



South Carolina
Department of Transportation

Request for Qualifications



US 301 Over Four Hole Swamp

Design-Build Project

Project ID 0040308

ORANGEBURG COUNTY

March 21, 2022

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1. INTRODUCTION

The South Carolina Department of Transportation (SCDOT) is issuing this Request for Qualifications (RFQ) to solicit Statements of Qualifications (SOQs) from those entities (Proposers) interested in contracting to serve as the Design-Build Team for the design and construction of replacement bridges on US 301 Over Four Hole Swamp in Orangeburg County. The proposed roadway and/or bridge construction work involved is hereinafter referred to as the “Project”. The term “Proposer” as used herein includes a firm or firms, consortia, partnerships, joint ventures, limited liability corporation (LLC), sole proprietorship, and others with whom SCDOT will be contracting.

2. PROJECT INFORMATION AND PROCUREMENT OVERVIEW

2.1 Project Overview

SCDOT proposes to replace the existing load restricted southbound bridge as well as the northbound bridge and related roadway approaches along US 301 over Four Hole Swamp in Orangeburg County. The project will also include additional traffic safety countermeasures including 4’ paved shoulders and resurfacing from MM 27.8 to MP 29.2.

2.2 Scope of Work

The scope of work to be undertaken by the Proposer under the design-build contract for this Project will be further defined in the Request for Proposals (RFP). The successful Proposer will be responsible for all engineering, design, and construction services. The Project will be designed in accordance with AASHTO and SCDOT design specifications and criteria, and constructed in accordance with SCDOT standards and specifications.

2.2.1 The design work will include, but not be limited to:

- Surveys,
- Geotechnical exploration and design
- Hydrologic/hydraulic analysis and design
- Roadway design
- Bridge design
- Clear zone
- Traffic design
- Seismic design
- Public/Media/Community Relations and Information
- Utility coordination
- Transportation Management Plan
- As-Built Plans
- Right-of-way acquisition and services
- HAZMAT Studies & Compliance

- Permit preparations, submittals, and approvals including identifying and providing mitigation as required

2.2.2 Construction will consist of all necessary roadway and/or bridge work including, but not limited to:

- Construction of two new bridges and related roadway approaches along US 301 over Four Hole Swamp in Orangeburg County
- Demolition, removal, and disposal of the existing bridges
- Pavement resurfacing and additional 4' paved shoulders from MM 27.8 to MP 29.2.
- Erosion and sediment control
- Maintenance of traffic
- Utility Coordination

Construction engineering and management, including quality control inspection and testing, will be the responsibility of the successful Proposer. The SCDOT will be responsible for the quality acceptance and independent assurance testing portions of the Quality Assurance Program for the Project. If specified in the RFP or required by design, the selected Proposer will be responsible for dynamic and/or static load testing of drilled shafts and driven piles. Construction will comply with the SCDOT standards and specifications.

2.2.3 Construction Engineering and Inspection

Construction Engineering and Inspection (CE&I), including Quality Acceptance and Independent Assurance (QA&IA) testing, for this Project will be performed by SCDOT either through in-house staff or through a separate procurement by SCDOT for a third party private engineering firm. The CE&I determination and contracting will be completed after the award of this Project to the successful Proposer. If a separate procurement is necessary, no member of the successful Proposer's team, its subsidiaries and/or affiliates, (both design team and construction team) shall be selected for the CE&I Project. If a sub-consultant on the successful Proposer's team (both design team and construction team) is being utilized by a CE&I candidate, the submitting CE&I firm shall request approval from SCDOT to replace the sub-consultant prior to CE&I contracting.

2.2.4 National Environmental Policy Act (NEPA)

SCDOT is preparing a Programmatic Categorical Exclusion (PCE) for the Project and will have an approved document prior to issuance of the final RFP. The Proposer shall be responsible for complying with the NEPA determinations and all environmental commitments.

2.2.5 Permitting

A USACE permit has not been obtained for the project. The preparation of all necessary permit applications will be the responsibility of the Proposer. Regarding any permit or license that must be obtained in the name of SCDOT, the Proposer shall perform all functions within its power to obtain the permit or license, and SCDOT shall fully cooperate in this effort and perform any functions that must be performed by SCDOT.

2.2.6 Right of Way

It will be the responsibility of the Proposer to provide the right of way services necessary to complete the Project. Right of Way Services shall include written appraisal, negotiation, acquisition, and relocation assistance services.

SCDOT will be responsible for payment of right of way acquisition costs. Right of Way Acquisition Costs shall be defined as the amounts paid for (1) direct payments for ownership or other property rights and (2) direct payments for eligible relocation expenses.

SCDOT will be responsible for premium rights of way acquisition costs. Premium right of way costs is the amount of a jury award or a settlement that exceeds the direct payments noted in item (1) in the preceding paragraph.

The firm(s) providing Right of Way Services are not required to be on the current SCDOT Approved Consultant list. Individuals providing appraisal services shall be on the SCDOT Active Fee Appraisers List and/or the SCDOT Active Reviewers List, based on the services being provided. These lists are available at <http://www.scdot.org/business/right-of-way.aspx>

2.3 Procurement Process

2.3.1 SCDOT will use a two-phase procurement process to select a Proposer with which to execute a contract for this Project. This RFQ represents the first phase in the process to solicit information, in the form of SOQs, that SCDOT will evaluate to determine which Proposers are the most highly qualified to successfully deliver the Project. Proposers are advised that the evaluation of the SOQs and selection process is a competition and not simply a prequalification for the RFP stage.

2.3.2 Selection of Short-List

Selection will be based upon the scoring of the Evaluation Committee as set forth in **Section 4**. SCDOT anticipates short-listing at least three, but not more than five of the most highly qualified Proposers that submit SOQs, unless SCDOT determines that a number greater than five or less than three is in the best interest of the SCDOT and is consistent with the purposes and objectives of two-phase design-build procurement.

2.3.3 See **Section 6** for information regarding the second phase of the procurement process.

2.4 Proposer Point of Contact

The Proposer shall name two Points of Contact (POC) in their SOQ. These two POCs shall be the only individuals allowed to initiate contact with the SCDOT's POCs during the Procurement. This includes all correspondence including, but not limited to, confidential questions, clarifications, and Alternative Technical Concepts (ATCs). The Proposer POCs can be a member of the Lead Designer and/or Lead Contractor.

2.5 SCDOT Point of Contact

Ms. Carmen Wright is the Primary SCDOT POC and addressee for receiving all communications about the Project with copies to Mr. Brian Gambrell, Alternate #1 POC, and Mr. Brooks Bickley, Alternate #2 POC. The Alternate POCs have been identified in the event of the unavailability of the Primary SCDOT POC but are not intended to be substitutes for the Primary SCDOT POC. Effective the date of the advertisement of this RFQ, no further contact is allowed with any SCDOT personnel concerning this Project, except for questions of an administrative or contractual nature that shall be submitted as outlined herein. In addition to questions of this nature, the Proposer may also contact the SCDOT POC prior to submittal of an SOQ so that the SCDOT POC can inform any SCDOT employee that the Proposer plans to use them as a project or key individual reference and inquire on the willingness of an SCDOT employee to be a reference. This restriction is in effect until the contract has been awarded. Any Proposer engaging in prohibited communications may be disqualified at the sole discretion of SCDOT. SCDOT POC information is as follows:

Ms. Carmen Wright
(Mr. Brian Gambrell, Mr. Brooks Bickley)
Office of Project Delivery
(Office of Chief Council, Office of Alternative Delivery)
South Carolina Department of Transportation
955 Park Street, Room 101 (302, 421)
Columbia, South Carolina 29201

E-mail: WrightCL@scdot.org
GambrellBC@scdot.org, BickleyBJ@scdot.org

2.6 Non-Confidential Questions

SCDOT will allow Proposers to submit non-confidential questions or comments to point out mistakes or ambiguities in the RFQ. SCDOT will review all questions and/or requests for clarification and, in its sole discretion, may incorporate them in the RFQ through an Addendum.

SCDOT may elect, in its sole discretion, to respond in writing to the non-confidential questions received. If responses are provided, it will be by posting the questions and

responses to the SCDOT Design-Build website. SCDOT’s written responses to Proposers’ questions are for general information only, are non-binding, do not constitute legal or other advice, and do not amend or form part of the RFQ.

Non-confidential questions will be accepted via electronic upload to ProjectWise on the dates provided in the Milestone Schedule. Written questions submitted outside of these dates may not be accepted. Written responses will be posted within 10 business days of the non-confidential questions Milestone Schedule deadline. Proposers must use the Question Submittal Form that is provided on the SCDOT Design-Build website under the SCDOT Design-Build Standard Forms Section.

2.7 Milestone Schedule

Milestone	Date
Advertise Request for Qualifications	Monday, March 21, 2022
Deadline for Submittal of Non-Confidential Questions	Friday, March 25, 2022
Deadline for Submittal of Qualifications	Monday, April 11, 2022
Announcement of Short-Listed Proposers	Wednesday, May 04, 2022
Issue RFP for Industry Review	Wednesday, May 04, 2022
Debriefs for Non-Short-Listed Proposers	Friday, May 06, 2022
Issue Final RFP	May 2022
Submittal of Technical Proposals	August 2022
Submittal of Cost Proposals(unless fixed price award criteria is used)/Public Announcement	September 2022

2.8 RFQ Documents and Addenda

2.8.1 Electronic copies of the RFQ and the Project Information Package may be downloaded from the SCDOT Design-Build website at <https://www.scdot.org/business/design-build.aspx>.

2.8.2 The Project Information Package will include information describing the work which has been performed by SCDOT prior to entering into the contract for the Project. At the release of this RFQ, limited information is available. If additional information becomes available, it will be added to the Project Information Package. Data reports and electronic files posted on the SCDOT Design-Build Website are for information only and are not part of this contract unless specifically incorporated in the RFP. SCDOT shall not be liable for the reliability or accuracy of the information contained therein.

- 2.8.3 SCDOT reserves the right to revise or amend the RFQ, specifications and/or drawings, including changes to the date the SOQ is due. Any changes to the documentation provided shall be identified by an addendum to this RFQ. Any and all modifications to this RFQ will be posted at the web location above. It is the Proposer's responsibility to check the Design-Build Website regularly for updates, modifications, and additional documentation pertaining to this procurement.
- 2.8.4 Receipt of an addendum by the Proposer must be acknowledged in the space provided on the Addendum Notice to Proposer Transmittal Form posted on the SCDOT Design-Build Website for this Project. Proposers shall submit the signed notice with their response to this RFQ in **Appendix G**. Failure to acknowledge an addendum may result in rejection of the SOQ. Explanations or instructions given in a form, other than an addendum to the RFQ, shall not be binding.
- 2.8.5 The following information is currently available on the SCDOT design-build website:

- 2017 As-let Bridge Plans
- Existing Roadway Plans
- 2017 As-let Roadway Plans
- Proposed Roadway Typical Sections
- Preliminary Roadway Design Files
- Traffic Projection
- Proposed Conceptual Bridge Plans
- Structure Inventory & Appraisal Reports
- 2016 Bridge Geotechnical Report
- 2016 Roadway Geotechnical Report
- 2016 DRAFT Geotechnical Foundation Evaluation
- Wetland Design Files
- 2017 Approved Jurisdictional Determination
- Expired General Permit
- Programmatic Categorical Exclusion
- 2017 Bridge Hydraulic Report
- SCDEC Permitting Time Chart
- Survey Files

3. CONTENTS OF STATEMENT OF QUALIFICATIONS

This section describes specific information that must be included in the SOQ in order to be responsive. The format for the presentation of such information is described in **Section 5**.

3.1 General

- 3.1.1 It is not the intention of SCDOT to receive project specific design or engineering recommendations as part of this RFQ. Proposers shall limit their submittals to

the information required by this RFQ and other information regarding qualifications and experience.

- 3.1.2 The information obtained under this RFQ will become the property of SCDOT without restriction or limitation on its use. SCDOT shall have unrestricted authority to publish, disclose, distribute, or otherwise use in whole or in part any reports, data, or other materials prepared under this RFQ in accordance with **Section 3.1.5**.
- 3.1.3 Proposer shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ. The proposer should address throughout the SOQ their experience with project characteristics such as, but not limited to, design, construction, and demolition of bridge structures over water and while maintaining traffic, right of way acquisition, and environmental permitting.
- 3.1.4 Proposer shall be held responsible for the validity of all information supplied in its SOQ, including that provided by potential subcontractors. Should subsequent investigation disclose that the facts and conditions were not as stated, the SOQ may be rejected or contract terminated for default if after award, in addition to any other remedy available under the contract or by law. Proposer agrees that it has carefully examined the RFQ and agrees that it is the Proposer's responsibility to request clarification on any issues in any section of the RFQ with which the proposer disagrees or needs clarified. The Proposer also understands that failure to mention these issues to the SCDOT POC will be interpreted to mean that the Proposer is in full agreement with the terms, conditions, specifications and requirements therein. With submission of a SOQ, Proposer hereby certifies: (a) that its SOQ is not made in the interest or on behalf of any undisclosed person, proposer or corporation; (b) that Proposer has not directly or indirectly included or solicited any other proposer to put in a false or insincere SOQ; and (c) that Proposer has not solicited or induced any person, proposer or corporation to refrain from sending a SOQ.
- 3.1.5 Proposer shall specifically mark as "CONFIDENTIAL" any elements of their submission that they consider to contain confidential or proprietary information, and the release of which would constitute an unreasonable invasion of privacy. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark the entire SOQ as confidential or proprietary. In **Appendix F**, the Proposer shall include a list of page numbers that contain confidential and/or proprietary information. Failure to include this list in the SOQ appendix waives the confidentiality protection and subjects the information to disclosure in accordance with the law. In determining whether to release documents, the SCDOT will rely on Proposer's marking of each page or portions of pages of documents, as required by these instructions, as being "Confidential". Proposer shall be prepared upon request to provide justification of why such materials shall not be disclosed under the South Carolina Freedom of Information Act, Section

30-4-10, et seq., South Carolina Code of Laws (1976) as amended. SOQs will be kept confidential and will not be disclosed, except as may be required by law.

3.1.6 The following, **Sections 3.2 through 3.7**, describe the information that will be used to determine responsiveness, and how the SOQs will be evaluated.

- A Proposer may be deemed non-responsive if any required information in **Section 3.2** is not provided in the SOQ by the due date.
- A Proposer will be deemed non-responsive if any required information in **Sections 3.3 through 3.7** is not provided in the SOQ by the due date.

3.2 Introduction

3.2.1 Identify the entity with whom SCDOT will be contracting and if this will be a sole proprietorship, partnership, corporation, LLC, joint venture, or other structures. Partnerships, corporations, LLC, joint ventures, or other joint entities are collectively referred to herein as joint ventures. Identify any parent company of the entity that will be contracting with SCDOT. If a joint venture, identify the entities that comprise the joint venture and name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone numbers, and e-mail address for contracting entity. Identify the office from which the Project will be managed.

3.2.2 Identify the two Proposer Points of Contact for the procurement for this Project including mailing addresses, phone numbers, and email addresses.

3.2.3 Identify the full legal name of both the Lead Contractor and Lead Designer for the Project. The Lead Contractor is defined as the Proposer that will serve as the prime/general contractor responsible for construction of the Project. The Lead Designer is defined as the prime design consulting firm responsible for the overall design of the Project.

3.2.4 Provide D-U-N-S Number for all firms.

3.2.5 Provide a statement confirming the commitment of Key Individuals identified in the submittal to the extent necessary to meet SCDOT's quality and schedule expectations, and that they are available for the duration of the Project. Key Individuals are those persons holding specific positions required by this RFQ.

3.2.6 Limit the Introduction to one page which counts towards the specified page limit in **Section 5.2.2**.

3.3 Team Structure and Project Execution (20 points)

The information required by this section will be used in the qualitative assessment of the SOQ. SCDOT will evaluate the capabilities of the Proposer organization to effectively deliver the Project.

3.3.1 Organizational Chart, Team Structure, and Team Integration (10 points)

- Provide an organizational chart showing the flow of the “chain of command” with lines identifying Key Individuals (by full legal name and firm) and any other disciplines (firm name only) the Proposer deems critical. The chart must show the functional structure of the organization down to the design discipline and construction superintendent level. Identify the critical support roles and relationships of project management, project administration, executive management, construction management, quality management, safety, environmental compliance, and subcontractor administration. The organizational chart shall be limited to one page and counts towards the specified page limit in **Section 5.2.2**.
- Provide a brief, written description of significant functional relationships and how the proposed organization will function as an integrated team.
- Identify in tabular form if any of the firms and/or Key Individuals have worked together on the same team (not just on the same job) in the past. Describe the types of projects they worked on, the year(s) they worked together, the level of participation, and a reference contact name, email address, and phone number for that project. Any references documented in this section must also be tabulated in a form that shall be provided in **Appendix H**. The Key Individual Reference Form and Contractor/Designer Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>.

3.3.2 Critical Risks (4 points)

SCDOT has identified the following risks as critical risks for this project:

- Wetland and stream mitigation
- Geotechnical subsurface conditions
- Market conditions
- Maintenance of traffic

Discuss the strategies the Proposer’s team will implement to mitigate or eliminate each risk including how the proposed personnel and organizational structure would aid in the mitigation of the risk. Describe the role that the Proposer expects SCDOT or other agencies to have in addressing these Project risks.

3.3.3 Project Resources, Strategies, and Execution (6 points)

- Demonstrate the team’s capacity and available resources including personnel for this project.
- Discuss the Proposer’s strategy for implementation of resources to execute the contract. Identify tasks that the lead contractor and lead designer will self-perform. If a joint venture, identify work items each entity will perform. If

major tasks will be performed by others, identify those tasks as well as the firms responsible.

- Discuss any innovative approaches or unique outreach or marketing concepts used successfully by the Proposer to encourage DBE participation.
- Indicate how the geographical location of the firms will enhance integration, communication, issue resolution, and project execution.

3.4 Experience of Key Individuals (40 points)

The information required by this section will be used in the qualitative assessment of the SOQ. SCDOT will evaluate the capabilities of the Proposer's Key Individuals to effectively deliver the Project. SOQs that provide Key Individuals not meeting the minimum experience outlined herein will be deemed non-responsive. Proposers are not required to utilize the SOQ narrative to respond to Section 3.4. The completed Key Individual Resume Forms referenced below are intended to serve this purpose.

3.4.1 Prior to contract execution, individuals and firms shall hold or obtain licenses required for performing work on the Project under state and local laws. Any design reports, plans, and design calculations shall be signed and sealed by an unrestricted Professional Engineer registered in the State of South Carolina.

3.4.2 Key Individuals may perform multiple roles with the exception of the Project Management Team as described in 3.4.4 and Construction Manager as described in 3.4.6, who shall have singular responsibilities as described herein. If multiple Key Individuals are allowed for one position (i.e. multiple superintendents), each Key Individual must satisfy the minimum requirements.

3.4.3 Resumes of Key Individuals shall be provided on the Key Individual Resume Form. If an individual fills more than one position, only one resume is required. Resumes for personnel who are not identified as Key Individuals should not be included in the SOQ. SF 330 forms shall not be included and will not be reviewed. The required Key Individual Resume Form may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>. This information shall be included in the **Appendix A** and will not be counted against the specified page limit in **Section 5.2.2**. Any references documented in this section must also be tabulated in a form that shall be provided in **Appendix H**. The Key Individual Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>.

3.4.4 Project Management Team (20 points)

The Proposer's project management team shall include, at a minimum, a Project Manager. If the Proposer elects to include an Assistant Project Manager, the Assistant Project Manager will report directly to the Project Manager and will be responsible for facilitating delivery of the Project under direction of the Project

Manager. If the Proposer elects not to include an Assistant Project Manager, the Project Manager shall be responsible for all duties and requirements of both the Project Manager and the Assistant Project Manager. If the Proposer elects not to include an Assistant Project Manager, any points assigned to that position will be re-allocated to the Project Manager.

- Project Manager (10 points)
 - The Project Manager shall be the primary person in charge of and responsible for delivery of the Project in accordance with the contract requirements. The Project Manager should have full authority to make final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to SCDOT. After award of the Project, the Project Manager shall be the primary contact for communications with SCDOT. The SOQ must identify the Project Manager and the employing firm and, if the Project Manager does not have full authority, clearly define what authority the Project Manager has to finalize decisions, the role of the executive level in those decisions, and the role and responsibility of the Project Manager relative to the member firms.
 - The Project Manager must have a minimum of seven years of experience that demonstrates growth in responsibility and expertise in the management of highway transportation projects;
 - The Project Manager shall provide qualitative or quantitative proof that demonstrates experience in the management of projects with similar:
 - Scope – project requirements, tasks, goals and deliverables;
 - Magnitude – workload, contract size, and resources needed to successfully complete the project;
 - Complexity – time constraints, sequencing, site accessibility, environmental concerns, engineering, uncertainty and risk.
 - The Project Manager shall attend and lead weekly status meetings during the design and construction phases, and be available at the request of the SCDOT

- Assistant Project Manager (10 points)
 - The Assistant Project Manager shall be the person in charge of and responsible for daily coordination of the design-build Project under direction of the Project Manager. After award of the Project, the Assistant Project Manager will be the daily contact for communications with SCDOT, with primary Project contact remaining the responsibility of the Project Manager.
 - The Assistant Project Manager must have a minimum of five years of experience that demonstrates growth in responsibility and expertise in the management of highway transportation projects;

- The Assistant Project Manager shall provide qualitative or quantitative proof that demonstrates experience in the management of projects with similar:
 - Scope – project requirements, tasks, goals and deliverables;
 - Magnitude – workload, contract size, and resources needed to successfully complete the project;
 - Complexity – time constraints, sequencing, site accessibility, environmental concerns, engineering, uncertainty and risk.
- For the duration of the contract, the Assistant Project Manager shall be dedicated solely to assisting in managing this Project, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
- The Assistant Project Manager shall be available to be on-site during all construction activities, attend weekly status meetings during the design and construction phases, and be available at the request of the SCDOT.

3.4.5 Design Engineering Team (10 points)

The Proposer’s design engineering team shall have experience and expertise in all phases of roadway design and bridge structure design for the Project. Key Individuals of the design team shall have the following minimum qualifications:

- Lead Design Engineer (10 points)
 - The Lead Design Engineer shall be in charge of and responsible for all aspects of the design of the Project, subject to oversight of the Project Manager.
 - The Lead Design Engineer must have a minimum of seven years of experience that demonstrates growth in responsibility and expertise in the design of highway transportation projects;
 - The Lead Design Engineer shall provide qualitative or quantitative proof that demonstrates experience in the design of projects with similar:
 - Scope – project requirements, tasks, goals and deliverables;
 - Magnitude – workload, contract size, and resources needed to successfully complete the project;
 - Complexity – time constraints, sequencing, site accessibility, environmental concerns, engineering, uncertainty and risk.
 - For the duration of the design phase, the Lead Design Engineer will attend all routine project meetings in person, be primarily dedicated to design of the Project, and be available as needed by SCDOT.
 - The Lead Design Engineer shall be a full time employee of the lead design firm.

3.4.6 Construction Management Team (10 points)

The Proposer’s construction management team shall have experience and expertise in all phases of roadway and bridge construction. Key Individuals of the construction team shall have the following minimum qualifications:

- Construction Manager (10 points)
 - The Construction Manager shall be responsible for all aspects of the construction of the Project, subject to oversight of the Project Manager.
 - The Construction Manager must have a minimum of five years of experience that demonstrates growth in responsibility and expertise in the management of the construction of highway transportation projects;
 - The Construction Manager must provide qualitative or quantitative proof that demonstrates experience in the management of the construction of projects with similar:
 - Scope – project requirements, tasks, goals and deliverables;
 - Magnitude – workload, contract size, and resources needed to successfully complete the project;
 - Complexity – time constraints, sequencing, site accessibility, environmental concerns, engineering, uncertainty and risk.
 - For the duration of construction, the Construction Manager shall be dedicated solely to managing the construction of the Project, shall have no other assigned Project responsibilities, and shall not be utilized on any other projects.
 - The Construction Manager shall be on-site during all construction activities for the Project and attend status meetings during the construction phase.

3.5 Past Performance of Team (40 points)

The information required by this section will be used in the qualitative assessment of the SOQ. In evaluating past performance, SCDOT will evaluate the level of experience and quality of work of the Proposer’s organization to effectively deliver the Project. Proposers are not required to utilize the SOQ narrative to respond to Section 3.5 with exception to the case noted in 3.5.2. The completed Work History and Quality Forms referenced below are intended to serve this purpose.

The Proposers are advised that the SCDOT may use all information provided by the Proposer and information obtained from other sources in the assessment of past performance. Past performance information on contracts not listed by the Proposer, or that of named subcontractors, may also be evaluated. SCDOT may contact references other than those identified by the Proposer and information received may be used in the evaluation of the Proposer’s past performance. While SCDOT may elect to consider information obtained from other sources, the burden of providing current, accurate, and complete past performance information rests with the Proposer. Complete “Work History and Quality Form – Contractor/Designer” as described herein. Any references documented in this section must also be tabulated in a form that shall be provided in

Appendix H. The Contractor/Designer Reference Form may be downloaded from the SCDOT design-build website under SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>.

3.5.1 Experience of Proposer’s Team (10 points):

- Provide no more than three projects awarded within the last seven calendar years that identify the previous work experience by the Lead Contractor or any Major Subcontractors using the Work History and Quality Form – Contractor/Designer, Sections A through G. Projects that have reached substantial completion are preferred. For each of these projects, if any Key Individuals being proposed for this RFQ worked on the project, identify in Section G, the Key Individual name, role, and time on the project. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>. This information shall be included in the **Appendix B** and will not be counted against the specified page limit in **Section 5.2.2**.
 - If work identified on the Work History and Quality Form – Contractor/Designer was performed by an affiliated or subsidiary company of the contractor, list the full legal name of the affiliated or subsidiary company and describe their role on this Project. Additionally, provide a justification for utilizing an affiliated or subsidiary company to satisfy the relevant experience on this Project and the control the Lead Contractor will exercise over the affiliated or subsidiary company on this Project.
 - If the owner’s project manager is no longer with the owner, provide alternative contact information at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project.
- Provide no more than three projects for which a design services contract was executed within the last seven calendar years that identify the previous work experience by the Lead Designer or any Major Design Sub-consultants on the Work History and Quality Form – Contractor/Designer. Projects for which the design services have been completed and accepted by the owner are preferred. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>. This information shall be included in the **Appendix B** and will not be counted against the specified page limit in **Section 5.2.2**.
 - If the owner’s project manager is no longer with the owner, provide alternative contact information at the agency that is familiar with the

project. The alternative contact must have played a leadership role for the owner during the project.

- The projects listed should be those the Proposer considers most relevant in demonstrating the qualifications of the team to manage, design, and construct this Project.

3.5.2 Quality of Past Performance (30 points)

- For each of the projects identified per **Section 3.5.1**, provide the information requested in Sections H and I of the Work History and Quality Form – Contractor/Designer that is included in the **Appendix B**.
- The Proposer shall provide Work History and Quality Forms – Contractor/Designer for each transportation projects, active or completed, within the last five years that has a “yes” response to any of the following questions. Sections A through G and Section J shall be completed.
 - Has the Lead Contractor or any member of the joint venture been declared delinquent or placed in default on any Project?
 - Has the Lead Contractor or any member of the joint venture submitted a claim on a project that was litigated? If litigated, explain the results.
 - Have any projects been delayed more than 30 days such that liquidated damages were assessed?
 - Has the Lead Contractor been cited by OSHA for violations deemed serious, willful, or repeated?
 - Have any projects under contract with the Lead Contractor or any member of the joint venture been subject to remediation actions, stop work orders, or project delays in excess of 30 days as a result of Section 404/Section 401 permit violations?
 - Has an owner, a Lead Contractor, or any member of a joint venture pursued compensation from the Lead Designer due to errors and omissions?
 - Has the Lead Designer filed legal proceedings against the Lead Contractor, or vice versa, on a design-build contract?

For each of these projects, if any Key Individuals being proposed for this RFQ worked on the project, identify in Section G, the Key Individual name, role, and time on the project. The required Work History and Quality Form – Contractor/Designer may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>. If additional Work History and Quality Forms are required to satisfy the requirements of this section, they shall be included in the **Appendix C** and will not be counted against the specified page limit in **Section 5.2.2**.

In the SOQ Narrative, indicate if any individual or firm has been suspended, debarred, disqualified from bidding, or declared ineligible for work by any

entity or are any such actions pending against them within the last five years. If the Lead Contractor is a joint venture, specify whether each entity has been suspended, debarred, disqualified from bidding or declared ineligible for work by any entity or any such action is pending against them within the last five years. If yes, a brief response and explanation along with a reference (name, email, phone number) from the contracting agency shall be provided.

- In addition to the required information above and in order to evaluate past performance, SCDOT will utilize information available on each Proposer, or any member of the Proposer’s team, through the following:
 - Contractor Performance Evaluation System
 - Consultant Performance Evaluation Scores
 - Lead Contractor and major subcontractor’s Design-Build Team Performance Evaluation Scores
 - Lead Designer and major sub-consultant’s Design-Build Team Performance Evaluation Scores
 - Experience Modification Rate (EMR) Scores
 - References

Current, as well as, past scores may be considered in evaluating past performance. In case a Proposer without a record or recent past performance or for whom information on past performance is not available, the Proposer may not be evaluated favorably or unfavorably.

3.6 Legal and Financial

The information required in response to this section shall be submitted as **Appendix D**. Information provided in response to these sections will not count towards the overall page limitation defined in **Section 5.2.2** and will not be scored.

3.6.1 Financial Capacity

Provide a notarized statement by a principal officer of the Proposer that declares the Proposer has the financial capacity and the resources necessary to complete the Project as proposed in the RFQ.

3.6.2 Bonding Capability

Provide bond letter from the Proposer’s bonding firm confirming Proposer’s capacity to be bonded for the Project as proposed in the RFQ. If the Proposer is a joint venture, describe the bonding approach that will be used. A single 100% performance bond and single 100% payment bond shall be provided at the time specified in the RFP, regardless of any co-surety relationship.

The bond letter must be issued by a surety company licensed in the State of South Carolina with an “A” minimum rating of performance as stated in the most current publication of “A.M. Best Key Rating Guide, Property Liability” and

signed by the surety's agency or attorney-in-fact. Surety must be listed on the current U.S. Department of the Treasury Financial Management Service list of approved bonding companies as approved for an amount equal to or greater than the amount for which it obligates itself in the Bond. If surety qualifies by virtue of its Best's listing, the amount of the Bond may not exceed 10 percent of policyholders' surplus as shown in the latest A.M. Best's Key Rating Guide. The bond letter must reflect single bonding capacity of the Proposer, which exceeds the anticipated value of this Project.

3.6.3 Organizational Agreements

- If the Proposer is a joint venture, provide either (1) a notarized letter from the joint venture members indicating that they intend to create a joint venture to perform this Project or (2) a copy of the signed organizational document or agreement committing to form the organization. In the event a notarized letter is submitted with this RFQ, the short-listed joint venture shall submit with its response to the RFP, a copy of the joint venture organizational agreement.
- Provide documentation from its surety company acknowledging the future formation of a joint venture for the purpose of completing the Project and that the joint venture will be capable of obtaining a performance bond and a payment bond in the estimated amount of the contract, as well as a bid bond.
- Provide a statement executed by all general partners, joint venture members, or other association members, as applicable, evidencing agreement to be fully liable for the performance under the contract.
- Provide documentation evidencing the person signing the contract has authority to sign the contract on behalf of the joint venture.
- This information may be included in the appendices and will not be counted against the maximum page limitation.

3.7 Organizational Conflicts of Interest

3.7.1 See **Section 7** for information regarding Organizational Conflicts of Interest.

3.7.2 The required information for Conflicts of Interest shall be submitted in **Appendix E**. Information provided in response to this section will not count towards the overall page limitation defined in **Section 5.2.2**. The required Disclosure of Potential Conflict of Interest Certification may be downloaded from the SCDOT Design-Build website under the SCDOT Design-Build Standard Forms Section at <https://www.scdot.org/business/design-build.aspx>.

3.8 Prequalification Requirements of Short-listed Proposers

A SCDOT Prequalification Certificate will be required for the Lead Contractor and shall be included in the RFP response. If the Proposer is a Joint Venture, or other entity organized specifically for this Project, prequalification certification must be submitted for each individual member and/or partner, as well as for the Joint Venture. After notification of short-listing, if your construction firms/Joint Venture does not have

SCDOT Prequalification Certificates, please contact the SCDOT Contracts Office at (803) 737-2043 to initiate the prequalification certification process. Submittal of all construction firm prequalification certificates shall be submitted with the response to the RFP in order to be responsive.

4. EVALUATION PROCESS

4.1 SOQ Evaluation

SCDOT will initially review the SOQs for responsiveness to the requirements of this RFQ and responsibility. The information in the SOQ will then be measured against the evaluation criteria described in **Section 3** and set forth in the table in **Section 4.2**.

4.2 SOQ Evaluation and Scoring

SCDOT will evaluate all responsive SOQs and measure each Proposer’s response against the evaluation criteria set forth in this RFQ, resulting in a numerical score for each SOQ. The Committee will assign the final score for each SOQ by consensus. SCDOT will use the following criteria and weightings:

Category	Points
Team Structure and Project Execution	
<i>Organizational Chart, Team Structure, and Team Integration</i>	10
<i>Critical Risks</i>	4
<i>Project Resources, Strategies, and Execution</i>	6
Experience of Key Individuals	
<i>Project Management Team</i>	20
<i>Design Engineering Team</i>	10
<i>Construction Management Team</i>	10
Past Performance of Team	
<i>Experience of Proposer’s Team</i>	10
<i>Quality of Past Performance</i>	30
Total	100

4.3 Determining Short-Listed Proposers

4.3.1 SCDOT will total the scores for each responsive SOQ and prepare a ranked list of Proposers.

4.3.2 SCDOT reserves the right, at its sole discretion, to cancel this RFQ, issue a new RFQ, reject any or all SOQs, seek or obtain information from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ, and waive any deficiencies,

irregularities, or technicalities in considering and evaluating the SOQs that does not create a competitive advantage.

- 4.3.3 This RFQ does not commit SCDOT to enter into a contract or proceed with the procurement of the Project. SCDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Proposer. In addition, SCDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties if SCDOT elects to not issue an RFP for the Project.

4.4 Notification of Short-Listing

Upon completion of the evaluation, scoring, and short-listing process, SCDOT will post the list of short-listed Proposers (if any) on the SCDOT design-build website.

4.5 Debriefing Meetings

If a non-short-listed Proposer would like to schedule a debriefing, the Proposer will have three working days from the date that the short-listing notification for this Project is posted on the SCDOT design-build website to make a request. Only written requests to the SCDOT POCs (emails are acceptable) for a debriefing will be scheduled. Failure to request a debriefing within the three-day period will waive the opportunity for a debriefing. All debriefs will be scheduled on the date set forth on the Milestone Schedule.

4.6 Protest

4.6.1 Grounds for Protest

Protest of Contents of Solicitation (Invitation For Bids or RFPs or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue): Any Proposer who is aggrieved in connection with a solicitation document shall file a written protest to SCDOT's Chief Procurement Officer (CPO), PO Box 191, Columbia, SC 29202, within five business days of the date of posting of the solicitation, RFQ, RFP, or other solicitation document or any addendums to it on the SCDOT design-build website.

Protest of Short-listing: Any Protester who is aggrieved in connection with the selection of short-listed Proposers shall file a written protest with the CPO within five business days of the date the short-list is posted on SCDOT design-build website. Any matter that could have been raised pursuant to the Protest of Contents of Solicitation, section above, may not be raised as a protest of the selection of the short-list. The number of Proposers short-listed is not grounds for a protest.

Exclusive remedy: The rights and remedies granted in this section to Proposers, either actual or prospective, are to the exclusion of all other rights and remedies of Proposers against the SCDOT.

Failure to file a timely protest: If protestant fails to request a protest within the five business days, the short-list and award shall be final.

4.6.2 SCDOT Procedures for Protest

Protest: A protest must be in writing, filed with the CPO, and set forth the grounds of the protest and the relief requested with enough specificity to give notice of the issues to be decided. The protest must be received by the CPO within the time provided.

Burden of Proof: The protestant bears the burden of proving the validity of the protest or claim against SCDOT.

Duty and Authority to Attempt to Settle Protests: Before commencement of an administrative review, the CPO, or a designee of the CPO, may attempt to settle by mutual agreement a protest of an aggrieved Protestant, actual or prospective, concerning the solicitation, short-listing, or award of the contract. Any settlement reached by mutual agreement shall be approved by the CPO.

Administrative Review and Decision: If, after reasonable attempt, a protest cannot be settled by mutual agreement, the CPO, or a designee, shall promptly conduct an administrative review. The CPO shall commence the administrative review no later than five business days after a reasonable settlement attempt and shall issue a decision in writing within five business days of completion of the review. The decision must state the reasons for the action taken. The decision shall include findings of fact and conclusions of law, separately stated. A copy of the decision along with a statement of appeal rights set forth below must be mailed or otherwise furnished immediately to the protestant.

Finality of Decision and Appeal: The SCDOT's decision pursuant to the above paragraph is final and conclusive. A person adversely affected by the final decision can appeal to circuit court and hereby waives a trial by jury regarding any protest arising out of this procurement and any such trial will be a non-jury trial before the South Carolina Circuit Court in Richland County.

All Freedom of Information (FOIA) requests will be sent to the FOIA Officer in the SCDOT Office of Chief Counsel.

5. STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS

This section describes requirements that all Proposers must satisfy in submitting SOQs. Failure of any Proposer to submit their SOQ as required in this RFQ may result in non-responsiveness and rejection of its SOQ. If a Proposer does not submit responses to those items outlined in **Section 3.2**, their submittal may be considered non-responsive. Any deficiency resulting from a minor informality may be clarified or waived at the sole discretion of the SCDOT. If a Proposer does not submit responses to those items outlined in **Sections 3.3 through 3.7**, their submittal shall be considered non-responsive, and if deemed non-responsive, the submittal will not receive further review/evaluation. Any SOQ deemed non-

responsive shall be retained by SCDOT and subject to FOIA except for pages clearly marked confidential. Proposers are advised that SCDOT reserves the right to conduct an independent investigation of any information, including prior experiences, identified in the responses. Proposers are responsible for effecting delivery by the due date and time; late submissions will be rejected without opening. SCDOT accepts no responsibility for misdirected or lost SOQs.

5.1 Due Date, Time and Location

- 5.1.1 All SOQs must be received in accordance with the Milestone Schedule in **Section 2.6**.
- 5.1.2 Proposers are **REQUIRED** to upload their completed submittals online through PROJECTWISE in .pdf format. Only one completed submittal per team will be accepted and shall be uploaded by either the lead contracting entity or lead design firm. Please be advised of the time required to set up a new account. All requests for new accounts must be received three business days prior to the SOQ due date indicated in the Milestone Schedule. A business day is hereby defined as a day in which SCDOT Headquarters is open for business. More information is available at <https://www.scdot.org/business/design-build.aspx>.

5.2 Format

- 5.2.1 The SOQ format is prescribed below. If SCDOT determines that an SOQ does not comply with or satisfy the format in this section, SCDOT may find such SOQs to be non-responsive.
- 5.2.2 The SOQ Narrative must not exceed 10 pages (not including Section Dividers or Appendices).
- 5.2.3 The Proposer should utilize hyperlinks to connect information in the Appendices that is referenced within the narrative section of the electronic submittal.
- 5.2.4 There are no maximum page limits to the Appendices, but the Appendices shall only contain information relevant to the requested Appendix information in this RFQ. Appendices shall not be used to further enhance an SOQ beyond these requirements. The SOQ shall contain the following Appendices:
 - Appendix A – Key Individual Resume Forms
 - Appendix B – Work History and Quality Form – Contractor/Designer (Section 3.5.1)
 - Appendix C – Work History and Quality Form – Contractor/Designer (Section 3.5.2)
 - Appendix D – Legal and Financial
 - Appendix E – Organizational Conflict of Interest
 - Appendix F – Confidential or Proprietary Information Summary List
 - Appendix G – Addendum Receipt Form(s)

- Appendix H – Key Individual and Contractor/Designer Reference Form(s)

5.2.5 The SOQ shall be:

- Prepared on 8.5” X 11” white paper (Organizational Chart and Work History Forms may be on an 11” X 17” page folded to 8.5” X 11” size)
- Typed on one side only
- Use a single column of text per page. Double columns are not allowed.
- Double spaced
 - Text contained on the Key Individual Resume Forms, charts, exhibits, or other illustrative information may be single spaced, but text contained on the Work History Forms shall be double spaced
- Times New Roman, minimum size 12-point font
 - Text contained on the Key Individual Resume Forms, Work History Forms, charts, exhibits, or other illustrative information shall be no smaller than 10-point Time New Roman.
- The format and appearance of the Key Individual Resume Form and the Work History Form shall not be modified. The Key Individual Resume Form shall not exceed two pages for each Key Individual. The Work History Forms shall not exceed one page per project. The forms may be downloaded from the SCDOT Design-Build Website under the SCDOT Design-Build Standard Forms Section at the following address:
<http://www.dot.state.sc.us/business/design-build.aspx>.

6. PROCUREMENT PHASE 2

This **Section 6** is provided for informational purposes only so that each Proposer has information that describes the second phase of the Project procurement process, including a summary of certain anticipated RFP requirements. If a weighted criteria method is used in the second phase of the procurement, SCDOT may use the SOQ scores of the short-listed teams to determine the team with the highest weighted criteria score. If this criterion is used in part to determine award, the SOQ scores will be provided to the short-listed teams prior to issuance of the Final RFP. As outlined in SCDOT’s Design-Build Procurement Manual, other procurement types may be used, including Fixed Price. SCDOT reserves the right to make changes to the following process. Short-listed Proposers are subject to the requirements and evaluation process set forth in the Final RFP as amended. This **Section 6** does not contain requirements related to the SOQ. A draft of the RFP may be made available for Proposers to review and submit comments to SCDOT. SCDOT will take submitted comments into consideration in finalizing the RFP.

6.1 Industry Review of RFP

SCDOT intends to issue an RFP for Industry Review to the teams that are selected for the short-list for the Project and solicit their comments prior to issuing a final RFP to the short-listed teams. The intent of the RFP for Industry Review is to identify conflicts, mistakes, and/or ambiguities in the RFP. There may be an opportunity to submit questions. A meeting may be scheduled with the short-listed teams to facilitate this purpose.

6.2 Final RFP

A final RFP will be issued, if necessary, with comments incorporated from the review by the short-listed teams.

6.3 Alternative Technical Concepts

SCDOT intends to allow the submittal of five Formal Alternative Technical Concepts (ATC) for this Project with no Preliminary Alternative Technical Concepts accepted. A detailed explanation of the ATC process will be included in the RFP.

6.4 Confidential One on One Meetings

SCDOT intends to conduct confidential one-on-one meetings so that the short-listed teams will be able to confidentially seek clarification and discuss the Project with SCDOT personnel.

6.5 Submittal of Proposal

A proposal consisting of separate technical and cost proposals will be submitted after the ATC process, if used, has been completed. Clarifications and discussions may be used to fully understand the proposals. Details regarding the submittal of the proposal, including the scoring of the technical proposal, will be included in the RFP. Only the short-listed teams will be eligible to submit proposals for the Project. Upon evaluation of the proposals submitted, the Director of Construction will recommend to the Secretary of Transportation a Proposer for award. Contract execution, subject to Secretary of Transportation approval, will follow.

6.6 Stipends

SCDOT intends to award a stipend of \$50,000 to each responsive and responsible yet unsuccessful short-listed Proposer. Proposers must indicate either acceptance or rejection of the stipend at the time of submission of technical and cost proposals in the second stage of the procurement.

6.7 Weighted Criteria Determination

SCDOT intends to award the Contract to the responsible and qualified Proposer whose submittals generate the highest Weighted Criteria Score. To determine the Weighted Criteria Score, the Proposer's Total Cost to Complete will have a weight of 55, the

Proposer’s Technical Score will have a weight of 25, and the Proposer’s Quality Credit Score will have a weight of 20 for a Total Weight of 100.

The Proposer submitting the lowest Total Cost to Complete will be awarded the maximum number of points, 55. The next-lowest Total Cost to Complete will be awarded points based on the product of: (a) the ratio of the lowest Total Cost to Complete divided by the next-lowest Total Cost to Complete; and (b) 55 points (i.e., the points awarded for the lowest Total Cost to Complete), with such product rounded to the nearest one hundredth of a point. The process will continue for each of the remaining Proposer’s Total Cost to Complete, with points being awarded based on the product of: (a) the ratio of the lowest Total Cost to Complete divided by the respective Proposer’s Total Cost to Complete; and (b) 55 points (i.e., the points awarded for the lowest Total Cost to Complete), with such product rounded to the nearest one hundredth of a point.

The Technical Score and Quality Credit Score for each Proposer is converted to a percentage and multiplied by the point value assigned to each category, with such product rounded to the nearest one hundredth of a point.

SCDOT intends to use the following formula to determine the Weighted Criteria Scores.

$$\text{Weighted Criteria Score} = \left(\frac{A_{low}}{A_n} \times x_A\right) + \left(\frac{D}{100} \times x_D\right) + \left(\frac{E}{100} \times x_E\right)$$

low the lowest value from the Proposals being scored

n the Proposal that is being scored

x weight expressed as point values define above in this section

A Total Cost to Complete all work to be performed under the Contract

D Technical Score

E Quality Credit Score

Example for Determining the Weighted Criteria Score

Proposal	Total Cost to Complete (A)	Weighted Cost Score (x=55)	Technical Score (D)	Weighted Technical Score (x=25)	Quality Credit Score (E)	Weighted Quality Credit Score (x=20)	Total Weighted Criteria Score
A	\$30,000,000	55.00	90.2	22.55	56	11.20	88.75
B	N/A	N/A	69	N/A	N/A	N/A	N/A
C	\$38,000,000	43.42	92.2	23.05	64	12.80	79.27
D	\$31,000,000	53.23	93	23.25	72	14.40	90.88

Note: In this example, Proposal B was determined to be non-responsive and Proposal D was determined to be the highest Weighted Criteria Score.

In the event that two or more Proposers are determined to have the same Total Weighted Criteria Score, the award, if made, will be made to the Proposer with the highest weighted score for the criterion with the highest weight.

7. CONFLICT OF INTEREST

7.1 The Proposer’s attention is directed to 23 CFR Part 636 Subpart A and in particular to Section 636.116 regarding organizational conflicts of interest. Section 636.103 defines “organizational conflict of interest” as follows:

7.1.1 Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

7.2 Consultants and/or sub-consultants who assist the owner in the preparation of a RFP document will not be allowed to participate as a Proposer or join a team submitting a proposal in response to the RFP. However, SCDOT may determine there is not an organizational conflict of interest for a consultant or sub-consultant where:

7.2.1 The role of the consultant or sub-consultant was limited to provision of preliminary design, reports, or similar “low-level” documents that will be incorporated into the RFP, and did not include assistance in development of instructions to Proposer or evaluation criteria, or

7.2.2 All documents and reports delivered to SCDOT by the consultant or sub-consultant are made available to all Proposers

7.3 Any contractor, subcontractor, consultants and/or sub-consultants who perceives there is a potential conflict of interest, shall notify the SCDOT POC as soon as the conflict is discovered to request a review by SCDOT. If no conflict of interest is determined by SCDOT, a standard release letter may be issued by SCDOT to allow participation on a design-build team. Please refer to the SCDOT Design-Build Procurement Manual, Section 3.3.2 for guidance.

7.4 Proposers who identify any person or entity who has an organizational conflict and/or has performed, is performing, or will perform certain preliminary engineering for this Project, and wish to identify them to participate on the Design-Build Team shall:

7.4.1 Disclose all work performed in relation to the Project and describe in detail the organizational conflict on the Disclosure of Potential Conflict of Interest Certification included in this RFQ. Disclosure includes providing all relevant

facts concerning any past, present or currently planned interests which may present an organizational conflict of interest. Proposer shall state how its interests or those of its chief executives, directors, Key Individuals for this Project, or any proposed consultant, contractor or subcontractor may result, or could be viewed as an organizational conflict of interest;

- 7.4.2 Provide all records of such work to SCDOT so that all such information can be made available to all potential Proposers, if necessary;
 - 7.4.3 Ensure that the person's or entity's contract with SCDOT or any related entity to perform service related to this Project has expired or has been terminated prior to release of the RFP for Industry Review;
 - 7.4.4 In cases where the person or entity is identified as a Key Individual on more than one Proposer's Team for this Project, Proposer shall describe how the person or entity will avoid conflicts in the bid phase of the Project.
 - 7.4.5 Comply with all federal and state conflict of interest rules and regulations.
- 7.5 The Lead Contractor and Lead Designer on a Proposer's Team are prohibited from submitting on multiple proposals for a given project.
- 7.6 As provided in **Section 2.2.4**, no member of the successful Proposer's team, its subsidiaries and/or affiliates, (both design team and construction team) shall be selected for the CE&I Project. If a sub-consultant on the successful Proposer's team (both design team and construction team) is being utilized by a CE&I candidate, the submitting CE&I firm shall request approval from SCDOT to replace the sub-consultant prior to CE&I contracting.
- 7.7 The Proposer must complete a Disclosure of Potential Conflict of Interest Certification and submit it as part of the SOQ response to certify that all members of the Proposer's team either have or have no conflict of interest. If no member of a Proposer's team has a potential conflict of interest, the Proposer shall submit only one Disclosure of Potential Conflict of Interest Certification. Otherwise, any individual or firm with a potential conflict of interest shall submit a Disclosure of Potential Conflict of Interest Certification. SCDOT will review the Disclosure of Potential Conflict of Interest Certification and the proposed mitigation measures to determine if the Proposer may proceed forward. SCDOT will determine, in its sole discretion, if the Proposer has obtained an unfair competitive advantage. Disclosure of a potential conflict of interest will not necessarily disqualify a Proposer. The Disclosure of Potential Conflict of Interest shall be submitted as **Appendix E** and will not be counted toward the page limit.
- 7.8 Proposer agrees that, if an organizational conflict of interest is discovered after the SOQ is submitted, Proposer must make an immediate and full disclosure to SCDOT that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflict. If after award of the contract an organizational conflict of interest is determined to exist, SCDOT may, at its discretion, terminate the design-

build contract for the Project. If the Proposer was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to SCDOT, then SCDOT may terminate the contract for default.

7.9 Because of their prior work or services currently being provided that relate to this Project, the following firm(s) have been identified as having conflicts of interest:

- ESP Associates, Inc.

Proposers utilizing the firm(s) identified above will be disqualified from participating in this Project.

7.10 To avoid the appearance of any real or perceived favoritism, unfair advantage, undue influence, or conflict of interest, a SOQ will be disqualified that names, identifies, or includes in any way a current or former SCDOT employee serving in a management level position within 365 days of the submittal. No communication or appearance shall be made by such a current or former employee with SCDOT on such SOQ, or the SOQ will be disqualified. In addition, no current or former employee, who served in a management level position or above, may work on or invoice for services performed on a project within 365 days after their last day of employment with SCDOT. For the purposes of this bright line rule, "management level position" is defined as any SCDOT Pay Band 7 and above position, which includes, but is not limited to, Directors, Assistant Directors, District Engineering Administrators, District-level Engineers, Program Managers, Assistant Program Managers and Resident-level Engineers.

Section 23 of Act 40 of 2017 [now codified as S. C. Code Section 57-1-350(G)] prohibits a member of the SCDOT Commission service on July 1, 2017 (the effective date of the Act) or thereafter, from having an interest, direct or indirect, in any contract awarded by SCDOT during the member's term of appointment and for one year after the termination of the appointment. Therefore, any proposal or bid submitted to SCDOT in violation of this law will be disqualified.

8. MISCELLANEOUS

8.1 Changes to Organizational Structure

8.1.1 After initial submittal, the organizational structure identified pursuant to **Section 3.3**, cannot be changed without SCDOT authorization. Changes to a team submitted in response to this RFQ may result in a re-evaluation of the team's qualifications.

8.1.2 During the procurement, failure of the Proposer to notify SCDOT of any changes in Key Individuals or firms may render the SOQ non-responsive and subject to rejection and the team disqualified. SCDOT reserves the right to seek clarifications to confirm unavailability.

8.1.3 If during the evaluation process, the SCDOT POC is notified by the Proposer that Key Individuals or firms are not available, action must be taken as follows: (1)

if notified before scoring is complete, but after due date for submittal, the Proposer can submit the resume of the person who would be replacing the Key Individual or the name of the replacement firm. The Evaluation Committee will score using the new Key Individual or firm; (2) if notified after the scoring is complete, but prior to final approval, and the change involves a short-listed firm, the Proposer can submit the resume of the person who will replace the Key Individual or the name of the replacement firm. The Evaluation Committee must then determine if the new person or firm would affect the selection results. If not, the SCDOT POC will notate the change and the justification for keeping the selection results. If it does, the Evaluation Committee will re-score the SOQ and change the selection ranking; or (3) if a Proposer notifies the SCDOT POC of a Key Individual or firm change any time after the short-listing has been approved, the SCDOT must determine if the new Key Individual or firm is acceptable. If a suitable replacement cannot be identified, the proposal will be rejected.

- 8.1.4 All Key Individuals and firms identified in the organizational structure in the RFQ shall remain on the Proposer's team for the duration of the procurement process and if the Proposer is awarded a contract, the duration of the contract. Unauthorized changes to the Proposer's team at any time during the procurement process may result in elimination of the Proposer's team from further consideration. If Proposer is awarded a contract, unauthorized changes to Key Individuals and firms identified in the organizational structure in the RFQ may be considered a breach of contract and result in termination of the contract.
- 8.1.5 To qualify for SCDOT's authorization to replace a Key Individual after the short-listing has been approved, the Proposer must submit the resume of the replacement, a written request explaining the reason for the change and must document that the proposed removal and replacement, or addition, will provide services and/or management of the Project equal to or better than that submitted with the RFQ. SCDOT will use the criteria specified in the RFQ and the qualifications submitted by the Proposer to evaluate all requests.
- 8.1.6 To qualify for SCDOT's authorization to replace a firm after the short-listing is approved, the Proposer must submit the name of the replacement, a written request explaining the reason for the change. SCDOT will use the criteria specified in the RFQ and the explanations/reasons submitted by the Proposer to evaluate all requests.
- 8.1.7 SCDOT reserves the right to reject the Proposer from further consideration during the two-phase selection process if the new Key Individual or firm is not approved.