instructions
- Appendix A: statement of qualifications instructions
- Appendix B: (not used)
- Appendix C: forms

Proposal Evaluation Factors

Evaluation factors fall into two categories: pass/fail and scored. If any pass/fail is non-responsive, the entire proposal will be deemed non-responsive and not proceed to further evaluation. If any individual scored criteria are rated below "acceptable", the proposal will be deemed non-responsive and will not be evaluated any further. Certain criteria are required for every project and others are project-specific.

The following pass/fail factors are required on all design-build projects:

- Legal
- Financial - confirmation that a surety commitment/guarantee has been provided, and for larger projects may include review of financial statements for financially responsible parties to determine whether the proposer can support the cash flow required for the project and meets other RFP financial requirements
- Responsiveness – formatting, page count, required sections and forms, etc

The scored factors include:

- Organizational Structure – organizational chart, key personnel experience and qualifications, proposer’s commitment to complete the project if awarded a contract
- Project understanding and approach – project approach should be general understanding of the site and project goals and not specific to project elements such as how the proposer might maintain traffic.

RFQ Review

As a measure of quality control of the final RFQ document, the project manager should coordinate a final review of the RFQ in order to address any final changes or comments. The final review will involve, but not be limited to, the ICU, District staff, engineering consultant, headquarters discipline leads, and FHWA on federal oversight projects.

8.1.3 RFQ Approval

The RFQ will be approved by the District Engineer or designee and ICU. There is no requirement to obtain FHWA approval of the RFQ, but they will be provided a copy on all federal aid projects or projects on the NHS system.

8.1.4 RFQ Advertisement

Design-build projects will be publically advertised to ensure fair and open competition. The Department’s standard practice is to advertise design-build procurements on the Department’s official bid letting website and follow the Department’s standard advertising process.

8.1.5 Pre-SOQ Informational Meeting

Pre-SOQ informational meetings will introduce the project to potential proposers and to clarify the design-build procurement process. It will allow the potential proposers to ask questions of the project team. This meeting should take place within ten days of posting the advertisement.

8.1.6 Clarifications and Responses to Questions

During the procurement process, the Department will receive questions regarding different aspects of the project, proposal formatting, qualifications of team members, and procedural issues. All questions to the Department must be in writing and must be sent directly to the designated point of contact as specified in the RFQ. The Department’s designated point of contact should discuss the questions with the pertinent parties of the project team before formulating a response. All responses to questions must be in writing and sent from the Department’s point of contact to all the proposers. ICU, in turn, will post the responses to the ICU website. The goal of this process should be to ensure fairness.

8.1.7 RFQ Addenda

RFQ addendums modify the contents of the RFQ. Addendums modifying the evaluation criteria are discouraged. However, if an addendum is necessary, it should be issued early in the process before proposers begin preparing their proposals.

Listed below are the processes and procedures for generating and publishing RFQ addendums:

- The project manager will draft the addendums using standard Department procedures
- The project manager must not change the General Instructions without first consulting with the ICU
- The DMC is responsible for the federal wage rates addendum, if applicable
- The project manager will submit the draft addendum to the District Engineer and the ICU for review and concurrence
- After concurrence has been obtained from the District Engineer, ICU and the FHWA, when necessary, the ICU will coordinate the posting of the addendum

The SOQ due date may be modified after issuance of the RFQ through an RFQ addendum. As a Department policy, the SOQ due date should be postponed if an addendum is issued within ten days of the due date.

8.1.8 Statement of Qualifications (SOQ) and the Short-Listing of the Proposers

Once the SOQs are received, the evaluation committee reviews the SOQ using the criteria established in the RFQ. Before the RFQ is advertised, the project team will determine how many proposers to short-list; between two and five firms will be short-listed in order to provide a reasonable level of competition. The short-list should include the most highly qualified firms that have the general capability to perform the contract. The Department reserves the right to make adjustments to the number of short-listed proposers and/or cancel the procurement process.

8.1.9 SOQ Evaluation

See Section 9 of this manual for an overview of the methodology and procedures to be used for evaluation of the SOQs.

8.1.10 Short-List Announcement

After the short-list of firms has been approved, notification letters should be sent to all proposers who submitted SOQs. The letters shall contain a summary of the evaluation committee's scores for all proposers, with all other proposer's names blinded and no indication of the evaluator's identity. In addition, each proposer shall receive a compilation of comments for their respective SOQ.

8.2 Request for Proposals (RFP)

The Request for Proposals (RFP) is the second step of the two-step selection process. Formulation of the RFP package is a significant effort that should not be overlooked or underestimated in project scheduling. Project team members need to ensure that the required information is incorporated to avoid assumptions and manage expectations.

Preparation of the RFP requires significant coordination among the project team and project stakeholders. The RFP development needs to be a collaborative process among those responsible for procurement, management, technical development, and project support activities (such as ROW acquisition, environmental analysis and decision-making, public information/community relations, and stakeholder involvement and coordination).

The RFP requires short-listed proposers to submit a technical and/or price proposal in response to the information provided by the Department as part of the RFP and also the proposer's own design and project execution plans. The RFP is structured to guide short-listed proposers in responding to the

needs of the project and describing their approach to completing the project. The successful proposal becomes the contract for the project.

8.2.1 Request for Proposals (RFP) Template

Templates have been developed to maintain consistency among all projects. The contents of the RFP will change based on the scope and risks of each project. However, the RFP is generally structured as outlined in the following table.

Table 8.2.1-1: RFP Template	
Document	Description
RFP Instructions to Proposers (ITP)	<p>Outlines the procurement process, defines the technical and price proposal requirements, and describes the evaluation and selection criteria.</p> <ul style="list-style-type: none"> • RFP (ITP) • RFP (ITP) Appendix A • RFP (ITP) Appendix B • Design-build firm's technical proposal • Design-build firm's price proposal
RFQ Appendix A Technical Proposal Instructions	Project description and status, design-build firm responsibilities, format and organization of the technical proposal, and project-specific evaluation criteria.
RFQ Appendix B Price Proposal Instructions	Format, organization and requirements of the price proposal.
RFQ Appendix C	<p>Forms:</p> <ul style="list-style-type: none"> • Form A: Acknowledgement of Receipt • Form C: Conflict of Interest • Conflict of Interest Guidelines • Form E: Project Experience • Form K: Proposed Key Personnel • Form O: Proposer's Organizational Information • Form P: Past Performance • Form Q: Proposer's Question Request • Form S: Safety Questionnaire • Form Z: Single Point of Contact
Attachments Contract Documents	<p>Outlines the contract terms and conditions and becomes the contract for the project. Includes the following at a minimum:</p> <ul style="list-style-type: none"> • Design-Build Special Provisions • Technical Provisions • Quality Program SP • Quality Assurance SP • 404 Permit • Supplemental Specifications

	<ul style="list-style-type: none"> • State or Federal Aid Special Provisions • Payment and Performance Bonds • Insurance Policies, Endorsements, Certifications • Contract Agreement
Attachments Reference Documents	The reference documents are not a contract document, but include background information offered to the proposers when developing their proposals.

8.2.2 RFP Development

The RFP is an accumulation of information gathered or created during conceptual design and other pre-advertisement activities (see Section 7 of this manual). The project manager will be responsible for drafting and assembling the project-specific sections of the RFP using the most current version of the template document from the ICU. The project manager shall include the Instructions to Proposers and appendices, contract documents, and reference documents in the RFP. The project manager shall not make any changes to the procedural or secured sections of the RFP templates without prior approval from the ICU.

Instructions to Proposers (ITP)

The ITP establishes the rules, processes, and procedures for preparing and submitting proposals. The contract documents consist of those documents forming the agreement between the Department and the successful proposer. It should be noted that certain information submitted by the successful proposer, including specific legal, management, and technical information and the price proposal, will be incorporated into the contract documents at award.

The ITP consists of general instructions and three appendices. The general contents of these items are as follows:

- Instructions to proposers
- Appendix A: technical proposal instructions
- Appendix B: price proposal instructions
- Appendix C: forms

Contract Documents

The contract documents include the following at a minimum:

- Design-Build Contract Agreement: serves a similar purpose as the agreement in a design-bid-build contract
- Design-Build Special Provisions: project-specific direction, and modify or supplement the Standard Specifications
- Technical Specifications: minimum requirements that define the technical standards for various components of the project and the desired end result, including any deviations from requirements set forth in other documents or manuals
- Design-Build Quality Management Special Provisions: direction on how the design-build firm will establish and operate its quality program
- Quality Assurance Special Provisions: identical to the design-bid-build QASP
- Other documents necessary to define the contractual requirements of the project

Reference Documents

Reference documents include a variety of information that may be useful or of interest to the proposers in preparing their proposals and executing the contract. Reference documents are provided to the proposer for information only but the use of such information is entirely at the proposer's risk and the reference documents come without Department warranties and may not be relied upon except as specifically provided in the contract documents.

Reference documents are not included in the contract documents for a variety of reasons, including the following:

- The information may be historical in nature and may be outdated or obsolete
- The information may have been provided or prepared by entities over which the Department has no control or with which the Department has no contractual or legal agreement
- The information may be ambiguous regarding its assignment of responsibility for performance of work
- The information may have been obtained for a different project or at another time and may or may not represent current conditions

Reference documents may include environmental documents and decisions, old contract plans or as-built plans, reports, condition surveys, agreements, other contracts, photographs, boring logs, correspondence, and meeting minutes.

The Department cannot require work to be done in accordance with the reference documents. For example, environmental work products included in the reference documents may identify certain mitigation or permit requirements. If the Department wishes to require the design-build firm to fulfill any of those requirements, those requirements must be included in the contract documents.

Department Manuals and Standards

Other Department manuals and relevant references are listed in the RFP. The list provided is not intended to be inclusive of all relevant references. The project team will review the list to ensure it is complete, relevant, and current for each project.

Proposal Evaluation Factors

During the development of the RFP, it is important to determine what factors will be required for the project and will be used to evaluate each proposal. Evaluation factors fall into two categories: pass/fail and scored. If any pass/fail is non-responsive, the entire proposal will be deemed non-responsive and not proceed to further evaluation. If any individual scored criteria are rated below "acceptable", the proposal will be deemed non-responsive and will not be evaluated any further. Certain criteria are required for every project and others are project-specific.

The following pass/fail factors are required on all design-build projects:

- Legal
- Financial - confirmation that a surety commitment/guarantee has been provided, and for larger projects may include review of financial statements for financially responsible parties to determine whether the proposer can support the cash flow required for the project and meets other RFP financial requirements
- Responsiveness – formatting, page count, required sections and forms, etc

The scored factors in the technical proposal include a combination of required and project-specific criteria. The project-specific criteria should be derived from the project goals and risk factors.

- Organizational Structure – organizational chart, key personnel, proposer’s commitment to complete the project if awarded a contract
- Project Management – Gantt chart, quality plan, innovations, design and construction management
- Maintenance of Traffic – demonstrate the effective flow of traffic through the project area
- Additional project-specific criteria can include any factors that will help the Department identify the value and innovation being presented by each proposer. They can include categories such as roadway and drainage design, structural and geotechnical design, or third party coordination, or whatever disciplines are most relevant to the project.

RFP Review

Prior to issuance of the RFP, a draft RFP should be reviewed internally by the Department and by selected stakeholders. The FHWA will be provided the draft RFP for review on federal oversight projects.

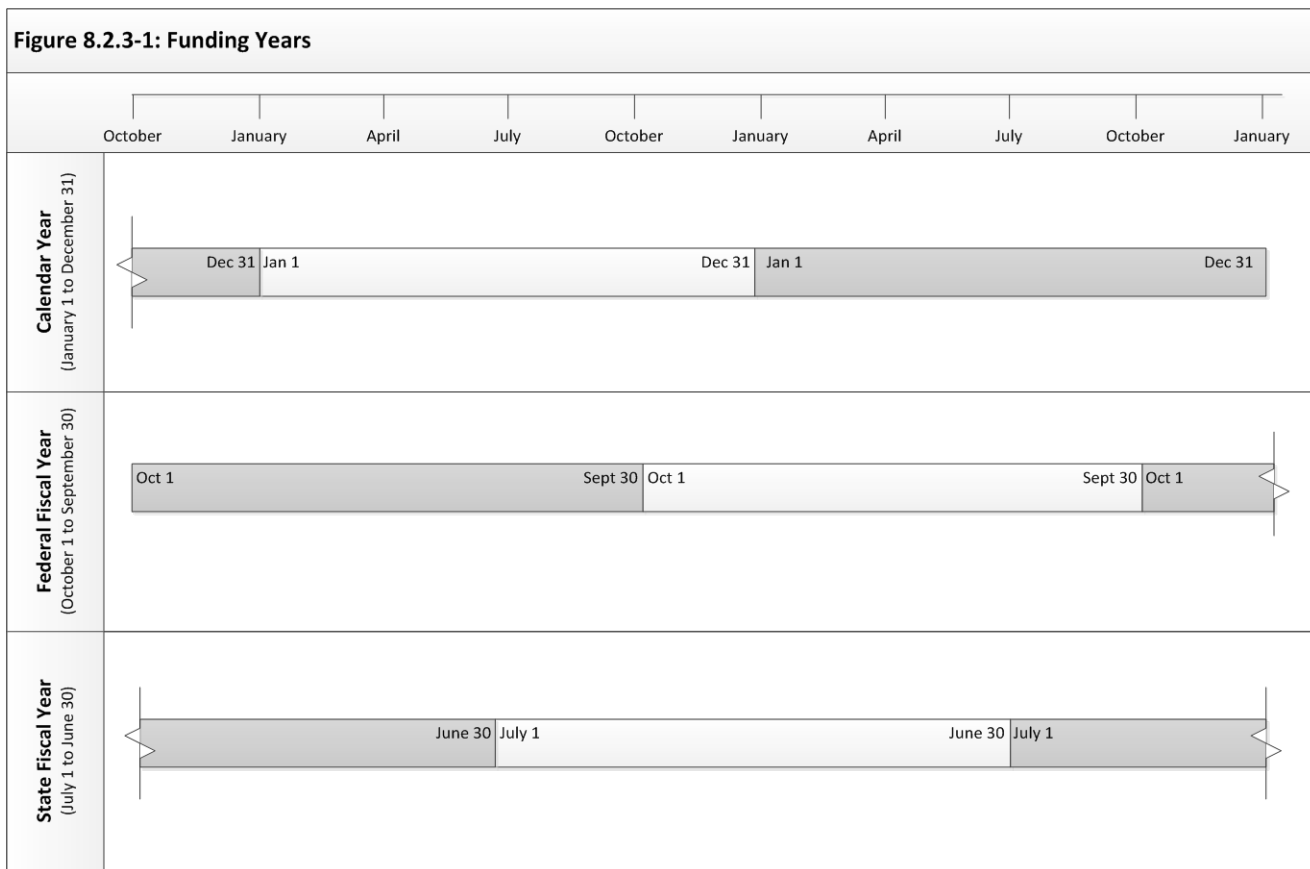
A review of the draft RFP by proposers on the short-list is optional but can be beneficial to the project and the owner. Such a review, especially during early phases of design-build implementation, facilitates the following:

- Identification of fatal flaws from the perspective of the proposers on the short-list
- Consideration of feedback from the construction and design communities, in terms of technical, management, and contractual provisions
- Communication, trust and teamwork between the Department and the proposers
- Modifications to the RFP in a reasonable, timely manner, allowing the Department to thoroughly examine and consider comments offered
- Allows proposers to begin preparing their proposals, which typically results in higher quality proposals

A review by the proposers on the short-list should not be considered as participating in drafting the RFP. The Department receives the comments and determines the final contents of the RFP, based on input from the Department, other stakeholders, and the proposers on the short-list.

8.2.3 RFP Approval

The RFP will be approved by the District Engineer or designee and the ICU. For all Federal-aid projects the RFP must receive concurrence by the FHWA, which constitutes project approval and authorization to advertise the RFP. This will be the earliest that construction funds can be obligated and is synonymous with design-bid-build PS&E obligation for advertisement. For planning purposes, Figure 8.2.3-1 illustrates the various programming calendars that will drive the project delivery date.



8.2.4 RFP Advertisement

The RFP will only be issued to the short-listed proposers. A design-build RFP period could last 2 to 4 months before proposals are due. The time between issuance of the RFP and receipt of proposals should accommodate questions and requests for alternative technical concept (ATC) reviews, if included, from the proposers and responses to those questions/inquiries by the Department.

The proposal due date may be modified, by addendum, after issuance of the RFP with approval of the District Engineer or designee and the ICU, and FHWA approval on federal-aid projects.

8.2.5 Meetings

Pre-Proposal Meeting

The pre-proposal meeting will describe the RFP stage of the design-build procurement process and allow any proposers to ask questions of the project team.

One-on-One Meetings

Depending on the risks, complexities, potential for innovation, the Department may elect to invite proposers on the short-list to one-on-one meetings to gain further insight from the proposers regarding major challenges and keys for success and to provide the short-listed proposers the opportunity to ask questions about the project. The one-on-one meetings provide a confidential forum allowing each proposer on the short-list to provide project specific input and comments. It is important that all one-on-one meetings be strictly controlled so each proposer has a confidential session and information is evaluated before amending the RFP or contract documents. To reduce the risk of protest

associated with one-on-one meetings, the Department must control and handle such meetings in a strict, fair, and equitable manner by:

- Ensuring that all proposers are offered the same number of opportunities for one-on-one meetings
- Limiting the number of Department and consultant personnel who attend the meetings and attempting to have the same Department/consultant team participate in each of the meetings
- Ensuring that questions that affect all proposers are not answered in the meeting; instead, the proposer should be encouraged to submit those types of questions in writing to the designated Department contact person
- Ensuring that no proposer is given an unfair advantage as a result of the sessions, such as by commenting on the merits, disadvantages or desirability of a particular proposer's intended approach

8.2.6 Clarifications and Responses to Questions

The clarification process allows the Department to respond to proposer questions during the RFP advertisement period. Responses to questions need to be carefully drafted for consistency and ensure fair competition. Responses are meant to clarify the RFP, but should not be used for material changes to the RFP. Material changes to the RFP should be made via the addendum process.

- The project manager will retain document control of the clarifications
- Questions from proposers need to be submitted in writing to the Department's point of contact in accordance with the RFP.
- The project manager in conjunction with the ICU will draft responses to questions. All responses need to be fact based (no opinions), reference the appropriate section of the RFP when possible and be in the following format:
 - The project manager will use the proposer's Question Request (Form Q), right column
 - Responses will be compiled and published throughout the proposal preparation period at appropriate intervals
 - Questions will be numbered with unique sequentially numbers
 - Maintain confidentiality of proposer identity when responding to questions
 - The District Engineer and the ICU will review responses for approval
 - Once approved, the ICU will post the responses
 - The Department's designated point of contact will send proposers an e-mail notifying that response(s) have been posted
 - The ICU will send a copy of all clarifications to FHWA on federal oversight projects

Clarifications provided by the Department on Form Q are not contractual; only documentation incorporated into the RFP/contract through the addendum process is contractual.

8.2.7 RFP Addenda

RFP addendums modify the contents of the RFP. Addendums modifying the evaluation criteria are discouraged. However, if an addendum is necessary, it should be issued early in the process before proposers begin preparing their proposals.

Listed below are the processes and procedures for generating and publishing RFP addendums:

- The project manager will draft the addendums using standard Department procedures

- The project manager must not change the ITP without first consulting with the ICU
- The DMC is responsible for the federal wage rates addendum, if applicable
- The project manager will submit the draft addendum to the District Engineer and the ICU for review and concurrence
- The ICU will send the proposed addendum changes to the FHWA on federal oversight projects for review and concurrence
- After concurrence has been obtained from the District Engineer, ICU and the FHWA, the ICU will coordinate the posting of the addendum
- The project manager will reevaluate the project budget if major cost changes occur due to an addendum

The proposal due date may be modified after issuance of the RFP through an RFP addendum. As a Department policy, the proposal due date should be postponed if an addendum is issued within ten days of the due date.

8.2.8 Alternative Technical Concepts

Alternative technical concepts (ATCs) are concepts submitted by the proposer that modify the requirements for design and/or construction of the project, or otherwise require a modification of the contractual requirements of the project. This process is intended to:

- Allow proposers to incorporate innovation and creativity into the proposals
- Allow the Department to consider proposer ATCs in the selection decision
- Avoid delays and potential conflicts in the design associated with the deferring of reviews of ATCs to the post-award period
- Obtain the best value for the public

The feasibility of ATC's may be discussed in the one-on-one meetings between the proposer and the Department. All discussions involving ATC's shall be strictly confidential. It is appropriate to give the proposer an indication of whether or not an ATC might be feasible, with the understanding that the official determination cannot be made until the ATC is formally submitted. However, it is not appropriate for the Department to indicate in any manner to a proposer that a particular ATC would favorably or unfavorably affect the technical score.

The proposer shall bear the schedule and cost risk associated with all ATC impacts. If the proposer is not able to obtain the approvals of third parties necessary to implement the ATC, the proposer will be obligated to develop the project in accordance with existing approvals and without additional cost or extension of time.

ATC Submittal

All ATCs must be submitted in writing and will adhere to the requirements specified in the RFP. ATCs eligible for consideration shall be limited to those deviations from the requirements of the RFP that result in performance and quality of the end product that is equal to or better than the performance and quality of the end product absent the deviation, as determined by the Department in its sole discretion. ATCs will typically improve project quality and/or reduce project costs or both. A proposed ATC is not acceptable if it merely seeks to delete scope, reduce quantities, performance or reliability, or seeks a relaxation of the contract requirements.

In order to allow sufficient time for review, all proposed ATC's must be submitted to the Department

no later than the time specified in the ITP. This deadline applies to both initial submissions and revised submissions in response to the Department's comments.

Each ATC shall address the elements required by the ITP, including.

- A description of what is being proposed; specifically what changes to the RFP are being requested
- A detailed description of the change in risk exposure associated with the requested change
- A thorough description of how the ATC will provide "equal or better" results

At no time during the ATC submittal and review process shall the proposer disclose any pricing information related to the ATC, including but not limited to, estimated increases or decreases to the proposer's price proposal, if any.

ATC Review

Incomplete ATC submittal packages will be returned to the proposer without review or comment. The Department may, in its sole discretion, request additional information regarding a proposed ATC. The Department may, in its sole discretion, deny any ATC. ATC's that do not meet the "equal or better" standard shall be rejected. ATC's that would require excessive time or cost for the Department to review, evaluate, or investigate will not be considered. The Department will not consider contract cost savings in the "equal or better" determination.

The project manager shall minimize the number of staff involved in the ATC review process. When technical issues and questions arise that are outside the project team's expertise, Department subject matter experts should be consulted. All staff that will be involved in the review shall sign a confidentiality agreement before beginning the review.

Department Response to ATC

The Department will respond to each proposer within the timeframe stipulated in the ITP. The project manager shall obtain approval from the District Engineer or delegate and ICU prior to providing a final response to an ATC. The format for the response should include the ATC number, brief description, and shall be limited to one of the designated responses provided in the ITP.

The Department reserves the right to issue clarifications or addenda to the other proposers to clarify design criteria or misunderstandings of the RFP criteria based on input from the ATC discussions. Great care must be exercised in these clarifications or addenda to not expose a proposer's acceptable ATC to the other proposers. Any clarifications or addenda issued to all proposers as a result of ATC confidential discussions must be approved by the ICU.

Incorporating ATC's

The proposers are not required to include approved ATCs in their proposals, but have the option to include any or all approved ATC's in their technical and price proposal. Technical proposals that incorporate ATCs must include the Department's preapproval letters.

ATCs that have been pre-approved, and are included in the proposal, shall become part of the contract and shall be accounted for in the price proposal.

On federal oversight projects, FHWA shall be invited to participate in the ATC meetings.

Department Use of ATC Concepts

By submitting a proposal in compliance with the ITP, all unsuccessful proposers acknowledge that upon

payment of a stipend, all ATC's incorporated into a proposal shall become the property of the Department without restriction on use.

8.2.9 Technical Proposal Evaluation and Public Price Opening

See Section 9 of this manual for an overview of the methodology and procedures to be used for evaluation of the technical proposals.

9 PROPOSAL SUBMISSION AND EVALUATION GUIDELINES

This section provides an overview of the methodology and procedures to be used for evaluation of SOQs and technical proposals to ensure the impartial and equitable evaluation of each SOQ and technical proposal before selection of a design-build firm.

9.1 Submission of SOQ and Technical/Price Proposals

The SOQ or the technical and price proposals shall be submitted in accordance with the RFQ or RFP, respectively. Upon receipt of these submittals, the ICU will make an initial determination as to whether the submittals are responsive, using pass/fail and other criteria established in the RFQ or RFP. SOQs and proposals that pass the initial responsiveness determination will advance for further evaluation. Those that fail will not be given further consideration or evaluation.

There will be no public opening of SOQs or technical proposals. After the specified time for submitting proposals, all SOQs and technical proposals will be opened in the presence of two or more Department-designated individuals and will undergo the responsiveness and pass/fail review per the requirements of the RFP.

9.2 Evaluation Guidelines Certification & Non-Conflict of Interest Certification

Prior to the initiation of any evaluation procedures, all evaluation committee members will be required to certify they have read the evaluation guidelines, comprehend the procedures, and agree to abide by the procedures. (See Appendix E: Design-Build Evaluation Committee Participant Agreement)

Evaluation committee members will be required to review and certify that no conflict of interest exists to serve on the specific evaluation committee. Potential evaluation committee members, who have a conflict of interest, or potential conflict of interest, will not be allowed to participate on the committee. If the status of an evaluation committee member changes at any time during the evaluation process, such that they become conflicted, they must notify the procurement facilitator immediately.

9.3 Security of Documents

The security of documents begins when the Department receives a SOQ or technical/price proposal and shall be maintained by the Department's designated point of contact. The SOQ or technical/price proposal shall be dated and time stamped at the time they are received by the Department.

The procurement facilitator shall use a tracking log to monitor which copy has been assigned to each evaluation committee member. Each evaluation committee member shall sign the design-build evaluation committee participant agreement regarding the security of the evaluation and selection processes when assigned as a member of an evaluation committee (See Appendix E). Each evaluation committee member shall be responsible for maintaining the confidentiality of SOQs, proposals, work

papers, and evaluation materials.

Only the procurement facilitator has the authority to release or publicly disclose information pertaining to the contents of SOQs, proposals, deliberations by the evaluation committee or technical advisors, or other information relating to any aspect of the evaluation process. Anyone possessing copies of proposals or evaluation materials will:

- Direct all inquiries or requests for release of information to the procurement facilitator
- Handle any information designated as confidential with particular care (see section 4 “Confidentiality”)

All SOQs and technical proposals submitted and all documentation developed by the evaluation committee shall be kept confidential and stored in accordance with the above procedures. All proposals and all evaluation documentation will be secured at the end of each working day and at all other times so that the material cannot be accessed by unauthorized personnel.

At the conclusion of the evaluation process, all members of the evaluation committee shall return all copies of SOQs, technical proposals, work papers, and evaluation materials to the procurement facilitator and shall not retain any materials, or any part of the SOQs or technical proposals, without first obtaining authorization from the procurement facilitator.

FHWA will not receive copies of SOQs or proposals during the evaluation process. FHWA will not be required to sign the evaluation committee participant agreement. Copies of the SOQs and proposals will be made available for FHWA’s review by the Department upon request.

9.4 Evaluation Committee and Evaluation Meetings

The procurement facilitator, evaluation committee, authorized technical advisors, and select project team members will attend evaluation meetings. The procurement facilitator has the discretion to invite others to meetings as needed. Any information discussed during evaluation meetings shall be kept confidential. The evaluation committee shall consist of at least five members who are qualified by education and experience. At least two of the members shall be professional engineers licensed in the State of Idaho. A Federal Highway Administration (FHWA) representative will be invited to participate in meetings if the project has been identified as a federal oversight project. FHWA will not be a voting member. Care shall be taken to maintain the anonymity of the evaluation committee.

9.5 Evaluation Procedures

The evaluation committee will be required to be familiar with the RFQ and RFP documents, and will evaluate all responsive SOQs and technical proposals using the RFQ/RFP and guidance.

If an evaluation committee member has questions regarding any of the evaluation criteria, the evaluation processes, or any other documents related to the SOQs or technical proposals they are evaluating, they should seek clarification from the procurement facilitator prior to evaluating any proposals. The procurement facilitator will provide additional guidance, and may share any resulting clarifications with the entire evaluation committee.

9.6 Proposal Responsiveness Review

Immediately after receipt of SOQs or technical proposals, the procurement facilitator will arrange for an administrative and legal responsiveness review to be conducted on each copy of the SOQ or

technical proposal. This review will determine whether each proposal meets responsiveness requirements per the RFQ or the RFP (pass/fail factors).

The procurement facilitator may request appropriate clarification of any information either found in or omitted from any SOQ or technical proposal. Any technical proposal that is determined to be non-responsive will be returned to the proposer or destroyed upon the proposer's request, only after the procurement facilitator documents the reason(s) the SOQ or technical proposal was determined to be non-responsive and notifies the proposer in writing.

9.7 Evaluation Kickoff Meeting

The evaluation committee members, technical advisor(s), and/or select participants of the project team shall attend the SOQ and technical proposal evaluation kickoff meetings. The procurement facilitator has the discretion to invite others to the meeting as needed. The procurement facilitator will begin the meeting by verifying there are not any potential conflicts of interest between a proposer's team and any evaluation committee member and that the design-build evaluation committee participant agreement has been signed.

The procurement facilitator will review the procedures, discuss specific evaluation criteria, provide an overview of the project and evaluation goals, and distribute the responsive proposals and the evaluation forms to the evaluation committee members. Key points to cover at the evaluation kickoff meeting include:

- Evaluation committee members shall conduct reviews of all SOQs or technical proposals in accordance with the schedule set by the procurement facilitator
- Evaluation committee members shall read and review each SOQ or technical proposal and document perceived strengths and weaknesses
- Evaluation committee members and technical advisors shall not under any circumstances independently discuss the project or proposals with any of the proposers, among themselves, or with anyone else
- Evaluation committee members shall not discuss their independent scoring with anyone except the procurement facilitator until the evaluation summary meeting occurs
- Evaluation committee members and technical advisors shall keep all documents secure

9.8 Evaluation Process

The evaluation committee members shall individually evaluate each SOQ or technical proposal relative to the evaluation criteria and complete the evaluation forms in accordance with the guidelines and guidance provided at the kickoff meeting. Evaluation committee members will not assign ratings to any SOQ or technical proposal relative to other proposals, but shall, instead, consider each proposal on its own merits.

If an evaluation committee member discovers potential evaluation ambiguities, or has any questions or concerns regarding their individual evaluation, the evaluation committee member shall immediately contact the procurement facilitator for guidance. The procurement facilitator will address any questions or concerns raised by any evaluation committee member, and provide guidance as appropriate. The procurement facilitator may consult with any resources deemed appropriate to address any questions or concerns and share resulting guidance with the rest of the group.

9.9 Interviews

As part of the selection process, the Department may meet with and receive presentations and conduct interviews with proposers at the Department's sole discretion. The ICU will coordinate the interview(s) and care shall be taken to maintain the anonymity of the evaluation committee.

A certain number of points are pre-determined for interviews as defined in Appendix A of each procurement stage. The evaluation committee shall develop the questions for the interview as a team, but each member shall grade the answers individually. The evaluation committee may consult with technical experts for suggestions for questions. The project manager and ICU will approve the questions developed prior to the interview and conduct said interviews on behalf of the evaluation committee.

9.10 Scoring & Documentation

All evaluation scores are to be written in ink or submitted electronically to the procurement facilitator.

The total points and weighting of each evaluation criterion is based on a score as described in each solicitation. Each evaluation criterion may require a proposer to respond to multiple subcomponents, each of which will be evaluated separately and then considered as a whole, to assign an overall score.

Lower scores will be assigned for significant weakness, higher scores for significant strengths, and average scores if the SOQ or technical proposal indicates the likelihood of acceptable performance.

Each evaluation committee member will be required to identify, for each subcomponent of the evaluation criterion under consideration, the characteristics (including page or section references) of the proposer's SOQ or technical proposal that contributed to their rating. The evaluation forms must include specific documentation to substantiate significant strengths, minor strengths, conventional characteristics, minor weaknesses, and significant weaknesses.

For any evaluation criterion, an evaluation committee member may record a combination of strengths and weaknesses corresponding to different subcomponents of a proposer's response. The overall distribution of strengths and weaknesses will guide each evaluation committee member in assigning a single score for each evaluation criterion.

The individual evaluation rating sheets and justifications are finalized and submitted to the procurement facilitator. The procurement facilitator will compile the individual scores into a comprehensive summary prior to the evaluation summary meeting.

9.11 Evaluation Summary Meeting

The procurement facilitator will conduct an evaluation summary meeting attended by all evaluation committee members. As with the other meetings, the procurement facilitator has the professional discretion to invite others to the meeting as needed.

The procurement facilitator will reveal the comparison of individual scores during the meeting. If there is a significant disparity between or among the individual ratings of the evaluation committee members, all of the evaluation committee members shall discuss their findings in greater depth. Evaluation committee members may adjust their rating(s) to reflect additional consideration of the other evaluation committee members' findings at this time.

If changes are made to a score prior to or during the evaluation summary meeting, the changes must be made by drawing a line through the incorrect score, writing the correct score and initialing the changes. Additional documentation should also be added or changed in the same manner to support the changed score. All changes shall be made in ink.

9.12 Selection of the Design-Build Firm

After scoring of the SOQ or technical proposal is complete, the procurement facilitator will summarize the results and provide a recommendation for the SOQ short-list or technical proposal ranking to the selection committee. The selection committee shall include three senior level Department managers from the district and headquarters. FHWA will be invited to participate on federal oversight projects as a non-voting member.

The procurement facilitator will provide the selection committee an overview of the procurement process and scoring for the SOQs or technical proposals. The selection committee shall ensure the compatibility of the scoring with the evaluation statements provided. After review of the information presented, the selection committee may either send the SOQs or technical proposals back for further review and action or accept the recommendation.

The recommendation for short-listing proposers or for the technical proposal scores then goes to the contracting officer who provides an additional review of the process and results.

After selection committee and contracting officer concurrence of the SOQ ranking, the procurement facilitator shall notify all proposers of the results and announce the short-listed firms.

After the selection committee and contracting officer concurrence of the technical proposal scoring, the price proposal will be addressed. For best value, the price proposal shall be opened publicly for final score determinations, as described in the RFP. For fixed price-best design, the proposer with the highest technical score will be awarded a contract. For low price-technically acceptable, the price proposal shall be opened publicly for any proposers who scored an "Acceptable" or greater rating on their technical proposal, as described in the RFP.

9.13 Public Price Opening

Price proposals are to be kept confidential until after the technical proposals evaluations are complete and recommendation is approved by the contracting officer. The sealed price proposals for best value and low bid procurements will be publicly opened at a time and location designated in the RFP. Technical proposal scores will be announced at the meeting prior to the opening the price proposals.

DMC will organize the opening of the price proposals with a representative from ICU attending the meeting.

The Department will conduct a price reasonableness review to validate the price proposals by reviewing it for irregularities, verify bonding and insurance, and other contract requirements.

When applicable, the Department shall provide to each design-build firm, that submitted proposals, the summary of scores of all proposers and the design-build firms' evaluation worksheets within three business days following notification of intent to award. The confidentiality of the evaluation committee members and other design-build firms shall be maintained.

9.14 Reasonableness Review of Price Proposal

The Department reserves the right to reject any proposal if it determines that the price proposal is significantly unbalanced to the potential detriment of the Department. A price proposal shall be deemed unacceptable if the Department determines, in its sole discretion, that the price proposal fails to conform to the conditions of the RFP in any manner, including:

- Significantly unbalanced relative to the scope of work
An unbalanced proposal is considered to be one (a) which is front-end-loaded or (b) for which the line item amounts or amounts shown on the Schedule of Values do not reflect reasonable actual costs, plus a reasonable proportionate share of the proposer's anticipated profit, overhead costs, and other indirect costs that are anticipated for the performance of the items in question.
- Not providing all information in conformance with the RFP
- Containing inaccurate, incomplete, and/or unreasonable prices on the schedule of values

10 CONTRACT AWARD AND EXECUTION

The DMC will coordinate the execution of all design-build projects. The Director, or a delegate, approves award for current-year construction projects listed in the Board-approved Idaho Transportation Improvement Program. The Board is advised of the award, and justification for any bid exceeding the engineer's estimate by more than ten percent (10%) or under twenty-five percent (25%).

Unless all proposals are rejected or the procurement is cancelled, the contract shall be awarded to the proposer that is responsive to the RFP and that provides winning selection criteria to the state of Idaho, as determined by the Department in accordance with the RFP.

The Department will provide a copy of the selected proposer's proposal, schedule of values, reasonableness review of price proposal, and contract to FHWA prior to award.

Upon completion of all the procurement process steps, and concurrence from FHWA on federal oversight projects, the Department will award the contract per the instructions specified in the RFP.

10.1 Protest Period

Proposers not selected for inclusion on the short-list or award of the contract may challenge the Department's determination in accordance with the procedures outlined in Idaho Code § 40-904.

10.2 Debriefings

All proposers will be afforded the opportunity for a debriefing. Debriefings shall be provided at the earliest feasible time after announcement of the short-list or contract award and upon written request. The debriefing shall be conducted by the procurement facilitator or a procurement representative familiar with the rationale for the selection decision. The debriefing shall:

- Be limited to discussion of the unsuccessful proposer's SOQ or proposal and will not include specific discussion of a competing SOQ or proposal
- Provide information on areas in which the SOQ or proposal had weaknesses or deficiencies
- Maintain the confidentiality of evaluation committee members and other proposers

10.3 Stipend

The stipend will be based on the cost estimate per Table 10.3-1. The amount and conditions of the stipend must be included in the RFQ and RFP. Stipends will only be paid on responsive, unsuccessful

proposals in response to the RFP. Proposers submitting non-responsive proposals are not eligible for payment of a stipend. It will be the responsibility of the project manager to ensure that funds have been obligated and approved prior to any stipend payments. Estimated stipend funds will be included as a separate line item in the cost estimate for the contract prior to issuance of the RFP.

Table 10.3-1: Stipend Values				
Contract Value (CV)	Stipend Base (SB)	Stipend Rate	Stipend Range	Max %
\$0 - \$5M	\$15,000	Fixed Rate	\$15,000	
\$5M - \$10M	\$15,000	$= SB + (CV - \$5M) \times 0.30\%$	\$15,000 - \$30,000	0.30
\$10M - \$20M	\$30,000	$= SB + (CV - \$10M) \times 0.20\%$	\$30,000 - \$50,000	0.25
\$20M - \$40M	\$50,000	$= SB + (CV - \$20M) \times 0.15\%$	\$50,000 - \$80,000	0.20
> \$40M	\$80,000	$= SB + (CV - \$40M) \times 0.10\%$	\$80,000 -	< 0.20

Listed below are several benefits of paying stipends:

- **Offset Costs** – the cost of preparing a proposal can be prohibitive and a stipend is considered an appropriate way for the owner to pay for a portion of the development cost. The stipend is not meant to cover 100% of the proposer’s preparation costs. The proposer’s procurement costs are typically higher on design-build projects compared to design-bid-build projects. Design-build proposers spend additional resources on preliminary design and project coordination.
- **Increased Competition** – paying a stipend encourages proposers to pursue design-build projects and is meant to generate competition.
- **Balance Risk** – dependent upon the extent of the proposal requirements, the anticipated risk may discourage firms from pursuing design-build contracts. The offering of stipend payments to the unsuccessful proposers can help offset some of the risk in responding to an RFP.
- **Enhanced Quality/Lower Construction Costs** – by investing time and resources into the design process, the proposers are able to optimize the design and bring innovation into the process. Innovation and design optimization lead to increased quality and lower construction costs which correlates directly with proposers efforts to produce a higher technical score and/or a lower price proposal.
- **Ownership of Ideas** – Proposers often bring a significant amount of innovation to each project. By paying a stipend, the Department secures the right to use these ideas.

11 CONTRACT ADMINISTRATION

These guidelines are intended to identify issues and concerns that are unique to design-build projects, for the use by Department’s project managers or other Department personnel.

11.1 Design and Construction Services

Unlike conventional projects, design-build projects require the proposers to do some amount of design during the proposal process in order to validate their proposed design and produce a cost estimate. The design-build firm then completes their proposed design, in phases or entirely, after the contract is awarded.

A fundamental goal of design-build is to expedite delivery and therefore the design-build firm will likely

propose to phase or sequence the design and construction into multiple packages. It is important that the Department evaluate the resources necessary to perform design reviews and construction administration and inspection. Whether employing a consultant or performing the work in-house, design and construction resources need to be assigned or under contract prior to or concurrent with project award.

If staff augmentation is performed by consultant services, it is important that they have knowledge and experience in the design and/or construction of similar projects. Also, they must have experience with Department procedures and become familiar with the contract and project goals and project specific issue areas such as geotechnical, structural, roadway, drainage, utilities, permitting, etc. The degree to which the consultant will be involved in the actual review of design submittals should be clearly covered in the consultant agreement.

11.2 Quality Control/Verification Testing/Independent Assurance

The testing and sampling requirements for design-build projects are identical to those required for conventional design-bid-build projects. The project manager should reference the QASP, Design-Build Quality Management

Special Provision, and the approved QMP to determine appropriate sampling and testing responsibilities.

11.3 Project Meetings

Prior to the start of construction, the design-build firm will conduct a preconstruction conference. FHWA will be invited to participate in the preconstruction conference on federal oversight projects. The traditional preconstruction conference activities associated with design-build construction will occur much like design-bid-build contracting however, some parts of construction could potentially take place while design is still under way. With a phased design of the project, phased construction could occur very near the start of the contract time. The preconstruction conference is required to discuss contract administration and work coordination with outside parties, such as local agencies, utilities and permitting agencies. The design-build firm will be responsible for these activities and thus will be responsible for holding the preconstruction conference. Prior to any new phases of work, the design-build firm will conduct preoperational conferences with the project manager.

It is highly encouraged that the Department and design-build firm utilize project/progress meetings to aid in the success of the design-build process. If utilized, the initial project meeting should include all key stakeholders and should commence immediately after the award of the contract. FHWA will be invited to participate in these meeting on federal oversight projects. Regularly scheduled progress meetings should be conducted throughout the duration of the project.

11.4 Scheduling

All design-build projects will require the design-build firm to submit a critical path method (CPM) schedule. The CPM schedule requirements will be specified within the Standard Specifications for Highway Construction. The Department will review and approve the CPM schedule for reasonableness.

11.5 Schedule of Values

The RFP must require that the proposers provide a schedule of values to break down the major bid

items into lists of scheduled work elements for project cost tracking, payments, and use in change order price adjustments. In a lump sum contract, quantities and unit prices are used as a means of determining the amount of periodic payments when a schedule of values is included in the price proposal and quantities of work are measured as work progresses. In the latter case, schedule of values is merely a tool for forecasting interim payments, and any change in quantities from the original assumptions would not affect the lump sum price for the project. Official payouts will be determined based upon actual work completed.

11.6 Quantities

Unlike conventional design-bid-build projects, where total material quantity estimates are developed prior to construction within the road and bridge summaries, design-build project quantities will evolve as the project progresses. Most likely, new material quantities will be created with each construction ready plan set. It will be important that the project manager coordinate effectively with the design-build firm to update the overall project quantities to ensure that adequate sampling and testing is achieved.

11.7 Payments

Progress payments are made once design work has started and frequency of payments should be agreed upon shortly after contract award (preferably at the preconstruction conference). The design-build firm will submit to the project manager for review an estimate of the amount and value of work completed through the previous month, based on the progress schedule and updated schedule of values. The design-build firm shall provide sufficiently detailed information for the completion of work being submitted for payment and that the work complies with the contract.

Compensation for extra work may be required using the Department's change order process. The process is the same as for conventional projects except that individual pay items are not available for the design-build firm's basis of payment. Under this circumstance it is very important that detailed supporting calculations are submitted by the design-build firm with the request for additional compensation. The calculations should be detailed enough to allow the Department to perform a comprehensive evaluation of the validity of the design-build firm's cost estimate. It is just as important that the Department adequately justify any agreed price for extra work by documenting their comprehensive evaluation of the validity of the design-build firm's cost estimate. Approval of change orders shall follow the Department's normal process and requirements so FHWA's approval shall be obtained when required on federal-aid projects.

Adjustments for items such as fuel, asphalt, QA bonus/deductions, etc. will be done according to the contract specifications. Adjustment items are not included in the design-build firm's price proposal, therefore, funds will need to be obligated to cover these amounts.

Progress payments need to be segmented by the project manager per funding and rule coding and tracked throughout the duration of the project.

11.8 Issue Escalation/Resolution

On a design-build project the issue resolution process is the same as for other projects. Subsections 105.16 and 105.19 of the Standards Specifications for Highway Construction are applicable unless a special dispute resolution procedure has been included in the RFP. Please refer to the ITD Construction

Administration Manual for additional information. It is advisable for the project manager to streamline the issue resolution process on a design-build project due to the fast track nature of the work and the expensive overhead costs of the design-build firm.

11.9 Record Retention

The primary responsibility for detailed record keeping rests with the design-build firm. The Department retains record-keeping responsibilities, but to a lesser degree of detail compared to design-bid-build. The Department has an important role of auditing the design-builder firm's records to provide assurance that required records are kept in accordance with contract requirements. All required documentation for project sampling and testing, including required contractor quality control and quality assurance tests, shall be retained in Department project records.

12 FHWA INVOLVEMENT

FHWA policies and procedures for approving design-build projects are defined in 23 CFR 636 (Design-Build Contracting). The FHWA and the Department have a Stewardship and Oversight Agreement which outlines the roles and responsibilities between the agencies on stewardship and oversight of Federal-aid and federal oversight projects. Design-build projects will follow the processes and procedures outlined in the Stewardship and Oversight Agreement. Federal oversight determinations for design-build projects will be made by FHWA concurrently with the annual federal oversight list.

12.1 Federal Reporting

When considering a design-build project, the ICU will notify the FHWA as soon as possible. The ICU will submit, on an annual basis a listing of all proposed design-build projects as part of the ITIP/STIP process.

12.2 Federal-Aid Considerations

It is critical that FHWA be involved throughout the development of the procurement documents and evaluation criteria in order to expedite FHWA's review and approval of the RFP. FHWA should be invited to participate in project meetings (such as one-on-one, pre-SOQ, pre-proposal, and evaluation kickoffs and summaries) and document reviews in advance of the RFQ and RFP advertisements.

Limited or partial authorizations may be granted by FHWA dependent upon the scope and goals of the project, and the status of the project at the time the RFP is ready to be advertised. Examples of limited authorizations include allowing the Department to advertise the RFP while the environmental process or right-of-way acquisitions are not yet complete. Requests for authorization to proceed with advertisement for projects with limited authorizations should describe the situation or condition and what measures were taken to communicate the conditions to the proposers when submitting the RFP for FHWA's review and approval. In these instances, subsequent authorizations would be necessary to proceed with various phases of the project based upon the completion of pending tasks and federal requirements.

FHWA approval is not required prior to advertising the RFQ; however, the construction funding obligation will be the authorization to proceed with advertising the RFP. Addenda to the RFP must be approved by the FHWA.

12.3 Federal-Aid Roles and Responsibilities

The following table lists the general roles and responsibilities for both state administered and federal oversight projects. The table also shows the typical timeframes needed for the activities that require FHWA approval.

Table 12.3-1: Additional FHWA and ITD Oversight Roles and Responsibilities				
Work Product	Federal Oversight Projects		State Administered Projects	
	ITD Action	FHWA Action	ITD Action	FHWA Action
RFQ	Prepare	Review	Prepare	None
RFQ Addendums	Prepare	Review	Prepare	None
RFQ Clarifications	Prepare	None	Prepare	None
Short-List	Prepare	None	Prepare	None
RFP	Prepare	Concur (2 Weeks)	Prepare	Concur
RFP Addendums	Prepare	Concur (5 Days)	Prepare	Concur
Alternate Technical Concepts	Prepare	None	Prepare	None

Unless otherwise specified, state administered work activities will be prepared by the administering District and approved by the ICU.

These approvals are necessary for FHWA participation in the project. The construction obligation request should be submitted concurrently with the RFP. Upon receipt of the FHWA authorization, the Department can move forward with the distribution of the RFP package to the short-listed firms.

12.4 Preparation and Timing of Request for Authorization (Obligations)

The sequence of federal authorizations is as follows:

- Work authority and initial obligation
- Authorization modification for right-of-way, if required
- Authorization modification for design-build RFP (synonymous with CN obligation). This obligation is for the contract and will be obtained after completion, but before release of the RFP and will be based on the estimated cost of all activities necessary to complete the project after award of the contract, including payment of any stipends. Program obligations may be modified to reflect actual costs for right-of-way;
- Federal aid authorization previously established will need to be adjusted after the contract is awarded
- Final authorization modification for project closeout, if needed to balance authorization to final expenditures

In the cases where the NEPA process and/or right of way are not complete, the design-build contract must include appropriate provisions preventing final design and/or construction activities. FHWA's authorization at the time of RFP concurrence will be limited without these items. When the Department proceeds to award a design-build contract prior to the conclusion of the NEPA process, there are a number of additional requirements outlined in 23 CFR 636.109(b) which must be followed.

12.5 Documentation Requirements to Support Design-Build Federal Authorizations

Design-build authorizations with federal funds, whether federal oversight or state administered, should be supported by:

- RFP release/construction authorization (full construction funds will not be authorized if the NEPA process has not been completed)
 - RFP
 - Right of Way Certification (if Right of Way Certification is not available, appropriate controls must be included in the RFP so no construction activities begin prior to right-of-way certification being issued)
- Concurrence in Award (federal oversight projects only)
 - Evaluation summary
 - Successful proposal
 - Contract
 - Schedule of values
 - Reasonableness review of price proposal

13 PROJECT COMPLETION

At the conclusion of the project, the project manager will initiate a final audit of contract expenses to allow the Department to release any retainage. Final acceptance and project closeout should be completed in a timely manner and shall follow the standard procedures for final acceptance and closeout activities as directed by the ITD Standard Specifications for Highway Construction in conjunction with the Contract Administration Manual.

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Appendices

Appendix A	Project Delivery Methods
Appendix B	General Procurement Activities
Appendix C	Alternative Contracting Project Nomination Form Alternative Contracting Methods Project Selection Guidelines Project Delivery Method Evaluation Matrix
Appendix D	Design-Build Evaluation Committee Participant Agreement

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Abbreviations

ATC: Alternative Technical Concept

CMGC: Construction Manager General Contractor

CPM: Critical Path Method

DBB: design-bid-build

DBF: design-build firm

DMC: Design/Material/Construction section

FA: Federal-aid

FHWA: Federal Highway Administration

ICU: Innovative Contracting Unit

ITIP: Idaho Transportation Improvement Program

ITP: Instructions to Proposers

PM: Project Manager

QA: Quality Assurance

QC: Quality Control

RFP: Request for Proposals

RFQ: Request for Qualifications

SOQ: Statement of Qualifications

Definitions

Addendum. A written instruction issued by Department adding, deleting, or making material changes in provisions of the Request for Qualifications (RFQ), Request for Proposal (RFP) or previously issued addenda.

As-built plans. Plans reflecting the construction work as actually performed under the Contract.

Baseline schedule. The time-scaled, critical path network Gantt Chart that represents the Design-Build Firm's plan for designing, constructing, and completing the project.

Best value. A selection method using price and technical evaluation factors.

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Change order. A written order issued by the Department modifying work required by the contract, and, if applicable, establishing the basis of payment or time adjustment for the work reflected by the change.

Conflict of interest. A personal or organizational conflict of interest and includes an actual, potential, or apparent conflict of interest.

Construction Ready Plans and Specifications. The plans and specifications submitted at a construction-ready design review that must be accepted by the Department prior to Design-Build Firm commencing any of the construction work represented therein.

Contract. The written agreement between the Department and Contractor, including all contract documents, describing the Work to be completed and defining the rights and obligations of the Department and Contractor.

Contract amount. The total amount to be paid for the Work performed under the Contract, as it may be adjusted from time to time to account for modifications to work as required by the Department or adjustments provided for by the Contract.

Contract baseline concepts. Design documents either included in the contract or developed during the term of the Contract, that meet or exceed minimum contract requirements, as determined by the Department in its sole discretion, and otherwise comply with all contract terms.

Contract completion date. The date that all work under the Contract, with the exception of plant establishment, punch-list items, and warranty obligations that must be completed.

Contract documents. The documents identified as such in Article 11 of the Design-Build Agreement, as well as all documents incorporated therein by reference during the term of the Contract.

Contract pay item. A specific unit of work for which prices are provided in the Contract.

Contract time. The amount of time allowed under by the Contract to complete all work, except for plant establishment, punch-list items, and warranty obligations.

Contractor (Design-Build Firm). The individual, partnership, firm, corporation, or any acceptable combination thereof, contracting with the Department, for performance of the Work.

DB special provisions. The Department-supplied additions and revisions that are applicable solely to the Project.

Deficiency. A material failure of a Proposal to meet Department requirements, or a combination of significant weaknesses in a Proposal that increases the risk of unsuccessful Contract performance to a level unacceptable to the Department.

Definitive design. Is the first design review requiring participation of Department, and is intended to verify that the contract baseline concepts proposed by Design-Build Firm meet all Contract requirements.

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Department design review. The process whereby the Department evaluates Design-Build Firm's proposed design; and collaborates with Design-Build Firm in developing and incorporating any modifications they may agree upon.

Design-Build Firm. The individual, partnership, firm, corporation, or any acceptable combination thereof, contracting with the Department, for performance of the Work. It is understood that Contractor means Design-Build Firm.

Design criteria. Attachment to the Technical Provisions that describes known or expected design elements.

Design documents. Any design work products such as contract baseline concepts, definitive design, interim design, construction-ready plans, project specifications, as-built plans, working drawings (plans), all other work products required to construct the project, and all required quality program documentation.

Design professional. Design professionals include:

1. An architect who is registered and holds a valid certificate in the practice of architecture in the state of Idaho;
2. An engineer who is registered and holds a valid certificate in the practice of engineering in the state of Idaho;
3. A surveyor who is registered and holds a valid certificate in the practice of land surveying in the state of Idaho;
4. An architect who is registered and holds a valid certificate in the practice of landscape architecture in the state of Idaho; and/or
5. Other professional persons required under Idaho Law to be registered and hold a valid certificate in order to perform design services or other work called for under the Contract.

Design review. A comprehensive and systematic examination of the design by Design-Build Firm to verify that the design is in conformance with all Contract requirements.

Design services. Design services include:

1. Performance of all necessary pre-design and construction and utility relocation engineering;
2. Development and delivery of all design documents;
3. Mobilization and demobilization relating to the performance of design services;
4. Identification of, and compliance with, all applicable laws, standards, administrative processing requirements, and permit processing requirements;
5. Performance of all necessary geotechnical investigation and data analysis pertaining to site conditions;
6. Performance of all materials and equipment testing and inspection necessary to confirm quality and conformance to required specifications;
7. Implementation of all aspects of the safety and quality programs related to design services;
8. Acquisition of all necessary permits not obtained by the Department, filing of all required documents with authorities, and payment of all associated fees, including application, filing, plan review, and appeal fees;

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9. Performance of all other design and design-related activities required or reasonably implied under the terms of the Contract, or otherwise reasonably necessary to deliver the Project in accordance with all Contract requirements.

Entity. A natural person capable of being legally bound, sole proprietorship, limited liability company, corporation, partnership, limited liability partnership, limited partnership, profit or non-profit unincorporated association, business trust, joint venture, or any other person with legal capacity to contract, or a government or governmental subdivision.

Extra work. Work not included in the Contract, that the Department deems to be necessary to complete the Project.

Final acceptance. Written confirmation by the Department that the Project has been completed in accordance with contract requirements, with the exception of latent defects and warranty obligations, if any, and has been accepted.

Interim completion date(s). The date(s) established in contract as the deadline by which certain specified components of the construction Work must be completed, with the exception of plant establishment, punch-list items, and warranty obligations. There may be one or more interim completion dates established for a project. Any applicable liquidated damages will be identified in the DB Special Provisions.

Interim design. Design development occurring after definitive design and before construction-ready plan and project specification submittal may call for interim designs to remedy conflicts, account for exceptions, and incorporate betterments. Design-Build Firm shall notify Department if interim design reviews are necessary, and shall schedule the necessary design reviews following independent review by the Design Manager. Interim design may be presented at a design workshop or meeting with Department.

Design-Build Firm shall also use interim design reviews to verify that the concepts and parameters established and represented by definitive design are being followed, and that all Contract requirements continue to be met. Design-Build Firm shall specifically highlight, check, and bring to the attention of Department any information differing from or supplemental to that presented at the definitive design review. Significant changes to the definitive design will require a re-submittal, and Departmental review before the construction-ready plans and specifications submittal.

Key personnel. Persons and entities specifically identified in the contract agreement.

Notice to proceed. Department-written notice authorizing Design-Build Firm to begin performance of the Work.

Major participant. Reference RFQ for definition.

Pay request. The formal request for payment that is submitted to the Department and paid only upon the Department's approval of the associated progress estimate.

Plans. Drawings prepared by or for Design-Build Firm and stamped and signed by the responsible engineer, that show work location, type, dimensions, and details of construction work to be performed under the Contract, as well as the Department-prepared standard

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drawings and other details produced by the Department if used in, or referenced in, Design-Build Firm's work products.

Price opening. The public opening and reading of price proposals.

Price proposal. The document submitted to the in accordance with the RFP Instructions to Proposers (ITP)

Price reasonableness. Prices do not exceed what would be paid by a prudent person in the conduct of competitive business. Factors include: (a) whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the Proposer's business or performance of the contract; (b) whether the costs reflect generally-accepted sound business practices, arm's-length bargaining, and federal and State Laws; (c) any significant deviations from the Proposer's established practices; (d) comparisons of proposal price to the Department's Design-Build project estimate; and (e) comparison with price information submitted by other Proposers.

Progress schedule. The time-scaled, critical path network, updated regularly in accordance with contract requirements that represent Design-Build Firm's plan for designing, constructing, and completing the project.

Professional services. Services required by law to be performed by or under the direct supervision of design professionals.

Project. The sum of all work to be performed under the contract and section of highway or that area as shown on the plans, within which the work is to be performed.

Project records. All information in any way relating to the project or performance of the Contract, including:

- Financial and accounting records and information;
- Correspondence – including internal communications, emails, field notes, file notes, diary entries, communications with the Department, subcontractors and authorities;
- Survey data – including survey drawings, reports, maps, original computations and other data;
- Materials testing records and materials certifications;
- Work products;
- All other documents and information whether generated by or for, or received by the Design-Build Firm in the performance of the Contract, and whether any of such records are:
 - Paper-based,
 - Electronic data,
 - Electronic/digital format capable of being reduced to paper-based or electronic/digital format,
 - Audio format, or
 - Constitute visual reproductions such as photos or videotape.

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Project specifications. Specifications implementing the plans, and otherwise complying with all Contract requirements, that Design-Build Firm assembles from the Department-supplied specifications as necessary to conform to Contract terminology and requirements, additional Specifications, if any, developed by Design-Build Firm and authorized for use pursuant to Change Order.

Proposal. The written offer submitted by a Proposer in response to the RFP, consisting of the technical proposal and price proposal, to do stated work in the manner indicated and at the price quoted.

Proposal due date. The date and time after which Proposals, Proposal modifications, and Proposal withdrawals will no longer be accepted.

Proposal evaluation committee. The Department representatives who are responsible for evaluating Proposals in accordance with the evaluation criteria established in the RFP.

Proposer. The entity submitting a Proposal in response to a Request for Proposals.

Quality program. The activities performed by Design-Build Firm to ensure that the work meets all Contract requirements including documentation of all quality program activities.

For design this includes, but is not limited to: (a) procedures for evaluating, establishing, monitoring, maintaining, and certifying design quality; (b) design reviews, and (c) design checks, evaluations, and review of design documents for constructability, conformance to applicable design professional standards of practice, and compliance with the laws and regulations, applicable standards, and other Contract requirements.

For construction workmanship and materials , this includes: (a) procedures for materials handling and for evaluating, establishing, monitoring, and maintaining construction quality; (b) inspection of source development and aggregate production plants, fabrication and production of manufactured products, and materials certification; (c) inspection, sampling and testing of materials and manufactured products; (d) calibration and maintenance of equipment; (e) production process control; and (f) monitoring of environmental compliance.

Reference documents. Documents provided by the Department for informational purposes only.

Responsible Engineer. The Idaho-registered professional engineer (PE) who must sign and seal the design documents and applicable work products.

Scope of work. The Work to be performed to design and construct the Project, as described in the Contract.

Short-List. Entities that the Department determines are the most highly qualified among those responding to an RFQ that will be invited to submit Proposals in response to the RFP.

Significant Weakness. A flaw in the Proposal that appreciably increases the risk of unsuccessful Contract performance. (See, "Weakness.")

Specifications. Specifications from which Design-Build Firm is authorized to assemble Project Specifications, which include Department-supplied specifications and such additional

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specifications, if any, developed by Design-Build Firm and authorized for use pursuant to Change Order.

Standard Drawings. The Department-prepared detailed drawings for work or methods of construction that normally do not change from project to project.

Subcontractor. Any entity with whom Design-Build Firm contracts to perform a portion of the Work.

Surety. The corporation, firm, partnership, or individual supplying the contract bonds provided by the Contractor. The surety may also provide the proposal guaranty.

Technical provisions and plans. Project information provided by the Department as a basis for the Project's design and construction which shall be relied upon in the design process.

Utility. A line, facility, or system for producing, transmitting, or distributing communications, power, electricity, heat, gas, oil, water, steam, waste, stormwater not connected with highway drainage, irrigation water, or any other similar commodity which directly or indirectly serves the public. The term may also mean the utility company, district, railroad or cooperative owning and operating such facilities, including any wholly-owned or controlled subsidiary.

Weakness. A flaw in the Proposal that increases the risk of unsuccessful Contract performance.

Work. Design, construction, and quality management, which collectively include the furnishing of all materials, equipment, tools, labor, services, and incidentals necessary to successfully complete any individual contract item or the entire contract, and the carrying out of all duties and obligations imposed by the Contract.

Work Product. Contract baseline concepts, definitive design, drawings, plans, **Project specifications**, and all other documents, analysis, computations, models, computer programs, and information obtained or developed for the Project or in performance of the Contract, or capable of being reduced to tangible paper-based, electronic, audio, or video format, whether or not designated as a deliverable under the Contract.

Working drawings (plans). Drawings prepared by Design-Build Firm to specify particular details and procedures for construction of the project, including the following:

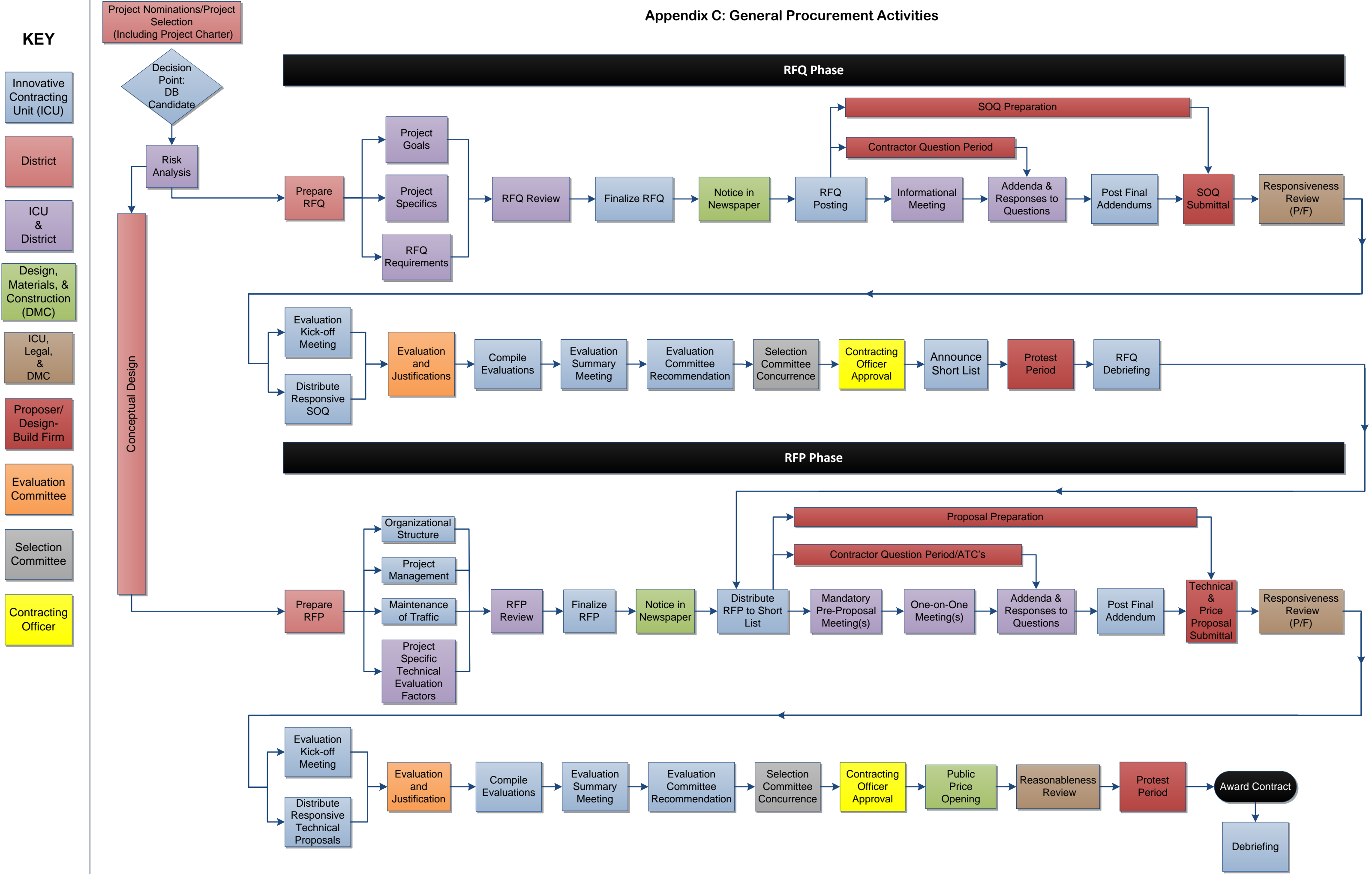
- Construction details
- Erection plans
- Fabrication plans
- Field design change plans
- Stress sheets
- Shop drawing
- Lift plans
- Bending diagrams for reinforcing steel
- Falsework plans
- Similar data required for the successful completion of the Work



Project Delivery Methods

Construction Manager/ General Contractor			
Design-Bid-Build		Design-Build	
Essential Elements	<div><pre>graph TD; Owner[Owner] --- Designer[Designer]; Owner --- Contractor[Contractor];</pre></div> <ul style="list-style-type: none">Traditional delivery systemOwner contracts separately for design and construction servicesBid based on complete (100%) plans and specificationsOwner retains high level of control and riskTraditionally a unit priced contract	<div><pre>graph TD; Owner[Owner] --- Designer[Designer]; Owner --- CM[CM];</pre></div> <ul style="list-style-type: none">Owner engages a construction manager (CM) to act as a construction advisor during the pre-construction phase and general contractor (GC) during constructionSelection criteria include qualifications, experience, strategic approach, and cost elements	<div><pre>graph TD; Owner[Owner] --- DBF[Design-Build Firm];</pre></div> <ul style="list-style-type: none">Combines design and construction under a single contractTraditionally a lump sum contractTwo phase procurement<ol style="list-style-type: none">QBSTechnical/Price
Contractor Involvement	<div><pre>graph LR; Design[Design] --- Construction[Construction] --- Maintenance[Maintenance]; subgraph Contractor_Involvement; Construction; Maintenance; end;</pre></div>	<div><pre>graph LR; Design[Design] --- Construction[Construction] --- Maintenance[Maintenance]; subgraph CM_Involvement; Construction; Maintenance; end;</pre></div>	<div><pre>graph LR; Design[Design] --- Construction[Construction] --- Maintenance[Maintenance]; subgraph DBF_Involvement; Construction; Maintenance; end;</pre></div>
Applicability	<ul style="list-style-type: none">Projects where the owner needs to completely define the scopeProject scope can be best defined using prescriptive specificationsSignificant risks or third-party issues (ROW, utility, environmental) that can be best resolved or managed by the agency	<ul style="list-style-type: none">Projects where owner requires control of scope during designProject with multiple phases and contractsTime or funding constraintsComplete or obtainable environmental documents and permits for the entire projectEstablished project footprint	<ul style="list-style-type: none">Projects that benefit from innovation in design and/or constructionWell defined project scopeProjects that would benefit from an expedited project deliveryProjects having manageable public controversy and third party issues or environmental issues
Advantages	<ul style="list-style-type: none">Applicable to a wide range of projectsWell established and easily understoodOwner retains design controlProvides the lowest initial price that responsible, competitive bidders can offerNo legal barriers in procurement and licensingWell established legal precedents	<ul style="list-style-type: none">Allows for innovation and constructability during design through collaboration of CM with designerImproved constructabilityReduces error, change orders, and materials overrunsIdentifies and manages riskAgency retains control over designFast-tracking of early procurement items and construction phases prior to completed designOpportunity for shared savings	<ul style="list-style-type: none">Reduced design and construction timeAccelerate delivery by fast-tracking design and constructionSingle point responsibility for design and constructionEarly contractor involvement to enhance constructability of plansEarlier schedule and cost certaintyPotential for innovation and quality enhancementReduces error, change orders, and materials overruns
Risks/Limitations	<ul style="list-style-type: none">Tends to yield base level qualityHigher level of inspection/testing by the agencyInitial low bid might not result in ultimate lowest cost or final best valueAgency bears risk of design adequacyAdversarial relationship among the contracting partiesNo incentives for contractors to provide enhanced performance (cost, time, quality)	<ul style="list-style-type: none">Potential appearances of unfairness in sole source selection processPotential failure of ITD selection innovationsPotential for failure to agree on price and PS&E sent out for bidDetermining appropriate level of design to take advantage of innovations while securing Guaranteed Maximum Price (GMP)Early Guaranteed Maximum Price (GMP) may lead to a large contingency to cover uncertainties and incomplete design elementsAdded CM fees during pre-construction	<ul style="list-style-type: none">Potential to reduce opportunities for small construction firmsLess owner control over designHigher procurement costs for proposersMay compromise qualityConsiderable time and effort in RFQ/RFP selection process
Procurement Methods	<ul style="list-style-type: none">Qualified Low BidA+B BiddingAlternate BidsQA SpecificationsIncentives/Disincentives for time and quality	<ul style="list-style-type: none">Best Value SelectionPerformance SpecificationsContingency with Guaranteed Maximum Price (GMP)Incentive/Disincentive (I/D) for early completion	<ul style="list-style-type: none">Qualified Low BidBest Value SelectionPerformance SpecificationsIncentive/Disincentive (I/D) for time, quality, traffic, safety, etc.

Appendix C: General Procurement Activities



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Alternative Contracting Project Nomination Form

To nominate a project for alternative contracting methods, complete the Contracting Method Opportunity/Risk Summary table, provide a brief narrative below, and submit this form along with the completed Project Charter (ITD-0332) to the Innovative Contracting Unit at the same time as the annual ITIP submittal.

PROJECT INFORMATION			
Key Number	Project Number	Project Name	
District/Section/Division	Highway Route	Date This Form Submitted	Fiscal Year

CONTRACTING METHOD OPPORTUNITY/RISK SUMMARY			
	DBB	CMGC	DB
Project Factors	<i>Opportunity/Risk</i>	<i>Opportunity/Risk</i>	<i>Opportunity/Risk</i>
1. Complexity & Innovation			
2. Delivery Schedule			
3. Level of Design			
4. Risk			
5. Agency Factors			
6. Market Factors			
7. Third Party Coordination			

Rating Key:

M - Most appropriate

A - Appropriate

L - Least appropriate

X - Not appropriate

Opportunities and Risks Summary:

Alternative Contracting Methods Project Selection Guidelines

Section 40-902, Idaho Code describes the contracting process for Design-Bid-Build (DBB) projects. Section 40-904 and 40-905, Idaho Code allows the Department to use Design-Build (DB) and Construction Manager/General Contractor (CMGC) contracting methods under certain circumstances. 23 CFR 636 describes FHWA's policies and procedures for utilizing design-build contracting on federal-aid projects.

The Department will evaluate and identify candidate projects each year as part of the Idaho Transportation Improvement Program (ITIP). Districts, Divisions, and Sections shall use this project selection guideline to evaluate projects and submit recommendations with their ITIP submittal. State Code limits the use of alternative contracting methods to 20% of the highway program annually.

Not all projects should necessarily be evaluated, only those that are most likely to be suitable for alternative contracting methods. The process for evaluating nominated projects may also be initiated during project development of conventional design-bid-build projects when applicable.

A Project Selection Team, composed of Department personnel and representatives of the consultant and construction community, will review the recommendations and funding parameters in state code to determine whether nominated projects will be recommended to the Board.

Alternative Contracting Method Descriptions

Alternative contracting methods are distinguished by the manner in which contracts between an agency, designers and contractors are formed, and the technical relationships that exist between each party inside those contracts. Each contracting method can be appropriate for a variety of projects. A project must be examined to determine how it aligns with the attributes of each available method.

- **Design-Bid-Build (DBB)** is the traditional project delivery method in which the designer furnishes complete design plans, and then the project is advertised as a separate construction contract. In DBB, the agency “owns” the details of design during construction and, as a result, is responsible for most risks and the cost of any changes encountered in construction. This is traditionally a unit-price, low-bid contract.
- **Construction Manager/General Contractor (CMGC)** is a project delivery method in which the design and construction manager are contracted separately. It allows the Department, designer and contractor to be active in the design process and allows for collaboration during design reviews and customization to a single contractor's techniques, processes, and methods. The contractor is given an exclusive opportunity to negotiate a Guaranteed Maximum Price (GMP) for the work.
- **Design-Build (DB)** is a project delivery method in which the design and construction services are included in the same contract. The major benefit of this contracting method is time savings because the design and construction activities overlap and construction approach can be customized to the contractor. This method typically uses a two-step process consisting of a qualifications-based selection (RFQ) and a best-value determination based upon technical and price components of the short-listed firms (RFP).

APPENDIX D

Project Nomination and Selection Process

In assessing whether alternative contracting methods are appropriate, the primary considerations have been summarized in the Contracting Method Evaluation Matrix in Attachment A.

The Contracting Method Evaluation Matrix provides a framework to investigate the opportunities and risks of each contracting method. It also provides guidance and consistency in evaluating the suitability of alternative contracting methods and subsequent nomination of projects. The objective of this process is to determine how each contracting method aligns with the project characteristics, Department needs, policy or regulatory issues, and life cycle requirements.

This analysis will be summarized on the Alternative Contracting Project Nomination Form, which will be attached to the Project Charter (form ITD-0332) when officially submitted for consideration.

The opportunity and risk evaluation process involves an examination of nine separate factors relating to each delivery method. Upon examination of each factor, the process asks users to rate the contracting methods in terms of their appropriateness for each factor. The process can be summarized in the following steps:

- a. Understand the Factor:** Read the brief description of each factor.
- b. Analyze the Contracting Methods:** After understanding the factor, assess all opportunities and risks corresponding to each alternative contracting method.
- c. Complete the Factor Summary Table:** Review the opportunities and risks that apply to each contracting method and analyze their implications. Complete the summary opportunities/risks table at the end of each factor section. A key is provided to rate each alternative contracting factor:

M - Most appropriate
A - Appropriate
L - Least appropriate
X - Not appropriate

An example of one completed factor is shown below.

	DBB	CMGC	DB
	<i>Opportunity/Risk</i>	<i>Opportunity/Risk</i>	<i>Opportunity/Risk</i>
1. Complexity/Innovation	A	M	X

In this example, one can observe that, for the project complexity factor, CMGC is the most appropriate contracting method based on the evaluation of opportunities and risks, and DBB is an appropriate method. However, DB is not applicable in terms of opportunities or risks. Therefore, the DB contracting method will be eliminated from further consideration. As a result, the two remaining alternative contracting methods to evaluate for this project are DBB and CMGC.

By following the same procedure for the other eight factors, the summary opportunities/risks table will provide a structure for documenting the alternative contracting method decision.

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 1: Complexity and Innovation

Project complexity and opportunity for innovation reflect the likelihood that the project scope will allow for new designs or processes to achieve the project's purpose and need.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Agency can have more control of complex issues Project development and design opportunities can be researched and implemented as project develops Value Engineering opportunities during design 	<ul style="list-style-type: none"> Limited opportunity for constructability input Limited flexibility for design/construction solutions Opportunities limited to agency/designer input Contractor may implement different methods Change orders inherent in process

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Better review and inclusion of project solutions Early team integration and increased opportunity for innovation due to the diversity of the project team Constructability reviews and Value Engineering inherent in collaborative design process Take advantage of materials constraints and availability Risk is more transparent and better communicated 	<ul style="list-style-type: none"> Pre-construction services fees for contractor input Clearly defined cost bidding and negotiating process Customization can add cost or time Additional administration can be necessary for project development phase If Guaranteed Maximum Price (GMP) negotiations break down with initial contractor, DBB is fallback plan

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Innovation inherent in process Single point of responsibility Design can be customized/optimized to contractor means and methods and technical strengths Opportunity for innovation with Alternate Technical Concepts (ATC) prior to contract award 	<ul style="list-style-type: none"> Final design details unknown at time of award Project constraints can be difficult to define Goals and expectations need to be well-defined in order to ensure an acceptable outcome Project unknowns have more impact (e.g. differing site conditions)

Complexity & Innovation Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
1. Complexity-Innovation			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 2: Delivery Schedule

Delivery schedule is the overall project schedule from scoping through design, construction and opening to the public.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Schedule is more predictable/manageable Elements of design can be advanced prior to permitting, construction, etc. Time to communicate/discuss design with stakeholders 	<ul style="list-style-type: none"> Longer and more linear process Lack of industry input during design Often give too many contract days because contractor's means and methods are unknown

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Early identification and resolution of design and construction issues Can accelerate procurement of long-lead items Continuous constructability review and Value Engineering 	<ul style="list-style-type: none"> Potential of not negotiating Guaranteed Maximum Price (GMP) and delaying schedule Designer-contractor-agency coordination Strong agency management is required to control schedule

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Accelerated project delivery schedule Industry input into schedule Ability to start or phase construction before entire design is complete More efficient procurement of long-lead items Encumbers construction funds more quickly 	<ul style="list-style-type: none"> Time required to define project requirements and expectations Procurement process can be lengthy Project progress on critical items such as right-of-way, permitting, etc.

Delivery Schedule Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
2. Delivery Schedule			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 3: Level of Design

Level of design is the percentage of design completion at the time of the project delivery selection analysis.

DESIGN-BID-BUILD	
Opportunities	Risk
<ul style="list-style-type: none"> Agency has complete control over the design (can be beneficial when there is one specific solution) The scope of the project is well defined when the contractor is bidding the project QA and QC processes for design are well understood Contractor has complete set of drawings to bid on before becoming contractually bound to a price 	<ul style="list-style-type: none"> Contract is tied directly to the completed design, which can result in a higher number of change orders and claims May not utilize innovation or customization opportunities from contractor involvement in design Reduced level of constructability when contractor is engaged in the project after the design is complete

CONTRACTOR MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Contractor involvement in design, which improves and/or resolves constructability issues Risk is more transparent and better communicated Design is customized to contractor means and methods and the contractor can have a better understanding of the conditions as design progresses 	<ul style="list-style-type: none"> Strong agency management is required to control design progress and decisions Design must be sufficiently far along to allow for negotiation of Guaranteed Maximum Price (GMP)

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Minimal design required prior to awarding project Contractor involvement in design, which improves constructability Contractor has direct input into design and customizes it to their particular means and methods 	<ul style="list-style-type: none"> Level of design to determine project scope prior to procurement to get accurate/comprehensive responses Must have very clear definitions and requirements in the RFP - it is the basis for the contract Less direct agency control over the design QA/QC requirements must be clearly defined

Level of Design Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
3. Level of Design			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 4: Risk

Risk is the probability of being exposed to unknown events or conditions and how best to manage them.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> • Risk allocation is most widely understood/used • More complete information for risk assessment • Opportunity to identify and avoid or mitigate risk through design 	<ul style="list-style-type: none"> • Change order risk can be greater • Agency-contractor relationship may be adversarial • Low-bid risks (quality issues?) • Agency assumes most risks before contract is awarded

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> • Opportunities to mitigate and/or allocate risks to appropriate party (i.e., collaborative discussions of risk) • Opportunities to manage risks through designer and contractor involvement • Unknowns identified and addressed throughout design process 	<ul style="list-style-type: none"> • Limited to risk capabilities of a specific contractor • Strong agency management is required to address risks • Disagreement among designer-contractor-agency

DESIGN-BUILD	
Opportunities	Risk
<ul style="list-style-type: none"> • Opportunities to mitigate and/or allocate risks to appropriate party (e.g. schedule, means and methods, phasing) • Designers and contractors responsible for innovative solutions to, or avoidance of, unknowns • Less management required by agency to solve unknown conditions • Opportunity for industry review of risk allocation (draft RFP, ATC processes) 	<ul style="list-style-type: none"> • Limited time to resolve risks • Additional risks generally allocated to contractor • Risk allocations due to unknowns may result in increased bid price

Risk Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
4. Risk			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 5: Agency Factors

Agency experience and level of oversight required for project delivery.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Agency, consultants and contractors have high level of experience with the DBB system Oversight roles are well understood 	<ul style="list-style-type: none"> Often requires a high level of agency staffing Requires a high level of oversight

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Smaller number of staff required for oversight Similar design administration as DBB Input from contractor to enhance constructability and innovation Agency selects and has control over the project team (designer and construction manager) 	<ul style="list-style-type: none"> Staff may need additional training to support their changing roles Experience, or lack thereof, negotiating Guaranteed Maximum Price (GMP) projects

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Less agency staff required due to the consolidation and risk allocation process Input from contractor enhances constructability and innovation Overall project planning and scheduling is established by one entity 	<ul style="list-style-type: none"> Limitation of availability of staff with specific skills and knowledge Requires high level of quality assurance oversight Staff may need additional training to support their changing roles Resource draw/demand at critical points in process (i.e., RFP development, design, reviews, etc.)

Agency Factors Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
5. Agency Factors			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 6: Market Factors

Market factors refer to the amount of competition in the market place and their capacity and experience to deliver the project, as well as availability of materials and equipment resources.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Promotes high level of bidding competition Opens construction to all reasonably qualified bidders Agency, consultants and contractors have high level of experience with DBB system 	<ul style="list-style-type: none"> Low bid procurement does not always select the most qualified contractor No contractor input into the design process Does not necessarily include innovative concepts and opportunities

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Allows for qualifications in contractor procurement Contractor is part of the project early on, creating a project "team" Early identification of resource issues (i.e. materials, equipment, contracting, etc) Contractor has a complete understanding of the project when finalizing the construction price 	<ul style="list-style-type: none"> Teamwork and communication among the project team

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Selection is typically based on both qualifications and price Can promote teaming, design innovation, and price competition Design customized to the contractor's unique resources and capabilities Cohesiveness of the design and the construction team throughout the project 	<ul style="list-style-type: none"> Reliant on the design-build team that was awarded the project Limitation of availability of experienced contractors and consultants

Market Factors Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
6. Market Factors			

Key:

- M. Most appropriate delivery method
- A. Appropriate delivery method
- L. Least appropriate delivery method
- X. Not Applicable

Notes and Comments:

APPENDIX D

PROJECT DELIVERY METHOD EVALUATION MATRIX

Factor 7: Third Party Coordination

Third party coordination is the involvement or activities to comply with regulations and clearances involved with items such as stakeholders, right-of-way, environmental compliance, permitting, etc.

DESIGN-BID-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Agency has more time to get required approvals before awarding a construction contract Third party expertise can be brought in during design 	<ul style="list-style-type: none"> Potential for delivery delays due to stakeholder input Possibility of changes by third party as design progresses

CONSTRUCTION MANAGER / GENERAL CONTRACTOR	
Opportunities	Risks
<ul style="list-style-type: none"> Agency has lead with third parties Contractor's involvement during design can mitigate need to renegotiate or otherwise alter third party agreements, such as utilities, irrigation districts, or local entities, when construction begins 	<ul style="list-style-type: none"> Possibility of changes by third party as design progresses

DESIGN-BUILD	
Opportunities	Risks
<ul style="list-style-type: none"> Third party involvement can be managed by design- builder Agency has considerable involvement with third parties 	<ul style="list-style-type: none"> Gaining approvals when design is not complete Challenging to proceed without commitments for right-of-way, utilities, environmental, etc Difficult to define and achieve commitments on all third party requirements prior to issuing the RFP Possibility of changes by third party as design progresses Agency involvement with third parties may impact the Design-Build Firm's schedule and expectations

Third Party Coordination Summary

	DBB	CMGC	DB
	Opportunity/Risk	Opportunity/Risk	Opportunity/Risk
7. Third Party Coordination			

Key: M. Most appropriate delivery method
A. Appropriate delivery method
L. Least appropriate delivery method
X. Not Applicable

Notes and Comments:

APPENDIX E

DESIGN-BUILD EVALUATION COMMITTEE PARTICIPANT AGREEMENT

[insert project name and number]

As a participant in the development of contract and procurement documents for the above referenced design-build project, I hereby agree and understand that, except as otherwise provided by law:

- a. I will maintain the confidentiality of all evaluation and selection related information I gain access to as a result of my participation in the RFQ and RFP process. This includes proprietary information and information designated confidential, the identity of all members participating in the selection process, information from any of the firms submitting a response to the RFQ and RFP, and all evaluation materials which I have reviewed and/or have had in my possession.
- b. I will maintain security and control over all documents containing such Confidential Information in my custody during the RFQ and RFP processes. I will not make copies of any documents, and will return all documents to the Innovative Contracting Unit when my work with the documents is completed.
- c. I will not divulge any confidential information regarding the RFQ and RFP processes or any other information that may result in a potential firm receiving a competitive advantage. I will not divulge any confidential information regarding the RFQ and RFP processes to the media or any member of the public. If contacted by any representative of the firms under consideration for the contract or the media, or any member of the public regarding the RFQ or RFP processes, I will not discuss the RFP process, and will promptly report every such case to the Innovative Contracting Unit.
- d. I have read the Evaluation Guidelines and understand the procedures set forth with regard to the evaluation of Statements of Qualifications and/or Proposals. I agree to explicitly follow the procedures provided in the Guidelines and will score and evaluate all proposals in accordance with the methodology provided.
- e. I am not contemporaneously employed by any Proposer or member of any Proposer's team involved in this procurement; and
- f. I, my partner, or any member of my immediate family does not hold a position with a Proposer, or member of Proposer's team such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest in more than five percent; and I, my partner, or any member of my immediate family does not have a pecuniary interest arising from the procurement transactions; and I, my partner, or any member of my immediate family is not negotiating, or has an arrangement concerning, prospective employment with a Proposer or a member of Proposer's team.

(Date)

(Name)

(Title)

(Signature)