

**REQUEST FOR QUALIFICATIONS
FOR DESIGN-BUILD SERVICES
FOR TWO PROJECTS:**

- **ROUTE 11 FROM ROUTE 1 TO THE PORT OF GUAM
GU-NH-0011 (007)**
- **AGANA BRIDGES REPLACEMENT AND ROUTE 1/ ROUTE 8
INTERSECTION IMPROVEMENTS
GU-NH-0001(014)**



**FEDERAL-AID HIGHWAY SECTION
DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GUAM**

APRIL 2, 2010

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1.0 INTRODUCTION

1.1 REQUEST FOR QUALIFICATIONS

The Guam Department of Public Works (DPW), in coordination with the Federal Highway Administration (FHWA) is requesting Statements of Qualifications (SOQs) from entities (Submitters) interested in submitting Design-Build Proposals for the following two fully funded projects (Project):

- Route 11 Reconstruction, extending from the Route 1/Route 11 intersection 1.8 miles west past the Port of Guam
- Agana Bridges Replacement and Route 1/Route 8 intersection improvements

DPW has elected to utilize a single SOQ to establish a qualified list of Submitters for both projects. By submitting a SOQ, Submitters agree to be bound by the requirements of this Request for Qualifications (RFQ). Submitters shall satisfy all requirements specified in this RFQ. Failure of the Submitter to meet these requirements may result in rejection of its SOQ.

2.0 CONTACT INFORMATION

2.1 SUBMITTERS POINT OF CONTACT

Each Submitter shall provide the DPW designated Point of Contact, with the name, address, phone number, fax number, and e-mail address of its contact person. DPW will distribute addenda and other communications directly to the contact person. The distributed information will also be posted on the GTG website. The Submitter's contact person is responsible for distributing copies of addenda and other RFQ-related information within their team.

2.2 DPW POINT OF CONTACT

Submitters who have questions or need further clarification or information regarding the RFQ or the Project should contact the following designated DPW Point of Contact by letter, phone, or e-mail as follows:

Harold Tye
590 S. Marine Corps Drive
ITC Building, Suite 403
Tamuning, Guam 96913
Phone: (671) 648-1069
Email: Harold.Tye@parsons.com

Submitters should not contact anyone other than the DPW designated Point of Contact for clarification of the RFQ or related Project specifics.

3.0 PROCUREMENT PROCESS

3.1 PROCESS OVERVIEW

DPW will use a two-step procurement process to select a design-build contractor (Design-Builder) to deliver the Project. The issuance of this RFQ is part of the first step to solicit information from potential design-builders in the form of SOQs. DPW will evaluate submitted SOQs to determine which Submitters are the most highly qualified to deliver the Project and will short-list the most highly qualified Submitters for advancement to the second step in the procurement.

In the second step, DPW will issue a Request for Proposals (RFP) for the Project to the short-listed Submitters. Only the short-listed Submitters will be eligible to submit Proposals for the Project. Each short-listed Submitter who submits a Proposal in response to the RFP is referred to herein as a "Proposer." DPW may award a design-build Contract for the Project to the Proposer offering the apparent best value, to be determined as described in the RFP.

3.2 PROCUREMENT SCHEDULE

The procurement schedule for this RFQ is shown in Table 3.2 below. This schedule is subject to revision by the RFP and addenda to this RFQ.

Table 3.2 – PROCUREMENT SCHEDULE

| Action | Dates |
|---|--------------------|
| Step 1 – SOQ Phase | |
| RFQ Issue Date | April 2, 2010 |
| Voluntary meeting (webinar) for Submitters | April 16, 2010 |
| Deadline for submitting RFQ questions | April 30, 2010 |
| Deadline for DPW response to RFQ questions | May 7, 2010 |
| SOQ Due Date | May 21, 2010 |
| Notify short-listed Submitters teams | June 1, 2010 |
| Step 2 – Proposal Phase | |
| Issue RFP | July 1, 2010 |
| Mandatory RFP meeting | July 15, 2010 |
| Deadline for Submitting Proposers' questions | July 22, 2010 |
| Deadline for DPW response to Proposers' questions | July 29, 2010 |
| Proposals Due | August 12, 2010 |
| DPW RFIs to Proposers | August 26, 2010 |
| Proposer Responses to RFIs | September 9, 2010 |
| Announce Best Value Proposer | September 23, 2010 |

3.3 QUESTIONS, CLARIFICATIONS, AND ADDENDA

Questions and requests for clarification regarding this RFQ shall be submitted in writing to DPW's Point of Contact. To be considered, all questions and requests must be received by 4:00 p.m., Chamorro Standard Time (ChST), on the date indicated in Table 3.2.

DPW will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- Questions and requests for clarification will be posted to the GTG website at www.guamtransportationprogram.com
- DPW will answer questions and requests for clarification by posting a response(s) on its website.
- DPW will send an e-mail notification to the contact person for each Submitter as soon as each addendum, response, or group of responses is issued. When possible, the notification will include an electronic copy of the addendum or clarification.

The Submitters shall acknowledge receipt of all addenda by completing Form A, Acknowledgment of Receipt of Addenda, which is attached as Appendix A to this RFQ. All Addenda issued must be acknowledged as being received – use more than one copy of Form A if needed. The completed Form A(s) shall be included in Appendix A of the SOQ submittal package (see Section 7).

3.4 PROHIBITED COMMUNICATIONS

Submitters shall conduct themselves with professional integrity and refrain from lobbying activities. During the procurement process (commencing with issuance of this RFQ and continuing until execution of a Contract for the Project or cancellation of the procurement), no employee, member, agent, advisor, or consultant of any Submitter shall have any communications, directly or indirectly, regarding this procurement with any representative of DPW or the Federal Highway Administration (FHWA), including their staff, advisors, contractors, or consultants (as described in Section 5.2) involved with the procurement, except for communications expressly permitted by this RFQ (or, subsequent to issuance of the RFP, except for communications expressly permitted by the RFP).

Any verified allegation that a Submitter or an employee, agent, advisor, consultant, or subcontractor of a Submitter has engaged in such prohibited communications or attempted to unduly influence the selection process may be cause for DPW to disqualify the Submitter from participating, all at the discretion of DPW.

3.5 VOLUNTARY MEETING FOR POTENTIAL SUBMITTERS

DPW will hold an informational Webinar for potential Submitters regarding this RFQ on the date indicated in Table 3.2. Details of the Webinar are available on the GTG website: www.guamtransportationprogram.com. **Interested parties must register in advance to attend the Webinar.**

3.6 DPW'S RIGHTS

Throughout the procurement process, DPW reserves the right, at its sole discretion, to:

- Revise this RFQ at any time before the SOQ Due Date indicated in Table 3.2. Such revisions, if any, will be announced by addenda to this RFQ;
- Appoint evaluation committees to review SOQs and Proposals;
- Investigate the qualifications of any Submitter or Proposer;
- Seek or obtain data from any source related to the SOQs or Proposals;
- Require confirmation of information furnished by a Submitter or Proposer;
- Hold meetings and conduct discussions and correspondence with the Submitters and Proposers to seek an improved understanding and evaluation of the SOQs or Proposals;
- Require additional information from a Submitter or Proposer concerning its SOQ or Proposal;
- Seek and receive clarifications to a SOQ or Proposal;
- Require additional evidence of qualifications to perform the work;
- Modify the procurement process;
- Waive minor deficiencies and irregularities in a SOQ or Proposal;
- Reject any or all of the SOQs or Proposals;
- Issue a new RFQ or RFP;
- Issue a request for Best and Final Offers;
- Conduct negotiations with the Apparent Best Value Proposer prior to award of the Contract;
- Cancel a Contract signed by the selected Design-Builder but not yet executed by DPW; and
- Not issue a Notice to Proceed after execution of the Contract.

4.0 SCOPE OF THE PROJECT

4.1 ESTIMATED COST

The estimated Contract cost of each of the projects is as follows:

| | |
|--|----------------------|
| Route 11 from Route 1 to the Port of Guam | \$20 to \$25 million |
| Agana Bridges Replacement and Route 1/8 Intersection | \$15 to \$20 million |

4.2 TIME FOR COMPLETION

DPW anticipates that each project will be substantially complete by January 1, 2013.

4.3 DPW'S PROJECT GOALS

The Design-Builder shall design and construct the Project in consideration of DPW's Project goals.

These goals are listed in hierarchical order, with the most important goal listed first:

- Safety – Public Safety and Worker Safety will be preserved at all times.
- Traffic will be maintained in a safe and operable manner.
- Early completion for safer and better operating roadways.
- A high quality, durable, maintainable, aesthetic, and safe Project.

4.4 PROJECT SCOPE AND STATUS

The following two project scopes of work are provided to Submitters to assist in developing a team with the expertise required for the projects. The Design-Builder shall be responsible for management, design, and construction of the Project. The design and construction by the Design-Builder shall be in accordance with DPW's guidelines and standards as required by the RFP. DPW's intent is to allow flexibility in design and construction to accommodate processes, procedures, and innovative techniques that are preferred by the Design-Builder, as long as they are consistent with site conditions, good engineering practices, environmental documents and permits, other standards, guidelines, and procedures identified in the RFP, and the Project goals. The scope of work presented in this RFQ for the Project may or may not be the final scope of work presented in the RFP.

The projects are funded by the Department of Defense (DoD) and FHWA. Applicable Federal provisions will be included in the RFP.

Route 11 from Route 1 to the Port of Guam (approx. 1.8 miles), including;

- Pavement strengthening (reconstruction)
- Port of Guam weigh-in-motion facilities and inspection station
- Route 1/ Route 11 intersection improvements
- Route 11/ 11A intersection improvements
- Drainage improvements
- Other improvements, including: traffic signal, lighting, signing and pavement markings and appurtenant items as described in the Request for Proposal

Agana Bridges Replacement and Route 1/Route 8 intersection improvements, including;

- Replacement of Route 1 bridge over Agana River
- Replacement of Chalan Santo Papa Juan Pablo Dos bridge over Agana River
- Route 1/Route 8 intersection improvements
- Pavement widening and resurfacing

- Drainage improvements
- Other improvements, including: traffic signal, lighting, signing and pavement markings and appurtenant items as described in the Request for Proposal

5.0 TEAMING PARAMETERS

5.1 MAJOR PARTICIPANT

As used herein, the term “Major Participant” means any of the following entities:

- A. The Submitter, or if the Submitter is a partnership, joint venture, limited liability company, or other form of association, any general partners, joint venture members, or members of the Submitter;
- B. All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or any other legal entity however organized holding (directly or indirectly) a 15 percent or greater interest in the Submitter;
- C. The entity providing DPW pre-qualification in accordance with Section 7.4 of this RFQ.
- D. The lead engineering/design firms;
- E. Each engineering/design sub-consultant who is expected to perform 30 percent or more of the design work; and/or
- F. Each subcontractor who is expected to perform 20 percent or more of the construction work.

5.2 DPW CONSULTANT/TECHNICAL SUPPORT

DPW has retained the consulting firms of Parsons Transportation Group, Inc., and PB Americas, Inc., to provide guidance in preparing this RFQ, the RFP, and advice on related financial, contractual, and technical matters. Each of these firms is prohibited from joining any Submitter’s team or otherwise assisting any Submitter in connection with the procurement process.

5.3 ORGANIZATIONAL CONFLICTS OF INTEREST

DPW will take steps to ensure that individuals involved in the preparation of the procurement package, evaluation of SOQs and Proposals, and Design-Builder selection are not influenced by organizational conflicts of interest, and that no Submitter is given an unfair competitive advantage over another. FHWA has defined “organizational conflict of interest” in 23 CFR Section 636.116 as follows:

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.

Attention is directed to the requirement for disclosure of organizational conflicts of interest set forth in 23 CFR Section 636.116(a) (2), applicable to federal-aid procurements. Submitters are required to identify any potential organizational conflicts of interest by submitting Form B, to be included in the Appendix of the SOQ.

If an organizational conflict of interest is determined to exist, DPW may, at its discretion, offer the Submitter the opportunity to correct the organizational conflict of interest; disqualify the Submitter from further participation in the procurement; cancel this procurement; or, if award has already occurred, cancel the Contract. If the Submitter was aware of an organizational conflict of interest prior to award of a Contract and did not disclose the conflict to DPW, DPW may terminate the Contract for default. DPW may also disqualify a Submitter if any of its Major Participants listed in Categories A, B, C, or D in Section 5.1 belong to more than one Submitter organization.

5.4 TEAM CONTINUITY AND CHANGES TO ORGANIZATIONAL STRUCTURE

Following submittal of the SOQ, Key Personnel or Major Participants identified in the SOQ may not at any time be removed, replaced, or added without the written approval of DPW. DPW may revoke the short-list status of a Submitter if any Key Personnel or Major Participant identified in the SOQ is removed, replaced, or added without written approval of DPW. Requests for removal, replacements, and additions shall be submitted in writing to DPW's Point of Contact. To qualify for approval, the written request shall document that the proposed removal, replacement, or addition will be equal to or better qualified than the Key Personnel or Major Participant provided in the SOQ. DPW will use the criteria specified in this RFQ to evaluate all requests.

5.5 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFP.

5.6 DISADVANTAGED, MINORITY, AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

DPW encourages participation in all of its contracts by Disadvantaged, Minority and Women-Owned Business Enterprises (D/M/WBE). The Disadvantaged Business Enterprise (DBE) requirements of 49 CFR Part 26 does not apply to these Contracts, however compliance is encouraged. A DBE goal will not be established for these Contracts, and is therefore not a condition of award; however

it is encouraged for the Proposer to allow the participation of D/M/WBE firms and individuals.

No training hours will be established for these contracts; however the successful Design-Builder is encouraged to provide on-the-job training aimed at developing trainees to journeyman status in the trades involved.

6.0 SUBMITTAL QUANTITIES AND LOGISTICS

6.1 SOQ SUBMITTAL QUANTITIES

Each Submitter shall provide the following:

- One original SOQ showing original signatures;
- One electronic copy of the SOQ in PDF format on a CD with the Sections and Subsections bookmarked; and
- Ten hard copies of the SOQ.

The original shall be identified as the original on its front cover in colored ink. Each hard copy shall be identified on its front cover, in the upper right-hand corner, as "Copy X of 10 Copies."

The original, hard copies, and CD shall be packed together in one sealed package for delivery as specified in Section 6.2. The outside of the sealed package shall be clearly identified, labeled, and addressed with the following:

- A return address including the Submitter's name, contact person's name, and mailing address;
- The address of DPW's designated Point of Contact, as indicated in Section 6.2;
- "Statement of Qualifications for FY 2010 Design-Build Projects"; and
- The date of the submittal.

6.2 DUE DATE, TIME, AND LOCATION

All sealed SOQs shall be received at the following location prior to 4:00 p.m., ChST, on the SOQ Due Date indicated in Table 3.2:

By U.S. mail or other direct delivery:

Harold Tye
Parsons Transportation Group
590 S. Marine Corps Drive
ITC Building, Ste 403
Tamuning, Guam 96913
(671) 648-1069

DPW will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirement will be rejected and returned to the Submitter without having been opened, considered, or evaluated.

6.3 WITHDRAWAL OF SOQ

After submitting a SOQ to DPW, the Submitter may withdraw the SOQ if the following occurs:

- The Submitter submits a written request signed by an authorized representative of the Submitter; and
- DPW receives the request before the SOQ due date.

The original SOQ may be revised and resubmitted if DPW receives the revised SOQ before the SOQ due date.

7.0 SOQ CONTENT AND EVALUATION CRITERIA

This Section outlines the requirements of each Section of the SOQ and how each Section will be scored.

The information provided in the SOQ will be scored either pass/fail or qualitatively as shown in Table 7.2. If a Submitter receives a passing score on all pass/fail evaluation factors, its SOQ will be further evaluated. If a Submitter fails on any single pass/fail requirement, the SOQ may be rated unacceptable, in which case a qualitative evaluation of the SOQ will not be performed, and the Submitter will not be included on the short-list.

A DPW Evaluation Committee will perform a qualitative assessment of the information provided in Sections 2 and 3 of the SOQ.

The qualitative evaluation will be based on how well the SOQ demonstrates, through project experience, the ability of the Key Personnel and Major Participants to successfully complete the Project while meeting the Project goals. DPW reserves the right to contact references on individuals and projects other than those identified by the Submitters to evaluate past performance.

7.1 QUALITATIVE EVALUATION PROCESS

The qualitative evaluation score for Sections 2 and 3 will be determined as follows:

- The DPW evaluation committee will review each SOQ identifying significant and minor strengths, and significant and minor weaknesses of the Submittals.

Strengths and weaknesses are defined as follows:

- Strengths – That part of the SOQ which ultimately represents a benefit to the Project and is expected to increase the Submitter's ability to meet or exceed the Project goals. A minor strength has a slight positive influence on the Submitter's ability to meet or exceed the Project goals, while a significant strength has a considerable positive influence on the Submitter's ability to meet or exceed the Project goals.
- Weaknesses – That part of the SOQ which detracts from the Submitter's ability to meet the Project goals or may result in an inefficient or ineffective performance. A minor weakness has a slight negative influence on the Submitter's ability to meet the Project goals, while a significant weakness

has a considerable negative influence on the Submitter's ability to meet the Project goals.

Based on the identified strengths and weaknesses, the evaluation team will select an adjectival rating and select a percent of maximum score in the identified range in accordance with Table 7.1.

After selecting a percent of maximum score for Sections 2 and 3, the SOQ score will be calculated by multiplying the percent of maximum score by the points available listed in Table 7.2 and then summing the calculated scores.

Table 7.1 – ADJECTIVAL EVALUATION AND SCORING GUIDE

| Adjective | Description | Percent of Max. Score |
|------------------|--|------------------------------|
| Excellent (E) | SOQ supports an extremely strong expectation of successful Project performance if ultimately selected as the Design-Builder. SOQ indicates significant strengths and/or a number of minor strengths and no appreciable weaknesses. Submitter provides a consistently outstanding level of quality. | <u>100 - 90 %</u> |
| Very Good (VG) | SOQ indicates significant strengths and/or a number of minor strengths and no significant weaknesses. Minor weaknesses are offset by strengths. There exists a small possibility that, if ultimately selected as the Design-Builder, the minor weaknesses could slightly adversely affect successful Project performance. | <u>89 - 75 %</u> |
| Good (G) | SOQ indicates significant strengths and/or a number of minor strengths. Minor and significant weaknesses exist that could detract from strengths. While the weaknesses could be improved, minimized, or corrected, it is possible that if ultimately selected as the Design-Builder, the weaknesses could adversely affect successful Project performance. | <u>74 - 51 %</u> |
| Fair (F) | SOQ indicates weaknesses, significant and minor, which are not offset by significant strengths. Few minor strengths exist. It is probable that if ultimately selected as the Design-Builder, the weaknesses would adversely affect successful Project performance. | <u>50 - 25 %</u> |
| Poor (P) | SOQ indicates existence of significant weaknesses and/or minor weaknesses and no appreciable strengths. SOQ indicates a strong expectation that successful performance could not be achieved if Submitter were selected as the Design-Builder. | <u>24 - 0 %</u> |

7.2 SOQ ORGANIZATION AND SCORING

The Submitter shall organize the SOQ using the following Section headings, order of documents, and maximum number of pages:

Table 7.2 – SOQ ORGANIZATION AND SCORING

| Section | Section Title and Required Information | Maximum Pages | Points Available |
|----------------|---|----------------------|-------------------------|
| 1 | Introduction Letter | 2 | Pass/Fail |
| 2 | Key Personnel | 4* | 500 |
| 3 | Major Participants | 4** | 500 |
| Appendix | Legal | As required | Pass/Fail |
| | Financial | As required | Pass/Fail |
| | Form A: Acknowledgment of Receipt of Addenda | As required | Pass/Fail |
| | Form B: Conflict of Interest | As required | Pass/Fail |
| | Total | | 1000 |

* - Not including Resumes – see Section 7.5.1

** - Not including Project Briefs – see Section 7.6.1

7.3 SOQ FORMAT

The SOQ shall be formatted as follows:

- **Language:** All information shall be in English.
- **Type Font:** All narrative text shall be single-spaced in a regular style font at a minimum of 12 points. The type style and size of headings and figures are not prescribed.
- **Page Size:** Except for charts, exhibits, and other illustrative and graphical information, all information shall be printed on 8.5-inch by 11-inch paper. Charts, exhibits, and other illustrative and graphical information may be on 11-inch by 17-inch paper. The 11-inch by 17-inch paper, if any, shall be folded to 8.5-inch by 11-inch and will be counted as one sheet.
- **Page Margins:** No text, tables, figures, photos, or other substantive content shall be printed within 0.75 inch of any page edge.
- **Page Limit:** Page limits are described in Table 7.2. The SOQ shall include only information required by this RFQ. No other information will be considered in the evaluation of the SOQ.
- **Dividers:** Section dividers shall contain the Section number and/or Section title. No other text is permitted on the dividers. The dividers will not be counted toward the allowable page total.
- **Binding:** Each copy of the SOQ shall be bound separately.

- **Front Cover:** The front cover of each SOQ shall be labeled with the following:
 - A return address including the Submitter's name, contact person's name, and mailing address;
 - The address of DPW's designated Point of Contact, as indicated in Section 6.2;
 - "Statement of Qualifications for FY 2010 Design-Build Projects"; and
 - Date of Submittal

7.4 INTRODUCTION LETTER (SECTION 1) (PASS/FAIL)

The Introduction Letter shall be addressed to DPW's Point of Contact, and it shall include the following information:

- Submitter name, address, business type (e.g., corporation, partnership, joint venture).
- Roles of the Submitter and each Major Participant.
- Identification of a single contact person, address, telephone and fax numbers, and email.
- Certification of the truth and correctness of the SOQ.
- Statement that the Submitter shall comply with applicable laws and regulations.
- Signature of authorized representatives.

7.4.1 EVALUATION CRITERIA

The Introduction Letter will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

7.5 KEY PERSONNEL (SECTION 2) (500 POINTS MAXIMUM)

The purpose of this Section is to demonstrate the Key Personnel's experience and qualifications and how they can contribute to the overall success of the Project. The Submitter shall present the Key Personnel (Project Manager, Design Manager, and Construction Manager) and explain how their experiences make them uniquely qualified to lead the Project.

DPW seeks Key Personnel who can demonstrate experience on projects at a similar level of complexity on urban transportation projects. The Submitter shall relate relevant experience of the Key Personnel to the Project goals. This Section shall include experience of the Key Personnel related to design and construction.

The Submitter shall describe how the Key Personnel will logistically serve the Project – locally on Guam for the duration of the Project, or some other time commitment and how this will best serve the Project Goals.

The Key Personnel include the following:

Project Manager

- It is the Project Manager's responsibility to ensure the Project is managed and delivered in accordance with the Contract requirements. This person shall be assigned to the Project full-time from Notice To Proceed to Physical Completion and available to assist in issue resolution through Completion.

Construction Manager

- The Construction Manager shall be responsible for the overall construction of the Project, including utilities and all other ancillary work to be constructed under the Contract. It is the Construction Manager's responsibility to ensure the construction is managed and delivered in accordance with the Contract requirements. This person shall be assigned to the Project full-time during construction activities.

Design Manager

- The Design Manager shall be responsible for ensuring that the overall Project design is completed and design criteria are met in conformance with the Contract. The Design Manager shall be assigned to the Project full-time from Notice To Proceed through substantial completion of the design effort, and shall be available as needed during construction activities.
- The Design Manager shall be a registered Professional Engineer in Guam prior to execution of the Contract. Unless otherwise stated, DPW will not require that the Design Manager's professional engineering license be in place as of the Proposal due date, provided the Proposal includes a commitment that the license will be obtained prior to execution of the Contract, and provided further that DPW determines that the designated individual is qualified to obtain a license. If, at DPW's discretion, the Design Manager fails to meet the minimum qualifications described in this Section, DPW may disqualify the Proposer. If a Proposer is selected and DPW then determines that the Design Manager does not meet the minimum qualifications, DPW may ask the Proposer to replace the Design Manager with someone who meets them.

7.5.1 RESUMES

Resumes for Key Personnel shall be provided at the end of this Section and will not be included in the page count described in Table 7.2.

Resumes shall highlight the following information:

- Relevant education, training, licensing, and registration/certification;
- Years of experience performing similar work; and
- Actual work examples relevant to the Project including projects, dates spent on the project, and duties performed.

7.5.1.1 KEY PERSONNEL REFERENCES

For each Key Personnel, list three references from different projects that are included on the resume. All references shall be the owner representative who is most familiar with the Key Personnel, and who could best answer project-specific

questions. Provide the owner representative's name, email address, and phone number. The owner representative may be a consultant who acted on behalf of the owner for the project. The references must not work for the same company of the person they are referencing. It is important to ensure that the references listed have specific knowledge of the person's experience on the project. Two of the three references for each Key Personnel shall be from projects that are at least 75 percent complete.

References will be contacted at DPW's discretion to verify information provided in the SOQ.

7.5.2 EVALUATION CRITERIA

The Key Personnel will be evaluated individually and as a management team on demonstrated experience to successfully fulfill management roles and deliver projects of similar scope and complexity. Relevant education, training, work experience and design-build experience will be evaluated.

Past performance records of Key Personnel may be checked by contacting references.

7.6 MAJOR PARTICIPANTS (SECTION 3) (500 POINTS)

In order to achieve the Project goals, DPW seeks Proposers who can demonstrate experience on urban or major transportation projects related to design and construction. This Section shall describe the details and complexity of one or more projects. Each Major Participant shall have at least one project identified. References shall be provided for all projects listed.

In addition to the general project information, the Submitter shall relate relevant project experience to the Project goals. For each project, the Submitter should highlight how the actions taken and/or lessons learned demonstrate the ability of the relevant Major Participants to meet one or more of the Project goals.

7.6.1 PROJECT REFERENCES

Project reference information shall include start date and completion date, or anticipated completion date; contractor or design firms being referenced; contract amount; type of contract (design-build, design-bid-build or other type); and references (owner representative name, email address, and phone number). All references shall identify the owner representative who is most familiar with the project and who could best answer project-specific questions. The owner representative may be a consultant who acted on behalf of the owner for the project. The references must not work for the same company of the person they are referencing.

Project briefs, limited to two pages per project, may be included at the end of Section 3 of the SOQ at the discretion of the Submitter. Project briefs shall only be provided for projects mentioned in the Submitter's SOQ text of Sections 2 or 3.

References will be contacted at DPW's discretion to verify information provided in the SOQ.

7.6.2 EVALUATION CRITERIA

The Major Participants will be evaluated individually and as a project team on demonstrated experience to successfully fulfill their production role and to successfully meet the Project Goals while delivering Projects of similar scope and complexity. Demonstrated experience on Projects delivered with a design-build contract is preferred.

Past performance records of Major Participants may be checked by contacting references.

7.7 APPENDIX (PASS/FAIL)

The SOQ shall include a tabbed Appendix, which shall include the documents and forms outlined in Table 7.2 and further described below. The documents and forms shall be placed in the order depicted in Table 7.2, separated by a blank sheet of paper.

7.7.1 LEGAL (APPENDIX) (PASS/FAIL)

The Submitter shall provide a description of the legal entity proposed as the Design-Builder. If the Submitter's legal entity has already been formed, the Submitter shall provide complete copies of the organizational documents, along with those documents that allow or would allow by the time of Contract award, the Submitter and its team members to conduct business in Guam. If the Submitter's legal entity has not yet been formed, then the Submitter shall provide a brief description of the proposed legal structure and provide draft/final copies of the underlying agreements. Once the legal entity is finalized, the Submitter shall supplement its SOQ with copies of the final organizational documents. The final organizational documents shall be submitted no later than 15 Calendar Days before the Proposal due date as described in the RFP.

If the Submitter is a joint venture, limited liability company, partnership, or other association, the Submitter shall provide an express statement from each of the partners/members as to their joint and severable liability on the Project.

7.7.1.1 EVALUATION CRITERIA

This requirement will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

7.7.2 REQUIREMENTS OF FINANCIAL INFORMATION TO BE SUBMITTED (APPENDIX) (PASS/FAIL)

The Submitter shall provide a letter from a surety or insurance company stating whether or not the Submitter is capable of obtaining Proposal and Contract bonds as indicated in Table 7.8 below.

Table 7.8 – FINANCIAL INFORMATION

| Proposal Bond/Security Penal Sum | Performance and Payment Bond Penal Sum |
|---|--|
| Route 11 from Route 1 to the Port of Guam (approx. 1.8 miles) | |
| \$3,750,000 | \$25,000,000 |
| Agana Bridge Replacement and Route 1/Route 8 intersection improvements | |
| \$3,000,000 | \$20,000,000 |
| The identified amounts are for RFQ purposes only. Actual amounts of bond/security required by the Contract may vary, and shall be in compliance with applicable Guam law. | |

A performance and payment bond is a surety bond furnished by the Design-Builder and the Design-Builder's surety that guarantees performance of the work and payment to laborers, mechanics, subcontractors, and materials suppliers in accordance with Guam law.

Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing the letter must be authorized to do business in Guam with an A.M. Best Co. "Best's Rating" of A- or better.

7.7.2.1 EVALUATION CRITERIA

This requirement will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

7.7.3 FORMS A AND B (PASS/FAIL)

Complete and include Form A, Acknowledgement of Receipt of Addenda (attached in Appendix A to this RFQ).

Complete and include Form B, Conflict of Interest (attached in Appendix A to this RFQ).

7.7.3.1 EVALUATION CRITERIA

Appendix C and Appendix D will be reviewed on a pass/fail basis only, and not as part of the qualitative assessment of the SOQ.

8.0 PROTEST PROCEDURES

This Section sets forth the exclusive protest remedies available with respect to this RFQ. By submitting its SOQ, each Submitter acknowledges the limitation on its rights to protest as set forth in this RFQ; waives all other rights and remedies; and

agrees that the decision on any protest, as provided in this RFQ, shall be final and conclusive unless wholly arbitrary and capricious. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitters. Such waiver and agreement by each Submitter are also consideration to each other Submitter for making the same waiver and agreement.

8.1 PROTESTS REGARDING THE REQUEST FOR QUALIFICATIONS (RFQ)

The Submitter may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that a material provision in this RFQ is ambiguous; any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or this RFQ in whole or in part exceeds the authority of DPW. Protests regarding this RFQ shall be filed only after the Submitter has informally discussed the nature and basis of the protest with DPW's Point of Contact in an effort to rectify the grounds for protest.

Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of it. Evidentiary statements, if any, shall be submitted under penalty of perjury.

Protests regarding this RFQ shall be filed as soon as the basis for protest is known to the Submitter, but in any event it must be actually received no later than ten Calendar Days before the SOQ due date, provided that protests regarding an addendum to this RFQ shall be filed and received by DPW no later than five Calendar Days after the addendum to this RFQ is issued (or no later than the SOQ due date, if earlier).

Protests regarding this RFQ shall be filed in writing by hand delivery or courier to the Protest Official, with a copy to DPW's Point of Contact (see Section 2.2). The Protest Official is identified as:

Sandra Cruz-Miller
Assistant Attorney General
Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910

sandra.miller@ag.guam.gov

DPW will distribute copies of the protest to the other Submitters and may request the other Submitters to submit statements or arguments regarding the protest. At its discretion, DPW may discuss the protest with the protesting Submitter. If other Submitters are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven Calendar Days of the request.

The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The Protest Official or its designee will decide the protest on the basis of the written submissions. DPW will furnish copies of the decision in writing to each Submitter. The decision shall be final and conclusive. If necessary, to address the issues raised in the

protest, DPW will make appropriate revisions to this RFQ by issuing addenda. At its discretion and if necessary, DPW may extend the SOQ due date to address any protest issues. Each party shall bear its own attorneys fees and legal costs that may result from the protest.

The failure of a Submitter to raise the grounds for a protest regarding this RFQ within the applicable time period shall constitute an unconditional waiver of the right to protest the terms of this RFQ and shall preclude consideration of that ground in any protest of qualification of a Submitter.

8.2 PROTESTS REGARDING RESPONSIVENESS AND SHORT-LISTING

A Submitter may protest the results of the above-described evaluation and qualification process by filing a notice of protest by hand delivery or courier to the Protest Official and providing a copy of the notice of protest to DPW's Point of Contact. DPW will send a copy of the notice of protest to all other Submitters. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within seven Calendar Days after the earliest to occur of notification of non-responsiveness; the scheduled date for oral meetings and presentations (if any); or the public announcement of short-listed Submitters. Notice of protest of the decision on short-listed Submitters must be filed and received by the Protest Official within seven Calendar Days after the public announcement of the short-listed Submitters.

Within seven Calendar Days of the notice of protest, the protesting Submitter must file with the Protest Official a detailed statement of the grounds, facts, and legal authorities, including all documents and evidentiary statements, in support of the protest. DPW will send a copy of the detailed statement to all other Submitters. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence.

Failure to file a notice of protest or a detailed statement within the applicable time period shall constitute an unconditional waiver of the right to protest the evaluation or short-listing process and decisions.

Other Submitters may file a statement with the Protest Official by hand delivery in support of or in opposition to the protest. The statement must be filed within seven Calendar Days after the protesting Submitter files its detailed statement of protest. DPW will promptly forward copies of any statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided. At the discretion of the Protest Official or its designee, a hearing or argument may be permitted, if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or DPW. The Protest Official or its designee shall issue a written decision regarding the protest within 15 Calendar Days after the Protest Official receives the detailed statement of protest. The decision shall be final and conclusive. The Protest Official or its designee shall deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to the oral presentation process (if any), DPW may proceed with the oral presentation process and may

short-list Submitters before the protest is withdrawn or decided, unless the Protest Official or its designee determines, at their discretion, that it is in the public interest to postpone the qualification prior to a decision. Such a determination shall be in writing and shall state the facts on which it is based.

If the Protest Official or its designee concludes that the Submitter filing the protest has established a basis for protest, the Protest Official or its designee will determine what remedial steps, if any, are necessary or appropriate to address the issue raised in the protest. The steps may include, but are not limited to, submitting the issue to DPW's Evaluation Committee to determine whether the list of Submitters selected to submit Proposals should be revised; withdrawing or revising the decisions; issuing a new RFQ; or taking other appropriate actions.

If the protest is denied, the protesting Submitter may seek judicial review of DPW's decision in Guam Attorney Generals Office within five Calendar Days of receiving DPW's decision denying the protest. Each party shall bear its own attorney fees, expert witness fees, and all other legal costs.

8.3 COSTS AND DAMAGES

DPW shall not be liable for damages to the Submitter filing the protest or to any participant in the protest, on any basis, express or implied.

End of Request for Qualifications

Appendix A

FORM A

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA
(To be included in the Appendix of the Statement of Qualifications)

(Name of Submitter)

We hereby acknowledge receipt of the Request for Qualifications for Design-Build Services for Route 11 and the Agana River Bridges dated _____, and subsequent addenda and responses to questions by the Guam Department of Public Works as follows:

ADDENDUM No.

Response to Questions No. **Date Issued**

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(Signed)

Date

(Printed or Typed Name)

(Title)

