

North Carolina Department of Transportation



**INDUSTRY DRAFT
REQUEST FOR QUALIFICATIONS**

PROGRESSIVE DESIGN BUILD

**Divisions 13 and 14
US 74A / NC 9 / US 64
Emergency Repair Designs
(WBS # TBD)**

Henderson and Rutherford Counties, North Carolina

November 1, 2024

PURPOSE OF REQUEST

The purpose of this Request for Qualifications (RFQ) is to solicit Statements of Qualifications (SOQ) from Design-Build Teams interested in providing design and other pre-construction services as well as construction services for the emergency highway reconstruction from US 74A / NC 9 / US 64 (Main Street) in Chimney Rock, Rutherford County, to west of US 64 (Chimney Rock Road) / US 74A / NC 9 (Gerton Highway) intersection, Henderson County, herein after referred to as the “Project”.

Throughout this RFQ, the terms Design-Build Team, Contractor, Proposer, Bidder, Team, Firm and Company are synonymous and may include consortia, partnerships, joint ventures and others. Throughout this RFQ, the terms NCDOT, Department, Engineer and State are synonymous.

It is not the intention of the NCDOT to receive project specific design or engineering recommendations in response to this RFQ. Proposers should limit their submittals to the information required by this RFQ, including qualifications and experience of the proposer.

PROCUREMENT OVERVIEW

NCDOT will use a one-step Quality Based Selection (QBS) process to select a proposer with which to execute a preconstruction agreement and ultimately a construction contract for the Project. Following evaluation of responses to this RFQ, although unlikely, the Department reserves the right to establish a competitive range of the highest rated proposers and conduct communications and/or discussions with the proposers in the competitive range, prior to selection of the Design-Build Team. (Reference CFR Title 23, Part 636 for definitions relevant to competitive range, discussions and communications.) Absent the establishment of a competitive range, the Department will select a Design-Build Team based on the highest rated Statement of Qualifications. To the extent allowed by law, evaluations will be confidential to NCDOT.

Qualified, responsive proposers will be ranked based on demonstrated competency and qualifications in accordance with the evaluation criteria outlined herein. Price will not be a factor in the selection.

It is not the intention of the NCDOT to receive project specific design or engineering recommendations in response to this RFQ. Proposers should limit their submittals to the information required by this RFQ, including qualifications and experience of the proposer.

RESTRICTIONS

To ensure that information is distributed equitably to all short-listed Design-Build Teams, all questions and requests for information shall be directed to the State Contract Officer through the Alternative Delivery e-mail address (altdelivery@ncdot.gov). This precludes any Design-Build Team member, or representative, from contacting representatives of the Department, other State or Federal Agencies either by phone, e-mail or in person concerning the Design-Build Project.

Proposer’s attention is directed to the use of consulting engineer requirements in the Design-Build

Policy and Procedures dated October 6, 2011 that shall apply to all firms except those that performed location and survey work tasks or geotechnical investigations. If a member of the proposer's team wishes to be granted an exception to this Policy, then that team member should submit a letter to the Department requesting an exception. The letter should be addressed and submitted to Mr. Ronald E. Davenport, Jr., PE, at the address below:

Mr. Ronald E. Davenport, Jr., PE
NCDOT - Contract Standards and Development Unit
1020 Birch Ridge Drive
Raleigh, NC 27610

In the event of engagement of a former employee of the Department, the Design-Build Team and their subcontractors shall restrict such person or persons from working on any Design-Build procurement/project in which the person or persons were "formerly involved" while employed by the State. The restriction period shall be for the duration of the procurement/project with which the person was involved. Former Involvement shall be defined as active participation in any of the following activities:

- Drafting the contract or contract Scopes of Work
- Design-Build Team selection
- Negotiation of the contract cost (including calculating manhours or fees)
- Contract administration

An exception to the former NCDOT employee restrictions may be granted when recommended by the Secretary and approved by the Board of Transportation. If a member of the proposer's team wishes to be granted an exception, then that team member should submit a letter to the Department requesting an exception. The letter should be addressed and submitted to Mr. Ronald E. Davenport, Jr., PE, at the address noted above.

The Design-Build Team and their subconsultants/subcontractors shall restrict all personnel embedded within the Department, including but not limited to Design Units and Divisions, from working on any Design-Build procurement.

The Proposer is directed to CFR 23 Part 636.116 for additional organizational conflicts of interest requirements.

ANTICIPATED PROCESS AFTER SELECTION

This section outlines the anticipated approach to the progression of contracts and pricing. The Department will work jointly with the Design-Build Team to adapt this progression as necessary to best benefit the technical solutions, schedule and cost of the project.

The Department anticipates entering into a preconstruction agreement with the selected Design-Build Team shortly after award. The intent of this initial phase is to collaborate with the Department, its representatives, and its stakeholders to progress, refine, and optimize the design and to plan, schedule, and develop costs for construction of the Project. This phase will likely include, but are not limited to, the preparation of the design basis (scope), preliminary design plans and initial schedule. The preconstruction agreement will include initial preliminary engineering activities that will inform the NEPA process and any secondary re-evaluation of the NEPA

document and conduct certain planning activities such as the development of a risk register, initial schedule, design basis and other activities as directed by the Department and deemed beneficial for reducing cost or enhancing schedule. It is anticipated that payment for this phase will be made on a Cost Plus Fee basis. For professional services firms, the approved NCDOT rates, audited overhead rate, and cost of capital will be used as well as a design fee of 15%. For other Design-Build Team members, documented labor rates will be used along with a multiplier to compensate the Design-Build Team for their labor burden, such as insurance, taxes, and employee benefits as well as a management fee to compensate the Design-Build Team for all oversight, profit, and home office overhead costs. The management fee will be applied as a percentage to the work performed during this phase.

After completion of NEPA, and once the design basis is sufficiently established, the Department will consider converting the cost-plus fee structure to a lump sum structure for all remaining preconstruction design and management activities.

After completion of NEPA, and once the design basis is sufficiently established, a Guaranteed Maximum Price (GMP) will be established for the project. The concurrence of the Department and the FHWA, if applicable, will be required in regard to the GMfP prior to contract execution for final design and construction. Once the design is sufficiently advanced, the Department will request the Design-Build Team to generate a final lump sum for the remainder of the design efforts and construction. The concurrence of the Department and the FHWA, if applicable, will be required on the lump sum amount prior to conforming the contract to replace the GMP with a lump sum amount. The Department reserves the right, and will likely, engage a third-party Independent Cost Estimator, to assist in negotiation and validation of both the GMP and lump sum amount.

If the Department and the Design-Build Team cannot successfully reach an agreement on the GMP or the lump sum amount, the Department may terminate the preconstruction agreement or contract, as applicable. In such case, the Department reserves the right to advertise the construction project in any competitive procurement process permitted by law. In such case, the Progressive Design-Build Team will be precluded from bidding on this subsequent procurement, work performed to date will be considered the intellectual property of the Department, and the Department reserves the right to retain the Design-Build Team's lead design firm and/or their subconsultants under separate contract to complete the design and/or provide construction design services directly for the Department. Depending on the extent of work completed, the Department may also terminate the preconstruction agreement with the Design-Build Team and engage the next highest ranked proposer to continue work on the Project continuing with the Progressive Design-Build process.

PROJECT OVERVIEW

The project is located in Chimney Rock from US 74A / NC 9 / US 64 (Main Street), Rutherford County, to west of US 64 (Chimney Rock Road) / US 74A / NC 9 (Gerton Highway) intersection, Henderson County. This project includes re-establishing the stream location and reconstructing the highway in that area.

Subsurface and geotechnical information at the project site is limited. The existing roadway was constructed by notching into the rock slopes and fill consists of soil and cobble to boulder sized rock fragments. NCDOT is currently planning for more comprehensive geotechnical

investigations for the site that will be carried out throughout the pre-construction phase of the project; however, depending on the timing of these investigations, the Design-Build Team will likely be tasked with continuing or supplementing these efforts. The Design-Build Team should be prepared to advise NCDOT on the extents and types of geotechnical information that would be desirable to obtain. The Design-Build Team should be prepared to assist in identifying constructability issues with emphasis on geotechnical design, scour mitigation and ground improvement construction.

The project work includes, but is not limited to:

- Design services, including but not limited to:
 - Extensive geotechnical work that could include and rock/slope stabilization
 - Re-establishment of the stream location
 - Maintenance of traffic in a high-volume area
 - Roadway Design, Hydraulic Design, Structure Design, Signing
 - Erosion and Sedimentation Control
 - Utility coordination and design
- Construction services (presuming acceptable GMP and/or lump sum), including but not limited to:
 - Construction
 - Utility construction
 - Construction management
 - Construction surveys
 - Subcontracting and DBE compliance
 - As-built plans

Construction Engineering Inspection will be provided by the NCDOT Division personnel or will be performed under a separate contract.

NEPA AND PERMITS

The Department is currently in the process of determining the type and level of NEPA documentation required for this project. The Department will prepare the initial NEPA document(s) as well as any re-evaluation or consultation necessitated in the future. The Design-Build Team may be expected to provide information to the Department to inform NEPA and any secondary re-evaluation of the NEPA document; however, the Department and FHWA, as applicable, will be solely responsible for decisions related to, or resulting from, the NEPA process and documentation. In addition, as per federal regulations, final design activities may not commence until after NEPA is complete.

Due to the emergency nature of this work, environmental permits may not be required for certain construction operations to commence. The Department may need to document any quantities placed in the water for 404/401 permitting. This documentation will be handled by NCDOT.

Permit applications will be submitted by the Department; however, it is anticipated that the Design-Build Team will provide extensive support and information for the permit applications.

A Special Use Permit may be needed from the US Forest Service as areas outside the Right-of-Way are located in the Pisgah National Forest. The Special Use Permit will also be prepared by the Department with support and information from the Design-Build Team.

PROCUREMENT TIMELINE

A procurement timeline will be maintained on the NCDOT Alternative Delivery website. This timeline can be accessed through the project link for the US 64 US 74 Chimney Rock Repairs located at the following website:

<https://connect.ncdot.gov/letting/Pages/Design-Build.aspx>

Project specific information, including the procurement timeline will be continually updated on the aforementioned website. Therefore, the RFQ holder is encouraged to monitor this website for current information. It should be noted that the dates on the procurement timeline are subject to change without notice.

STIPEND

No stipulated fee will be paid to any Proposer. By submitting a Statement of Qualifications in response to this RFQ, the Proposer acknowledges that any technical concepts or solutions included in their Statement of Qualifications may be used and developed by the Department and the selected Design-Build Team without compensation to the Proposer.

SITE VISIT (Optional)

The Department is offering a site visit for proposers to visit the site and discuss the project with Department personnel. This is an optional site visit. Due to ongoing recovery and restoration activities, this will be the only time frame available for proposers to visit the site. The purpose of this site visit is to allow proposers a firsthand perspective of the extent of re-design and construction necessary for the Project. The proposers may ask questions during the site visit; however, if the questions regard the contents of this RFQ, the questions must also be asked in writing as indicated elsewhere in this RFQ in order to clarify the contents in the Final RFQ. The Department will not be bound to any discussion or answers provided during the site visit.

The site visit will be between the hours of 12:00 pm Eastern and 4:00 pm Eastern on November 6th, 2024. Each proposer is requested to limit their attendance to ten (10) personnel per team. Since the site visit will not have any formal agenda, proposers are free to arrive any time after 12:00 pm but must depart the site prior to 4:00 pm.

Proposers who wish to attend the optional site visit are requested to notify the Department by sending an email to altdelivery@ncdot.gov no later than 5:00 pm Eastern on November 5th, 2024.

PREQUALIFICATION REQUIREMENTS

All firms shall be prequalified by the Department for the work they are identified to perform. Professional service firms must be prequalified by the particular office doing the work. Prior to

the SOQ submittal deadline, the following team members shall be prequalified with the Department:

- Prime Contractor(s) (individually)
- Lead Design Firm (for all disciplines anticipated to provide preconstruction services)

All Joint Ventures, LLCs, or any legal structure that are different than the existing prequalification status must be prequalified prior to execution of the construction contract. Subcontractors need only be prequalified prior to performing the work. Design firms should be prequalified prior to the execution of the preconstruction agreement. If not prequalified at the time of execution of the preconstruction agreement, the prime contractor shall be solely responsible for either (1) ensuring that the design firm is prequalified prior to its first design submittal or (2) replacing that firm with a prequalified firm.

STATEMENT OF QUALIFICATIONS CONTENTS

The NCDOT will evaluate the Statements of Qualifications (SOQ) according to the criteria contained herein. Listed below are the required items to include in the SOQ. Also noted is the maximum length and suggested page distribution of each item.

<u>Item</u>	<u>Maximum Pages</u>
A. Introductory Letter	1 page
B. Evaluation Criteria	10 pages
1. Project Understanding & Approach	
2. Design-Build Team	
3. Proposer's Capabilities and Experience	
4. Quality and Safety Programs	
C. Supportive Material (May include charts, graphs, photos, references, etc. provided maximum page limit is not exceeded.)	2 pages
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Total	13 pages

All pages shall be 8½" x 11", with no specific font size, margins or line spacing required. However, all aspects of the Statement of Qualifications, including but not limited to the narrative, tables, charts, and graphics, should be clearly legible. If dividers are used and contain specific project information they will be counted as pages.

Submissions exceeding the page limitations outlined above may be rejected and the Proposer will be notified in writing of the reason(s) for the rejection.

The Statement of Qualifications shall be in a searchable .pdf format and shall NOT contain any hyperlinks.

SOQ EVALUATION CRITERIA

SOQ will be evaluated based on the criteria, and the maximum points that may be assigned for each criterion, as outlined below:

1. Project Understanding and Approach	40
2. Design-Build Team	20
3. Proposer's Capabilities and Project Experience	35
4. Quality and Safety Programs	<u>5</u>
Maximum Score	100

SUBMITTAL OF STATEMENT OF QUALIFICATIONS

Statements of Qualifications must be submitted in .pdf format, by e-mail only, to db_soq_submittal@ncdot.gov no later than 4:00 p.m. Eastern on November 18, 2024.

If any team member, including an individual, design firm or contractor identified in the Statement of Qualifications changes, the Design-Build Team shall immediately notify the Department in writing. The Team shall present to the Department the name and qualifications of the individual, contractor and/or firm that will replace the entity that left the Team. The Department reserves the right to evaluate the new team member(s) and reject the proposed revision to the Design-Build Team.

The following describes more specifically the contents of the Statement of Qualifications:

A. INTRODUCTORY LETTER

The introductory letter should be addressed to Mr. Ronald E. Davenport, Jr., PE and provide the following:

- An expression of interest in being selected for the Project.
- A statement detailing the legal structure of the Contractor and/or consortium of firms.
- A statement acknowledging that all prime contractor(s) (individually) and lead design firm are currently prequalified with NCDOT.
- A statement confirming the commitment of the key subcontractors and personnel included in the Statement of Qualifications.
- A statement that the Design-Build Team will comply with the NCDOT's Policy on DBE requirements.
- The name, phone number, and email address of the Proposer's dedicated person to receive all correspondence and notifications regarding this procurement.

B. EVALUATION CRITERIA

1. Project Understanding and Approach

This criterion relates to the Contractor's basic or preliminary understanding of the Project. Major elements of the design and construction process should be briefly addressed.

- Discuss the major design and construction challenges of the Project.
- Discuss any ideas that the Proposer has for the ultimate design solution. These ideas shall be discussed in a general nature and will not commit the Proposer to any given solution.
- Discuss project risks and ideas for risk mitigation.
- Explain the Proposer's understanding of the Progressive Design-Build approach and the key elements of the approach that can best benefit this Project's schedule and/or cost.
- Describe ideas for optimizing collaboration with the Department to enhance schedule (either in design or construction, or both), reduce cost, and/or reduce risk. Identify any key functions that can be performed by the Department to reduce risk or optimize the Project.

2. Design-Build Team

This criterion relates to the Project Managers, Key Staff and other members of the Design-Build Team. Comment on how well each individual's qualifications and experience are relevant to the Project.

- Identify the legal structure of the Design-Build Team, and/or consortium of firms, submitting the Statement of Qualifications. Describe the business experience of the firm(s) as it relates to carrying out the Project.
- Describe the organizational structure of the Design-Build Team and how each team member fits into the structure. Include an Organizational Chart with ample specificity to document the personnel committed to the Project.
- Identify the individuals to serve in the roles outlined in (a) through (e) below. Briefly address these individuals' responsibilities and qualifications. In addition, provide a brief description of work experience for each individual:
 - (a) **Design-Build Project Manager** - Identify the person who (1) will be responsible for ensuring that adequate personnel and other resources are made available for the Project; (2) will handle contractual matters; and (3) will be ultimately responsible for the quality and timeliness of the Design-Build Team. Identify previous similar projects for which this person has performed a similar function.
 - (b) **Design Project Manager** - State who will actively manage the design. Identify any projects that person will be involved with concurrently and time committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional registrations, education and other components of qualifications applicable to the Project.
 - (c) **Construction Project Manager** - State who will actively manage the construction. Identify any projects that person will be involved with concurrently and time

committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional registrations, education and other components of qualifications applicable to the Project. Individuals must have at least three years of experience in the construction of similar projects.

- (d) **Lead Estimator** – Identify the individual or individuals that are anticipated to serve as lead estimator throughout the establishment and concurrence of the GMP and lump sum construction cost. If the individual(s) have any experience with Progressive Design-Build, include that experience.
- (e) **Other Key Staff** - Identify other members of the Design-Build Team that are deemed to be key staff to this Project, but at a minimum, identify the for construction superintendents, lead Roadway Design Engineer, Lead Hydraulics Engineer and Lead Geotechnical Engineer. Include subconsultants or subcontractors and other Key Staff that will provide special expertise or will perform key tasks.

3. Proposer's Related Capabilities and Project Experience

This criterion relates to the Design-Build Team's capabilities regarding the Project. All design firms and contractors are expected to have performed satisfactorily on previous projects.

- Provide a brief profile of the prime contractor(s) and lead design firm's capabilities constructing/reconstructing highways, especially projects due to slope failures and/or significant geotechnical issues.
- Provide a brief profile for those design firms and/or subcontractors that are deemed to be most pertinent to the Project.
- Itemize the current workload for the prime contractor(s) identifying all projects currently under contract with the NCDOT with a bid more than \$30 million. Identify any design contracts that the lead design firm has with the NCDOT (except minor bridge replacements). Include any Design-Build or CM/GC projects. A table of projects will suffice, and it is recommended, but not required, that this information be provided in the Supportive Materials Section.
- List projects (completed over the last five years) that have resulted in the assessment of liquidated damages against any major participant for a delay in the substantial or final completion of a project. If projects (completed over the last five years) include schedule delays, identify these delays and address how the Contractor will alleviate similar issues on the Project.
- List all project / construction related Notice of Violations (NOVs) or their equivalent received by any team member within the last five years on projects in the United States and the disposition of each listed NOV.
- Indicate the anticipated activities that the prime contractor(s) will self-perform to accomplish a minimum of 30% of the value of the contract.
- Indicate the resources that will be made available, and from what source, to complete the Project. Demonstrate that appropriate resources will be committed to perform the work. Describe any equipment or other resources the Contractor has which will enhance their ability to accomplish the Project.

- The Proposer shall complete the Work History Form provided by listing five projects completed within the last eight years individually for both the prime contractor(s) and lead design firm(s) with a brief description of each project. A reference shall be included for each project listed. At a minimum, all references shall include an individual's name and current telephone number.
- Discuss the Design-Build Team's recent relevant experience, emphasizing emergency response, challenging geotechnical solutions, and/or Progressive Design-Build projects, if applicable. Projects listed should be similar in nature to the Project and, to the extent possible, involve team members proposed for the Project. Projects discussed in this portion of the Statement of Qualifications may expand on those projects listed in the Work History Form or may provide a discussion on other relevant projects.
- Describe any notable expertise, increase in capacity, experience in an emergency situation and/or with accelerated schedules or other special capabilities of the team members that may be unique and/or critical to the Project.

4. Quality and Safety Programs

This criterion relates to the Design-Build Team's quality management and safety personnel and programs.

- If known, identify and describe the qualifications of the Contractor's Quality Manager and Safety Manager.
- Describe any significant material and/or construction quality control issues experienced on NCDOT projects in the last five (5) years and the measures taken to ensure similar issues will not impact the Project.
- Provide a high-level outline of the Proposer's policies and/or procedures for quality control in pre-construction and construction phases as well as the prime contractor's safety program.
- List the Contractor's experience modification rate for the three (3) most recent years. It is recommended, although not required, that this information be provided in the Supportive Materials Section.
- Provide documentation of the past five (5) year safety record on all construction projects (i.e. OSHA citations - list circumstances and outcome, etc.). It is recommended, although not required, that this information be provided in the Supportive Materials Section.

DISADVANTAGED BUSINESS ENTERPRISES

The NCDOT is committed to complying with the North Carolina General Statute 136-28.4 with respect to disadvantaged minority-owned and women-owned business enterprises (MBE and WBE) for state funded projects and supporting Disadvantaged Business Enterprise (DBE) firms on federally funded projects. DBE construction goals will be set forth in the construction contract. Utilization of additional Small Professional Service Firms is encouraged in the use of design subconsultants.

GENERAL INFORMATION AND RESERVATIONS

The NCDOT reserves the right, at its sole discretion, to either proceed no further with the Project procurement process or to re-advertise in another public solicitation.

The NCDOT assumes no liability and will not reimburse costs incurred by firms (whether selected or not) in developing responses to this RFQ.

The NCDOT will not be bound by oral explanations or instructions given at any time during the procurement process or after award. Only information that is received in response to this RFQ will be evaluated; references to information previously submitted will not suffice as a response to this solicitation.

The NCDOT reserves the right to request or obtain additional clarifications about any and all responses to this RFQ. NCDOT will issue a Final RFQ after receipt of questions from the prospective Proposers. NCDOT may also issue addenda to the Final RFQ and will be e-mailed to all RFQ holders and posted on the Design-Build Website.

The prime proposer must perform at least 30% of the work

A proposer can only appear as a prime in one Statement of Qualifications for the Project. Proposers are encouraged to familiarize themselves with the North Carolina Public Records Act, North Carolina General Statute § 132-1 et seq. In the event the Proposer submits any documents which the Proposer believes are not subject to disclosure pursuant to the aforementioned Act, it must conspicuously mark each document “CONFIDENTIAL” or “CONFIDENTIAL TRADE SECRETS”. All unmarked pages will be subject to release in accordance with the North Carolina Public Records Act. Proposers should be prepared, upon request, to provide justification of why any or all marked materials should not be disclosed under the aforementioned Act.

All questions must be directed to Mr. Ronald E. Davenport, Jr., PE via the Alternative Delivery e-mail address at altdelivery@ncdot.gov. For tracking purposes, questions will **only** be answered through e-mail requests.

WORK HISTORY FORM

Work by firms or joint-venture members which best illustrates current qualifications relevant to this project. List projects, completed in the last eight years. Five projects shall be listed for the prime contractor(s) and five projects shall be listed for the lead design firm(s). No more than ten projects shall be listed.

a. Contractor's Name, Project Name & Location	b. Nature of Contractor's Responsibility	c. Project Owner's Name & Address and Project Manager's Name & Phone Number	d. Completion Date	e. Estimated Cost (In Millions)	
				Cost of Entire Project	Cost of Firm's Work
(1)					
(2)					
(3)					
(4)					

Divisions 13 & 14
Hurricane Helene US 74A / NC 9 / US 64
Emergency Repair Designs (WBS #)

Henderson and Rutherford Counties

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