

# Addendum 2



CAVE SPRINGS  
TO FAIRGROUNDS

# REQUEST FOR QUALIFICATIONS

**I-70 Cave Springs to Fairgrounds  
Design-Build Project  
St. Charles County, MO**



Project Number: J6I3337  
RFQ Issued: July 19, 2021  
SOQs Due: August 11, 2021

Missouri Department of Transportation  
1590 Woodlake Dr.  
Chesterfield, MO 63017





I-70 Cave Springs to Fairgrounds Design-Build Project  
Missouri Department of Transportation  
Request for Qualifications  
Job No. J6I3337  
July 19, 2021

Addenda	Date	
	7/26/2021	Revisions: Revised Section 3.5 and Section 4.3
	7/29/2021	Revisions: Revised Section 3.5
3		Revisions:
4		Revisions:



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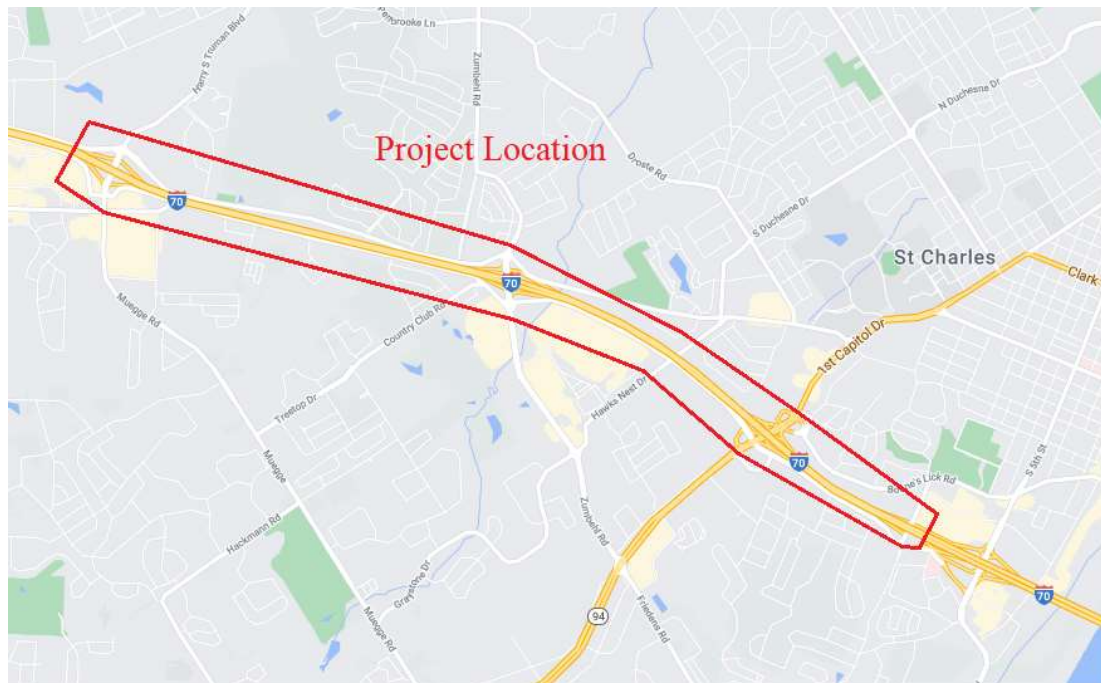
**FORMS**

- Form DB-101 – Major Participant Information
- Form DB-102 – Reference Project Summary
- Form DB-103 – Resume Summary
- Form DB-104 – Receipt of Addenda
- Form DB-105 – Conflict of Interest
- Form DB-110 – Commitment of Key Personnel
- Form DB-802 – Debarment, Suspension, Ineligibility, and Voluntary Exclusion



# 1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the I-70 Cave Springs to Fairgrounds Design-Build Project, within the I-70 transportation network from Cave Springs Road to Fairgrounds Road (Convention Center Blvd) in St. Charles County, Missouri. This Project is designated as Job No. J6I3337.



## 1.1 Project Description

The I-70 Cave Springs to Fairgrounds corridor is a transportation network of local, regional, and national significance carrying over 135,000 vehicles per day. The corridor, from Cave Springs Rd. to Fairgrounds Rd. (Convention Center Blvd), was built in the 1950's. This stretch of the I-70 corridor was one of the first segments of interstate highway system constructed in the country. It has been upgraded over time, but the basic configuration has not changed significantly, and it can no longer meet the traffic demand requirements. The corridor has experienced ever increasing congestion along the mainline alignment and significant congestion at the interchanges and crossroads as the adjacent area has continued to develop. This congestion, combined with discontinuous outer roads, has reduced local access and connectivity.

MoDOT intends to make improvements to the I-70 transportation network from Cave Springs Rd. to Fairgrounds Rd. (Convention Center Blvd). The Project shall include actions to improve connectivity, safety, and efficiency within the interchanges, on the



outer roads, and interstate. The final design will provide a balance of these improvements with a community-focused design. The Project will be developed with guidance from the Envision I-70 Planning and Environmental Linkage Study (PEL) and in accordance with the preliminary Environmental Determination of a Categorical Exclusion 2.

The successful Proposer will be responsible for management, design, construction, Quality Control, and Quality Assurance of the project. It is anticipated that the Proposer will identify and secure a project office within the State of Missouri and within reasonable proximity to the jobsite to co-locate with the MoDOT Design-Build staff.

## **1.2 Project Goals**

The following prioritized goals have been established for the project:

1. Improve connectivity for the local community while maximizing safety and efficiency of the transportation network within the program budget of \$62 million.
2. Provide a durable and maintainable transportation infrastructure allowing for future expansion.
3. Minimize impacts to the traveling public during construction while safely delivering the project by June 28, 2024.
4. Deliver the project using a diverse workforce.

## **1.3 Estimated Cost and Maximum Time Allowed**

The total program budget is \$62.4 million, including the Design-Build Contract, Right of Way acquisitions, Utility reimbursements, Stipend payments, and other miscellaneous project management expenses. The budget includes funding from federal, state, and county governments. The anticipated Fixed Cost Design-Build Contract budget is \$51.5 million to ensure the Project will be delivered within the total available budget. The Project must be completed by June 28, 2024.

# **2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS**

## **2.1 Two-Phased Design-Build Procurement Process**

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of Statements of Qualifications (SOQs), that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will shortlist at least two but not more than five most highly qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the shortlisted Submitters. Only the shortlisted Submitters will be eligible to submit proposals for the Project. Each shortlisted Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a Design-



Build Contract (if any) for the Project to the Proposer offering the best value, to be determined as described in the RFP.

## 2.2 Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

MoDOT may disqualify a Submitter that violates the Disadvantaged Business Enterprise (DBE) exclusivity referred to in Section 6.9.

## 2.3 Procurement Schedule

Item	Date
Issue RFQ	July 19, 2021
Deadline for submitting RFQ questions	July 27, 2021 (5:00 p.m. CDT)
Final responses to questions posted & Final RFQ Addendum issued	July 30, 2021
SOQ due	August 11, 2021 (10:00 a.m. CDT)
MoDOT notifies shortlisted Submitters	August 20, 2021
Issue RFP	September 7, 2021
Final Proposal and Price Allocation due	December 20, 2021
Selection of Apparent Best Value	February 2, 2022

## 3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ and addresses the evaluation criteria that MoDOT shall utilize.

### 3.1 Organization of SOQ

The SOQ shall be organized as follows:

- Cover Letter
- Title Page
- Table of Contents
- Part 1 – Administrative Elements (Pass/Fail)
- Part 2 – Submitter Experience (100 Points)
- Part 3 – Key Personnel and Organization (100 Points)

### 3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the



design team and contractor. Name the entity with whom MoDOT will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the Person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.

### 3.3 **Part 1 – Administrative Elements (Pass/Fail)**

*Submittal Requirements:*

- Form DB-104: Receipt of Addenda
- Form DB-105: Conflict of Interest (including a letter describing such conflicts if they exist)
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion

*Evaluation Criteria:*

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

### 3.4 **Part 2 – Submitter Experience (100 Points)**

*Submittal Requirements:*

- An executive summary not to exceed four pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas:
  - **Design:** The Submitter shall provide specific examples of their recent and relevant experience with the design of urban interstate, interchanges, and arterials within constrained corridors with characteristics similar to this Project. Demonstrate relevant experience of Submitter's ability to utilize expertise to improve the connectivity, safety, and efficiency of urban interstate and arterial facilities while managing traffic impacts. Provide specific examples of improved operation and safety of completed projects. Illustrate examples of effective partnering with owners, contractors, and local businesses and residents which communicates the improvements of the design.
  - **Construction:** The Submitter shall provide specific examples of its ability to successfully deliver similar projects and of its ability to generate and implement innovative ideas to deliver quality, be on schedule, and proactively resolve challenges. Submitter shall include previous tools used to mitigate traffic impacts during construction by using innovative approaches to Maintenance of Traffic. The Submitter shall provide examples of successful transitions of traffic during construction on completed projects. Illustrate examples of effective partnering with owners, consultants, and local businesses and residents where communication about each phase of construction leads to the success of the Project.
  - **Public Outreach and Involvement:** The Submitter shall provide specific examples of public engagement for previous projects of similar size and complexity to this Project that demonstrate its ability to develop, implement,



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and maintain a successful public information program that generated consensus throughout all phases of the Project. Also, demonstrate how the Submitter has addressed the public's comments and concerns in the design and during construction.

- **Approach to Ensuring Safety:** The summary should include every major participant's safety record including lost time incidents, OSHA recordables, and fatalities in the last 5 years and examples of successfully implemented Safety Management Programs or innovations. The Submitter shall provide examples of completed projects which successfully reduced the crash rates due to design improvements.
- **Quality Management Program:** The Submitter shall provide specific examples of quality programs for previous projects of similar size and complexity to this Project that demonstrate its ability to develop, implement, and maintain a Quality Management Program throughout all phases of the project while acting independent of production. The Submitter shall provide examples of the prompt and complete delivery of their quality program which allowed for efficient review of quality documents.
- **Utility Interaction:** Describe previous efforts to mitigate and minimize impacts to and work successfully with the applicable Utility companies.
- **DBE Utilization and Workforce Diversity:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 14% construction activities and 20% professional services provide examples of past performance. Describe how the Submitter intends to effectively maintain a diverse workforce by meeting or exceeding the construction workforce goals for 14.7% minorities and 6.9% female and provide examples of past performance. Also demonstrate how the Submitter will effectively maintain a diverse workforce of professional services and provide examples of past performance.
- Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- Form DB-102: Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two pages. A maximum of six reference projects can be described for each Submitter. This form shall not be modified.

*Evaluation Criteria:*

Part 2 will be evaluated based on Submitter's demonstrated performance on recent projects and the quality and completeness of the submittal requirements for this section. Specifically, MoDOT will evaluate the Submitter's experience based on:

- Documented relevant improvements to major urban transportation networks and communication of these improvements to owners, contractors, and local businesses and residents.
- Use of innovative approaches to deliver a project within budget such as proposing and implementing construction efficiencies, Value Engineering





Change Proposals, Additional Applicable Standards, Alternative Technical Concepts, and the successful delivery of Alternative Contracting Projects.

- Ability to partner with owners to communicate with the public to generate consensus on project design and challenges.
- Recent experience addressing the public's comments and concerns in the design and during construction.
- Past performance in developing and implementing a Quality Control and Quality Assurance program on a major urban transportation project that can promptly identify and correct deficiencies.
- Past performance developing and implementing a safe project which resulted in a reduced crash rate due to design improvements.
- Demonstrated synergy of design and construction efforts to resolve unexpected challenges encountered during similar projects and the resolution.
- Implementation and communication of traffic handling plans to minimize and mitigate construction impacts to customers.
- Recent experience delivering projects on schedule.
- Past performance for both construction and professional services on delivering projects with a diverse team including mentorship of DBEs and workforce, and apprenticeship graduation rates.
- Experience coordinating with regulatory agencies, local governments, and utility companies.
- Past performance with timeliness and accuracy of documentation.
- Implementation of effective efforts to mitigate the impacts of land disturbance and to successfully manage a Stormwater Pollution Prevention Plan (SWPPP) on past projects.

### 3.5 Part 3 – Key Personnel and Organization (100 Points)

Each Submitter shall identify the experience, responsibilities and past achievements of the Key Personnel listed below.

Submitters should define the following positions as Key Personnel:

- **Project Manager** – The Project Manager is responsible for all aspects of the Project including, but not limited to, overall design, construction, quality management, contract administration, safety, DBE and workforce diversity, and environmental compliance. The Project Manager should have at least seven years of recent and relevant experience managing the design and construction of major urban transportation networks. The Project Manager should provide examples of effective partnering with owners, consultants, and local business and residents to keep them informed about each phase of construction. The Project Manager shall have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT's Project Director. The Project Manager should understand Project partnering with owners, consultants, and local businesses and residents. The Project Manager should hold Safety and Quality in the highest regard throughout design and construction. The Project Manager must be assigned to the Project full-time for the duration of the Project.



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- **Quality Manager** – The Quality Manager’s responsibilities include, but are not limited to, creation and timely execution of the Submitter’s quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records. Such records include documentation for design, construction quality and testing, environmental compliance, erosion control, and DBE/workforce diversity compliance. The Quality Manager should have at least five years of recent and relevant experience developing, implementing, and overseeing quality programs on heavy civil construction work as well as document storage. The Quality Manager shall report directly to the Submitter’s executive management team. The Quality Manager shall not be the Project Manager. The Quality Manager may assign a designee to be a Design Quality Manager during the design phase. The Quality Manager shall be assigned to the Project full-time and shall be required to be on Site for all activities.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met including the contract requirements. The Design Manager should have at least seven years of recent and relevant experience managing the design of major urban transportation networks including roadways, structures, interchanges, and traffic operations and should have experience with safety of the design during and after construction. The Design Manager should have experience with the Access Justification Report and NEPA approval processes. The Design Manager should provide examples of effective partnering with owners, contractors, and local business and residents which communicate the improvements of the design. The Design Manager must be a registered professional engineer in the State of Missouri or must have registration pending at the time of SOQ submittal and be registered for the duration of the project. The Design Manager shall be assigned to the Project full-time when design activities are being performed. During construction, the Design Manager shall be readily available for on-site consultation.
- **Construction Manager** – The Construction Manager shall be responsible for managing the construction of the Project. The Construction Manager should have at least seven years of recent and relevant management experience in heavy civil construction work. The Construction Manager should have relevant experience communicating with owners, consultants, and local businesses and residents about construction phasing and the improvements of the design. The Construction Manager shall be on Site for the duration of the construction phase.
- **Maintenance of Traffic Manager** – The Maintenance of Traffic Manager shall be responsible for ensuring the safe and efficient movement of people, goods, and services through and around the Project while minimizing impacts to commuters, local residents, and businesses including effectively communicating traffic staging and construction impacts. The Maintenance of Traffic Manager shall oversee all elements of traffic control including signal timing adjustments. The Maintenance of Traffic Manager should have at least five years of recent and relevant experience managing or developing detailed



Traffic Control Plans. The Maintenance of Traffic Manager shall be on Site for the duration of the Project.

- **Public Involvement Manager** – The Public Involvement Manager shall be responsible for working with MoDOT to provide the community with key information related to the I-70 Cave Springs to Fairgrounds Project. This includes Stakeholder groups such as emergency responders, schools, business owners, local residents, and local governments. The Public Involvement Manager should demonstrate their ability to develop, implement, and maintain a successful public information program that generated consensus throughout all phases of the Project. The Public Involvement Manager should have at least five years of recent and relevant experience managing or developing detailed Public Involvement Programs.

Key Personnel identified in the SOQ, including any “Additional Key Personnel” may not be removed, replaced, or added without written Approval of the MoDOT Project Director.



The following In addition to the Key Personnel listed above, the following Key Tasks address the areas in which special attention will be needed for the success of this Project. Each The Submitter shall describe their approach to managing each Key Task.



- Safety Management
- ~~Public Involvement~~
- DBE and Workforce Diversity Coordination
- ~~Quality Control~~
- ~~Quality Assurance~~
- Right of Way Acquisition
- Environmental Compliance
- Utility Management

*Submittal Requirements:*



- An organizational chart
- An executive summary of Key Personnel, not to exceed ~~six (6) three (3)~~ pages describing the Key Personnel’s qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of Urban Highway projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Provide the organizational style of the team and indicate how the makeup and structure has proven the Submitter’s ability to meet or exceed the goals.
- Form DB-103: Resume Summary
- ~~Form DB-110: Commitment of Key Personnel~~
- Resumes for the Key Personnel and up to two additional personnel are to be included. Each resume is limited to one (1) page and shall include two (2) owner references by providing a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.





*Evaluation Criteria:*

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter's:

- Demonstrated improvement to connectivity, safety, and efficiency of transportation networks.
- Experience in design and construction of roadways, structures, interchanges, interstates, and arterials in physically constrained corridors.
- Experience in utilizing innovative approaches to deliver a project within budget.
- Experience in communicating the project improvements to owners, consultants, and local businesses and residents.
- Experience partnering with owners to communicate with the public to generate consensus on project design and challenges.
- Experience developing a Quality Control and Quality Assurance program on a major urban transportation project.
- Experience in maximizing and ensuring safety on the project during construction.
- Experience with the development and implementation of work zone management.
- Experience in delivering projects on schedule.
- Experience coordinating with regulatory agencies, local governments, and utility companies.
- Relevance of tasks performed by Key Personnel on resumes for reference projects.
- The roles and responsibilities of each Key Personnel.

## **4 SUBMITTAL REQUIREMENTS**

### **4.1 Format**

The SOQ must be formatted for 8.5" x 11" paper. Charts and other graphical information may be formatted for 11" x 17" paper. Use of 11" x 17" format shall be limited to a maximum of two pages. Minimum font size is 11 point. However, 10-point text may be used within graphs or tables.

### **4.2 Due Date and Quantities**

SOQ must be submitted by 10:00 am, Central Daylight Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. One (1) electronic copy in PDF format of the RFQ response is to be submitted by email to [i70csfg@modot.mo.gov](mailto:i70csfg@modot.mo.gov) as shown in Section 6.3 and detailed below. Hard copies will not be accepted. The SOQ Coordinator will provide the Submitter a SOQ receipt after receiving the Submitter's SOQ Email.



## 4.3 Page Limits

The maximum number of pages is shown in the following table:

<b>Cover Letter</b>	1
<b>Title Page</b>	1
<b>Table of Contents</b>	1
<b>Part 1 – Administrative Elements</b>	
Form DB-104: Receipt of Addenda	1
Form DB-105: Conflict of Interest	As needed
Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion	As needed
<b>Part 2 – Submitter Experience</b>	
Executive Summary	4
Form DB-101: Major Participant Information	As needed
Form DB-102: Reference Project Summary	12
<b>Part 3 – Key Personnel Experience</b>	
Organizational Chart	1
Executive Summary	6
Key Tasks	3
Form DB-103: Resume Summary	1
Form DB-110: Commitment of Key Personnel	16
Resumes	8

Dividers between sections of the SOQ are not counted.

## 5 EVALUATION PROCESS

All responses will be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 100 points.

Part 3 will be evaluated based on a possible 100 points.

MoDOT is restricted to shortlisting no more than five teams; therefore, the scoring was intentionally crafted to differentiate between what we anticipate to be many highly qualified teams. MoDOT will use the ratings below to determine a maximum of five most highly qualified teams and/or demonstrate a significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the shortlisting process are as follows:





Rating	Description
Exceptional +/-	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/-	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/-	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.

## 6 GENERAL INFORMATION

### 6.1 Major Participant Definition

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding an equity interest in the Submitter.
- The lead engineering/design firm(s).
- Each Subcontractor that will perform work valued at 20% or more of the construction work.
- Each Subconsultant that will perform 20% or more of the professional services.

Major Participants identified in the SOQ may not be removed, replaced, or added without written Approval of MoDOT Project Director. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

### 6.2 Stipend

No stipends will be paid for submitting SOQ. MoDOT will pay a Stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated Stipend is \$250,000 and shall be provided to such Proposer(s) as



early as 15 days after MoDOT determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their Stipend within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's Stipend shall be returned to MoDOT.

### **6.3 Communications**

MoDOT's Project Director, Stacey Smith, is MoDOT's sole contact Person for receiving all communications regarding the project and procurement thereof. Each submitter is also solely responsible for providing a single contact Person. Email is the preferred method of communication for the Project.

Stacey Smith, P.E.  
I-70 Cave Springs to Fairgrounds Design-Build Project Director  
Missouri Department of Transportation  
1590 Woodlake Dr.  
Chesterfield, MO 63017  
[Anastasia.Smith@modot.mo.gov](mailto:Anastasia.Smith@modot.mo.gov)

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, local entities, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with Utility companies, railroads, regulatory agencies and the general public.

### **6.4 Questions and Clarifications; Addenda**

Questions and requests for clarification regarding this RFQ must be submitted to MoDOT's Project Director via [i70csfg@modot.mo.gov](mailto:i70csfg@modot.mo.gov). To be considered, all questions and requests must be received by 5:00 pm CDT on the date indicated in Section 2.3. Questions, requests for clarifications, and responses will be posted on the project web site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project web site, [www.i70csfg.com](http://www.i70csfg.com).

### **6.5 Ineligible Firms**

A firm is ineligible to submit a proposal, in either a prime or subconsultants' role, if it assists in the development of the scope of work, the RFQ, or the RFP. The following firms acting as the owner's consultants are listed below.



- HDR, Inc.
- Engineering Design Source, Inc.
- Kivindyo Engineering Services
- Surveying and Mapping, LLC
- Civil Design, Inc.

## 6.6 Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

## 6.7 Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Submitter's team. Submitter must provide to MoDOT, via DB-105 form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.3) belong to more than one Submitter organization.

## 6.8 Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

MoDOT will ensure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

The Commission has set a workforce goal of 14.7% minority and 6.9% female per craft.

## 6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:

14% construction activities                      20% professional services





In an effort to ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1, or with written permission from MoDOT's Project Director.

It is the policy of MoDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any Person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms will need to be certified with MRCC. The MRCC DBE Directory is at the following web site:

[http://www.modot.mo.gov/business/contractor\\_resources/External\\_Civil\\_Rights/DBE\\_program.htm](http://www.modot.mo.gov/business/contractor_resources/External_Civil_Rights/DBE_program.htm).

## **7 PROTEST PROCEDURES**

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the public announcement of shortlisting. Notice of protest of the decision on shortlisting must be filed within five calendar days after the public announcement of shortlisting.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to the MoDOT Project Director and other Submitter(s), a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Submitter.



Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of MoDOT, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Submitter or MoDOT. The Director of MoDOT or his designee will issue a written decision regarding the protest within 30 calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of MoDOT or his designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the draft RFP, MoDOT may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Director of MoDOT or his designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or his designee concludes that the Submitter filing the protest has established a basis for protest, the Director or his designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications or taking other appropriate actions.

## **7.1 Costs and Damages**

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.