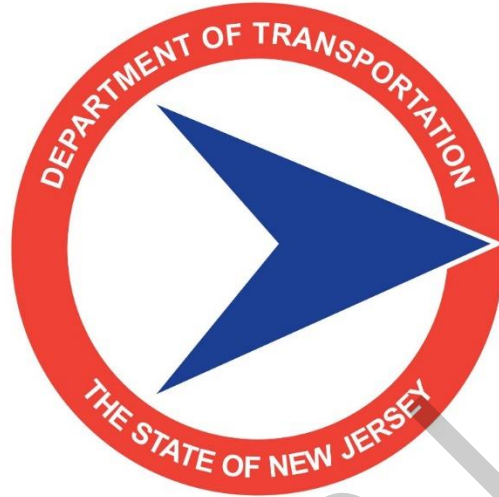


New Jersey  
Department of Transportation



<PROJECT TITLE>

<UNIQUE IDENTIFIER>

<CONTRACT NUMBER>

**DESIGN-BUILD PROJECT  
SOLICITATION**

**REQUEST FOR QUALIFICATIONS (RFQ)  
GENERAL INSTRUCTIONS**

<Date>

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SAMPLE

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# REQUEST FOR QUALIFICATIONS (RFQ) GENERAL INSTRUCTIONS

## 1 INTRODUCTION AND GENERAL INFORMATION

This Solicitation, also referred to as the Request for Qualifications (“RFQ”) throughout this document, issued by the New Jersey Department of Transportation (the “Department”), seeks Statements of Qualifications (SOQs) from qualified firms (“Proposers”) interested in performing design, construction, quality control, construction inspection and other identified activities for the Project.

The Project involves Design-Build services for the Project as described in Appendix A.

This RFQ is issued pursuant to the Department’s authority under the “Design-Build Construction Services Procurement Act”, New Jersey A-1285, approved April 30, 2021 (the “Act”) and Sections 2 through 9 of P.L. 2021, c.71 and N.J.A.C. 16:44B-1.1 to -9.2. The Act authorizes the Department and other specified authorized contracting units to use Design-Build contracts for capital projects related to the state’s physical infrastructure, subject to the requirements set forth in the Act. This RFQ will be the mechanism by which a shortlist of Design-Build firms will be established. At the Department’s discretion, anywhere from X to X firms may be shortlisted.

The Department seeks Proposers who are qualified and prepared in all respects to undertake the complete design and construction of the Project. SOQs will only be accepted from Proposers intending to provide all required services for the Project. The Department will not consider responses from firms not offering to provide all required services.

This RFQ is the first phase of a two-phase best-value procurement process. A Proposer must provide a timely response to this RFQ and be shortlisted by the Department, for the Project as described herein, in order to be invited to proceed to the second phase of the procurement process, which is responding to a Request for Proposals (RFP).

### 1.1 ABBREVIATIONS AND DEFINITIONS

Refer to Appendix D for abbreviations and definitions of terms used in this RFQ.

### 1.2 PROJECT GOALS

The Department’s general goals and objectives for the Project are to:

- 1) Ensure a long-service life for all Project elements and to satisfy long term preservation goals.

- 2) Ensure the safety of the traveling public.
- 3) Maximize the impact of the public investment in the Project by:
  - a) Providing cost-effective solutions.
  - b) Sequencing construction to minimize effects on vehicular traffic operations;
  - c) Reducing future maintenance requirements; and
  - d) Avoid or minimize impacts on the environment.
- 4) Deliver the Project safely, on schedule and within budget.
- 5) Ensure coordination with all utility owners, third parties and Project stakeholders and any adjacent construction projects.
- 6) Provide best value to the Department.
- 7) Provide improved operational efficiencies in and around the project area.

### 1.3 ROLE OF THE DEPARTMENT

In the context of the Project, the Department is responsible for:

- A) Obtaining the appropriate environmental clearances and other permits as detailed in the RFP, except those specifically assigned to the Design-Builder;
- B) Overall Project administration;
- C) Contract procurement and administration;
- D) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Shortlist and selection of the Best Value Design-Builder for the Project;
- E) Identification of the Department's Designated Project Manager for the Project as the point of contact for all communication during the design and construction phase;
- F) Agency Acceptance, Independent Assurance, Quality Assurance Oversight and audit of the Design-Builder's design and construction activities;
- G) Providing information for inclusion in the RFP;
- H) Securing, if necessary, for rights-of-way and easements identified in the RFP;

- I) Securing, if necessary, agreements with utility/railroad companies, utility/railroad owners and other third parties;
- J) Final acceptance of the Work and payment for Work performed; and
- K) Civil Rights program requirements, oversight, and contract compliance review.

At the Department's sole discretion, the Department may use consultants, retained by the Department, to fulfill one or more of the responsibilities noted in this Section 1.3. The Department will be responsible for overseeing the performance of any such consultants.

#### **1.4 PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES AND PROJECT STATUS**

This RFQ is being issued concurrently with the process of development and review of the final scope of work for the Project. Any Work described herein is subject to adjustment as a result of the process.

Nothing contained in this RFQ is intended to modify, limit, or otherwise constrain the process or commit the Department, or any other entity, to undertake any action with respect to the Project, including selection of a Design-Builder or the design and construction of the Project.

The Department, in collaboration with the Federal Highway Administration, will determine if a Project Labor Agreement (PLA) is warranted on this project.

Refer to Appendix A for a description of the Project and information regarding the Proposer's responsibilities and other information regarding the status of the Project.

#### **1.5 PROJECT SCHEDULE**

The anticipated Project Schedule is described in Appendix A.

#### **1.6 CONTRACT TYPE**

The Contract will be lump sum Design-Build contract.

#### **1.7 PAYMENT AND LIQUIDATED AND/OR GENERAL DAMAGES**

The Contract will provide for a method of periodic payments. A description of the method of periodic payment will be provided in the RFP.

The Contract may include provisions for the assessment of liquidated damages for failure to meet interim milestones, deadlines or provisions. If so, details will be provided in the RFP.

## **1.8 GOVERNING LAW**

The RFQ, RFP and the Contract shall be governed by, enforced, and construed in accordance with the laws of the State of New Jersey, including but not limited to the New Jersey Contractual Liability Act., N.J.S.A. 59:13-1 to -10, and the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 to 12-3, without regard to any otherwise applicable conflict of law rules or requirements. Also see Section 107.01.01 of the RFP Division 100 General Provisions (“General Provisions”).

## **1.9 QUALITY CONTROL**

The Contract Documents place a significant responsibility on the Design-Builder for the quality of the project. The Design-Builder will be performing quality management activities under a definition of Quality Control (QC) that encompasses traditional quality control performed by the Department. The Design-Builder will have responsibility for the quality of the Work conducted and materials utilized under the Contract.

Proposers are to be thoroughly knowledgeable with the quality requirements of the Contract and the role and responsibility of the Design-Builder prior to preparing their Technical Proposals and Price bid, and if selected, execution of their responsibilities within the Project’s Quality Control Program.

The Design-Builder will be required to plan, implement, and provide a Quality Control Plan for both design and construction.

The Design-Builder's Quality Control Plan must follow the requirements of the Contract Documents. In addition, the Design-Builder’s Quality Control Plan shall follow the Design and Construction Quality Control Plan Format provided in the RFP. The Department will review and approve the Design-Builder’s Quality Control Plan to assure that it meets the guidelines and minimum requirements established by the Department. The Design-Builder shall maintain ownership of the Plan, shall be fully responsible for its execution and updating as may be required, and shall maintain sole responsibility for the quality of the Work. The Department’s construction acceptance will be consistent with the Specifications..

The Design-Builder will be required to have, as part of the Design-Build Team, a Quality Manager who will be responsible for the oversight of the preparation of the Quality Control Plan, and direct supervision of the implementation of the Quality Control Plan, and for ensuring its compliance for both design and construction. This individual shall be a direct report to senior management of the Design-Builder, and will not directly report to the Design-Builder’s Project Manager.



For design, the Quality Manager shall ensure that the design firm on the Design-Build Team implements the quality control procedures specified in the Design-Builder's Quality Control Plan for design activities.

For construction, the Design-Builder will be required to have, as part of the Design-Build Team, a Professional Engineering Firm to perform Construction Inspection, and an AASHTO accredited Materials Testing Firm or Laboratory to sample and test materials as specified in the Quality Control Plan and/or as required by the project specifications. The Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory may be the same company or separate companies, but in either case, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory must be independent of the Designer(s), Constructor(s) and any of the Principal Participants or any party with an equity interest, that are included in the Proposer's proposed team. In addition, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory shall not be an equity participant on the Design-Build Team.

The Professional Engineering Firm performing Construction Inspection will be required to inspect all construction operations and perform construction quality control of the Design-Builder for conformance to the Design-Build plans, specifications, the Quality Control Plan and the Contract requirements. They will also act as a field review component during design and construction as plans are being developed to ensure that the plans and specifications the Designer is providing are constructable for the conditions found in the field. The Professional Engineering Firm's inspection, measurement, and testing activities must adhere to, and be in accordance with, all of the requirements set forth in NJDOT Policies, manuals, engineering bulletins, engineering instructions, the Contract documents, and the Quality Control Plan.

Unless otherwise modified in the RFP, the Department will furnish at its own expense, off-site Agency Acceptance (AA) or Independent Assurance (IA), including, inspections and testing of steel, cement, asphalt, concrete and asphalt aggregates, concrete sewer and drainage pipe, and such other materials as are customarily tested by Department forces or by separate contracts. Those items that will be tested by the Department will be described in the RFP.

The Materials Testing Firm or Laboratory shall report to and support the Construction Inspection Professional Engineering Firm.

The Construction Inspection Professional Engineering Firm shall report to the Design-Build Quality Manager and shall coordinate with the Department's Quality Assurance Engineer.

The Professional Engineering Firm providing construction inspection will enforce the specifications and identify in a timely manner local conditions, methods of construction, errors on the plans, or defects in the work or materials which would conflict with the quality of work required, or compromise the successful completion of the project.

All records must be kept in accordance with the Specifications. The Construction Inspection Professional Engineering Firm must take all measurements and collect all other pertinent information necessary to prepare a project diary describing the progress of the work, specific problems encountered, daily inspection reports, survey notes, photographic and video records of various phases of construction, and other pertinent data, records and reports which may be required by Department's Construction Procedures Handbook or the Contract. The Construction Inspection Professional Engineering Firm will be required to prepare the above mentioned project diary and daily inspection reports using the NJDOT SiteManager Program. Access to the SiteManager Program will be provided by the Department.

The Department will establish and maintain its own Quality Assurance organization and/or utilize an independent organization to conduct Verification Sampling and Testing on material, oversee and/or perform quality audits, in-depth inspections of the Design-Builder's management, design, construction and any other Project activities, the Design-Builder's Quality Control procedures and verify the quality of the final product. The Department may utilize independent Consultants to perform design and/or construction Quality Assurance of the Design-Builder's Work.

If the Department advertises design and/or construction quality assurance services separate from this Design-Build contract, a Firm may be included in proposals for this Design-Build procurement and submit proposals for the quality assurance contracts. However, any Firm that is on the selected Design-Build Team will automatically be removed from consideration for the separate quality assurance contract(s).

No Construction shall begin nor shall payments be made before the Design-Builder's Quality Control Plan is approved by the Department.

#### **1.10 INSURANCE, BONDING, LICENSING AND SECURITIES**

Details regarding insurance requirements for the selected Proposer will be specified in the RFP. The Department will require the selected Proposer to provide evidence of insurance by certified copy of complete policy or policies endorsed.

Each shortlisted Proposer submitting a Proposal will be required to provide a bid deposit or other form of security acceptable to the Department, as specified in the RFP. The selected Proposer will be required to provide Performance Bond and Payment Bond and/or other security acceptable to the Department as provided in the RFP.

Prior to Contract execution, all certificates of authorization, licenses and permits necessary to conduct business in the State of New Jersey and perform the Work required under the Contract shall be obtained, including proposing and carrying out a contract consistent with the laws of the State of New Jersey.

## 1.11 RULES OF CONTACT

The following rules of contact shall apply during the Contract procurement process, which began upon issuance of the RFQ and will be completed with the execution of the Contract. The rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, e-mail or formal written communication.

The specific rules are as follows:

- A) Potential responders are advised that communication on procurements can be made only with designated contact persons. The Department's Contact for this procurement is specified in Appendix A.

The Department's Contact shall be the Department's single point of contact and source of information for this procurement;

- B) After the shortlist is announced, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the Project or the Proposals. A Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information between the teams. Proposers shall provide the Department's Contact with all required written certifications received from its subcontractors at time of SOQ submission;
- C) Contact between each Proposer and the Department (questions and responses to questions) shall only be through the Department's Contact;
- D) Unless otherwise specifically authorized by the Department, or in this RFQ, a Proposer may contact the Department only through the Department's Contact and only in writing by e-mail. The Proposer's contacts with the Department shall only be through a single individual authorized to represent the Proposer;
- E) Communications between a Proposer and the Department's team of staff and consultants is allowed during any joint workshops and meetings organized by the Department;
- F) Neither a Proposer nor its agents may contact employees of the Department or consultants under contract with the Department for this Project, including staff members, members of any SOQ evaluation committee and any other person who will evaluate SOQs, regarding the Project, except through the process identified above;
- G) Any contact by a Proposer determined by the Department to violate the Rules Of Contact can result in disqualification of the Proposer and result in any other remedy under the Law.

- H) The Department will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Department's Contact.
- I) Neither a Proposer nor its agents may contact any Federal or State official, or stakeholder staff regarding the Project. Stakeholder staff includes employees of:
  - 1) FHWA; and
  - 2) State and federal agencies engaged in the Project or otherwise having jurisdiction over the Project.

Information regarding the Project will be posted on the Department's website.

Proposers are advised to monitor the website regularly. The Department is not obligated to notify potential proposers of posted information, including Addenda, to the RFQ and/or the RFP.

#### **1.12 PROPOSER QUESTIONS**

The Department will consider questions submitted in writing by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing by e-mail to the Department's Contact.

Only written requests by e-mail will be considered. No oral requests will be accepted. No requests for additional information or clarification to any other Department office, Consultant, employee or the FHWA will be considered. All responses to Proposer questions on the RFQ will be disseminated only by posting on the Department's BidExpress website. Responses will not indicate which Proposer raised particular questions. Responses to questions will not be mailed out.

Only questions received by 12:00 P.M. (Noon) Eastern Time on the date specified in Appendix A will be addressed.

Questions must include the requestor's name, address, telephone number and e-mail address, and the Proposer that he/she represents.

The Department may consolidate, and may post multiple sets of questions and answers. The last response will be posted on the Department's website on the date indicated in the procurement schedule in Appendix A.

### 1.13 RFQ ADDENDA

If necessary, the Department will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated only by posting on the Department's BidExpress website. Addenda will not be mailed out. Proposers are advised to visit the Department's BidExpress website regularly to check for addenda. The final addendum will be posted on the Department's BidExpress website not later than seven (7) calendar days prior to the SOQ Due Date. If an additional addendum is required within seven (7) calendar days of the SOQ due date, the SOQ Due Date will be revised such that there will be seven (7) calendar days or greater from the final addendum to the SOQ due date.

It is anticipated that the Department may also use the Department's BidExpress website to present general market-related inquiries and to receive replies to these inquiries from industry practitioners. These general questions-and-answers would not form part of the SOQ process for the Project, and any replies received would not be included within the SOQ evaluation for any Proposer.

### 1.14 NOTIFICATION OF FIRMS ON THE SHORTLIST

The Department will notify each Proposer, officially in writing, whether or not it has been selected for the shortlist. The shortlist will be posted on the Department's website after all shortlisted firms have been notified. Notifications can be expected no later than the date specified in Appendix A.

### 1.15 COSTS

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including preparing an SOQ, attending any briefing(s), workshop(s) or meeting(s), and/or providing supplemental information.

### 1.16 ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS

Only prospective Proposers who are capable of completing the Project in its entirety will be considered eligible to be included in the shortlist; and Proposer organizations, including Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory (Laboratories), and Key Personnel identified in the SOQs submitted by Proposers must remain intact for the duration of the procurement process and the subsequent Contract. A shortlisted Proposer may propose substitutions for participants; however, such changes will require written approval by the Department. Approval may be granted or withheld in the Department's sole discretion. During the RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the RFP Instructions to Proposers. Requests by shortlisted Proposers for changes in any of the Principal Participants or Design-Build Team will be particularly scrutinized. The Proposer should carefully consider the make-up of its team, prior to the submittal

of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

The Key Personnel identified in the Statement of Qualifications (SOQs) have standing both in qualifying the team for shortlisting and in contributing to the Team's Quality Evaluation Factor score in the evaluation of their Project proposal, which could lead to their Selection of Best Value Proposal. Therefore, it is imperative that the Key Personnel remain intact not only throughout the procurement process, but for the duration of the Project until Project Completion.

Key Personnel positions which have full-time project commitments as noted in Appendix A shall not serve on more than one ongoing Department Design-Build Project at the same time. The Key Personnel identified in the SOQs are considered important to the success of the Project. Individuals serving in certain Key Personnel positions requiring full-time project commitments are not permitted to serve the same or even different Key Personnel positions on other ongoing Department Design-Build projects or Design-Build pursuits. Key Personnel, and their firms, may not appear in the SOQ submission of more than one team with the exception of the Resident Engineer. The Resident Engineer may be proposed on more than one Design-build team provided that their firm is not involved in the preparation of the Technical Proposal and complies with all non-collusion and conflict of interest provisions. If unsuccessful in being shortlisted, or unsuccessful in being selected as Best Value, or if the time commitment requirement for the previous project has or will be met in accordance with the project requirements, then those Key Personnel are available for other Design-Build solicitations. Confirmation from the Department of such completion that the Key Personnel commitment has concluded or will conclude no later than the announcement of shortlisted teams date identified in Appendix A shall be submitted with the SOQ. This date shall apply for all Key Personnel except the Project Manager, Resident Engineer, Project Superintendent, and Quality Manager, whose commitment shall conclude no later than the Proposals Due Date identified in Appendix A. Proposers who fail to comply with these requirements risk being disqualified from this procurement.

Proposers that make changes to the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory (Laboratories), or Key Personnel identified in the SOQs without Department approval can be disqualified from the contract.

Key Personnel positions identified in the RFQ shall be carried forward to the RFP. The scoring of these Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of these Key Personnel positions in the Proposals submitted from the shortlisted firms. The scoring of the Key Personnel will not be altered for these positions, even if the shortlisted firm(s) has proposed and received Department approval for substitution of one or more participants that meet the required equal or better requirement for change in Key Personnel.

### **1.17 PROPOSAL STIPEND**

The Department will provide payment of a stipend to Proposers on the shortlist who submit a Proposal in response to the RFP, subject to certain stipulations contained in the RFP. The Proposer selected for contract award will not be eligible for such payment. Details and a sample contract will be provided in the RFP. No Proposer will be obliged to accept an offer of a stipend. Any Proposer that declines to accept payment of a stipend will be required to sign a waiver to its right to payment. The amount of the stipend is included in the RFQ, Appendix A.

### **1.18 FOREIGN MATERIALS AND EQUIPMENT**

Provisions set forth in Section 106.03 of the General Provisions apply.

### **1.19 IRAN DIVESTMENT ACT OF 2012**

As a result of the Iran Divestment Act of 2008 (Act), P.L. 2007, c.250 a new provision is supplementing P.L. 1950, c.250 effective January 04, 2008. the Design-Build project is subject to the “Iran Divestment Act of 2008” policies, as well as requirements associated with the “Iran Divestment Act of 2008” as specified in the General Provisions.

### **1.20 PROHIBITION ON DEALINGS WITH RUSSIA OR BELARUS-ASSOCIATED BUSINESSES**

Pursuant to the “Prohibition on Dealings with Russia or Belarus-associated Businesses”, P.L. 2022, c.3, the Design-Build project is subject to the “Prohibition on Dealings with Russia or Belarus-associated Businesses” policies, as well as requirements associated with “Prohibition on Dealings with Russia or Belarus-associated Businesses” as specified in the General Provisions.

### **1.21 DISADVANTAGED/EMERGING SMALL/SMALL BUSINESS ENTERPRISE PROGRAM**

The Project is federally/state funded and subject to policies as set forth in Section 102.13.01 of the General Provisions.

The overall goal for participation has yet to be determined for this Project and will be included in the RFP. The goal will be assessed in consideration of, but not limited to, the contract value, anticipated work items, term, location, DBE/ESBE/SBE availability, and primary vs secondary operations. The Department is currently in the process of securing required approvals of the proposed goal.

### **1.22 EQUAL EMPLOYMENT OPPORTUNITY**

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited. Refer to policies as set forth in Section 102.13.01 of the General

Provisions. The Proposer shall comply with the Goals for Equal Employment Opportunity (EEO) Participation and Nondiscrimination which are included in the RFP.

## 2 PROCUREMENT PROCESS

### 2.1 OVERALL PROCUREMENT PROCESS

The process for procurement of the Contract will use Best Value as a basis of selection. The Department intends to award the Contract to the Proposer who provides the Proposal with the best combination of price and quality factors.

The procurement process will include two phases:

- A) Phase 1: Solicitation/RFQ (Determination of shortlist); and
- B) Phase 2: RFP (Selection of Design-Builder from Proposers on the shortlist who submit Proposals).

#### 2.1.1 RFQ

The purpose of the RFQ is to allow the Department to determine the shortlist of Proposers that will be invited to submit Proposals for the Project. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include information addressing each pass/fail and quality evaluation factors identified herein. Refer to Section 4.0 for SOQ submittal requirements and evaluation factor objectives and requirements.

#### 2.1.2 RFP (FOR INFORMATIONAL PURPOSES ONLY)

The purpose of the RFP is to allow the Department to select the Design-Builder whose Proposal offers the Best Value for the Project. The RFP will provide specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation and the evaluation rating guidelines for the RFP step of the procurement. The RFP will initially be issued as a draft, with the intent of engaging the Proposers on the shortlist in its review before finalization.

For informational purposes, and team building purposes, the following summarizes elements of the RFP evaluation and proposal package as currently anticipated by the Department:

- A) Evaluation factors for each RFP may include, but not be limited to:
  - 1) Pass/Fail:
    - a) Legal Requirements;
    - b) Financial (review of updated financial documentation, surety commitments);
    - c) Administrative (responsiveness of the Proposal);
    - d) DBE/ESBE/SBE Performance Plan Compliance; and



- e) Provision of Proposal Bond.
- 2) Quality (these factors may also include subfactors):
- a) Design-Build Organization and Process
    - Key Personnel: The Department anticipates the inclusion of the following key personnel as evaluation factors in the RFP:
      - i. Lead Structural Engineer
      - ii. Lead Civil Engineer
      - iii. Lead Geotechnical Engineer
      - iv. Project Superintendent
      - v. Quality Manager
      - vi. Design Manager
      - vii. Project Manager
      - viii. Resident Engineer
    - Overall Design-Build Team Organization
      - i. Design-Build Team Organizational Chart
      - ii. Design-build Team Communication Protocol
      - iii. Initial Quality Control Plan
  - b) Design-Build Approach to the Project (Technical Solutions)
    - Project Understanding
    - Design Approach
    - Construction Approach (Means and Methods)
  - c) Schedule
    - CPM Schedule
    - Project Completion/Interim Milestone
- 3) Price Bid
- B) Information to be submitted in the Proposals shall include, but not be limited to:
- 1) The roles and responsibilities of the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s) and the Materials Testing Firm(s) or Laboratory (Laboratories); and their relationships in the organization;
  - 2) Legal documents demonstrating ability to enter into a Contract with the Department;
  - 3) Proposal Bond;
  - 4) Specified certificates and representations;

- 5) Description of the Design-Build Organization Structure and Communication, with emphasis on managing and producing a quality Project, including: team organization structure, team communication protocol, and initial quality control plan.
- 6) Design-Build Approach with emphasis on innovations (as appropriate), including: design and construction approaches, proposed materials, quality, durability and maintainability, etc., knowledge of the complexities, and potential risks associated with the project;
- 7) Schedule, with emphasis on expediting construction and minimizing disruptions to the travelling public, including: design and construction activities, critical path, construction staging, detours and activity durations;
- 8) Affirmative commitment to provide the identified Key Personnel;
- 9) A Price bid;
- 10) Any specified design documents and conceptual diagrams/sketches; and

While price is an important factor in the RFP step of the procurement, quality factors will also be significant in determining the best value for the success of the Project. The RFP requirements and evaluation and selection procedures are designed to allow the Department to conduct a comprehensive evaluation of quality in addition to considering the price offered, thus allowing the Department to determine which Proposal is the best value. At the end of the evaluation of the Proposals, the Department will perform an assessment of the price and the quality factors and will identify the Proposer that has offered the most advantageous (Best Value) Proposal. The Department reserves the right to request revised Proposals following initial evaluations. The evaluation process will be described in more detail in the RFP.

The description of RFP terms and conditions contained herein, including the anticipated scope of services, evaluation factors and submittal requirements, is preliminary and subject to change in the RFP.

## **2.2 PROCUREMENT SCHEDULE**

The anticipated procurement schedule is shown in Appendix A.

### **3 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS (SOQ)**

#### **3.1 EVALUATION OBJECTIVES**

The objective of the RFQ step of the procurement is to create a shortlist of the most highly qualified Proposers to successfully undertake and complete the Project. The Design-Builder will have primary responsibility to plan, design, construct, manage and control the Project and to complete the Project on or ahead of schedule and on or under the Contract price. The Department expects high responsibility standards of the Design-Builder and this is reflected in the quality evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

#### **3.2 REVIEW AND EVALUATION OF THE SOQ**

The information submitted in accordance with the RFQ will be evaluated in accordance with both the pass/fail factors listed in Section 3.3.1 and the quality evaluation factors provided in Section 3.3.2. These evaluation factors are further defined in Section 4.4.2.

Evaluation of the SOQs will be based on information submitted in the SOQs and will involve both pass/fail and quality evaluation factors. Evaluation of the Proposals will be based on information submitted in the Proposals and will involve both pass/fail and a combination of price and quality evaluation factors. Proposers should note that both the SOQ and Proposal must be self-contained, i.e. all of the information necessary to make a complete and comprehensive evaluation must be contained within the Proposer's SOQ and Proposal. Proposers shall not assume that any Department staff, that will be involved in the evaluation of the SOQs or Proposals, will have general knowledge of the firms or its Key Personnel.

#### **3.3 EVALUATION FACTORS FOR THE RFQ PHASE**

The Department has identified the following factors and/or sub-factors that are of particular importance to the Department. This information is provided here to assist Proposers in organizing their teams and preparing their SOQ.

##### **3.3.1 PASS/FAIL EVALUATION FACTORS**

- A) The pass/fail evaluation factors are:
- 1) Legal;
  - 2) Financial;
  - 3) Backlog and Capacity; and
  - 4) Suspension or Debarment.

- B) Pass/Fail ratings will be based on the following criteria:
- 1) Demonstrated capability to enter into a contractual relationship with the Department and a declaration of willingness to do so;
  - 2) Demonstrated capability to provide required bonds and guarantees and to meet other financial requirements of undertaking and completing the Work;
  - 3) Demonstrated capacity to successfully complete the design and construction of the Project, considering current, committed and potential workload;
  - 4) Proper identification of all Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), as well as the Materials Testing Firm(s) or Laboratory (Laboratories);
  - 5) Determination that the Design-Build Team members or entities are not suspended or debarred; and
  - 6) Proper submittal of the required information per the requirements of the RFQ.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for quality rating detailed in Section 3.3.2. If a Proposal fails any single pass/fail requirement resulting in a Deficiency, the SOQ will be declared not responsive, the quality factors will not be rated, and the Proposer will not be included on the shortlist.

### **3.3.2 QUALITY EVALUATION FACTORS**

The quality evaluation factors to be evaluated in the SOQs are:

- A) Organization and Key Personnel;
- B) Experience of the Firms;
- C) Past Performance and
- D) Compliance with SOQ Format and Organization Requirements.

The relative weights of the quality evaluation factors are included in Appendix A.

During this evaluation, ratings will be assigned for various sub-factors (see Section 4.4.2) within each quality evaluation factor. The ratings assigned to each sub-factor will be compiled to determine an overall quality evaluation factor rating. The ratings assigned to the quality evaluation factors will be compiled to determine an overall quality rating for the SOQ.

### **3.4 REQUESTS FOR CLARIFICATION BY THE DEPARTMENT**

The Proposer shall provide accurate and complete information to the Department. If information is not complete, the Proposer's SOQ can be considered non-responsive. If the information provided requires clarification, the Department will notify the Proposer and request that the clarification be submitted within 24 hours or a time deemed appropriate by the Department.

The Department can waive minor irregularities in the form of the SOQ that do not alter the quality or quantity of the information provided.

The Department can, at its sole discretion, request clarifications from Proposers during the SOQ evaluation and shortlist process.

All requests and responses shall be in writing by e-mail. Responses shall be limited to answering the specific information requested by the Department.

The Department does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. The Proposers shall be notified in writing or by email if the Department elects to conduct interviews.

Proposers must submit follow-up responses to inquiries by the Department. Responses shall be submitted to the Department's Contact by email no later than the deadline specified in the Department's request for clarification.

The Department will issue an addendum to the RFQ in the event a material error is discovered in the RFQ during the SOQ evaluation process, and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

### **3.5 DETERMINATION OF THE SHORTLIST**

The Department will establish a shortlist, for the Project, of an appropriate number (as determined by the Department) of the most highly qualified Proposers in order to ensure adequate competition (typically a minimum of X and a maximum of X).

### **3.6 SHORTLIST PROTEST**

The Department's decision of the Proposers to be included on the shortlist is final and is not appealable, reviewable or reopened in any way. Persons and entities participating in the RFQ phase of this procurement are deemed to have accepted this condition and other requirements of this RFQ. See Section 5.0 through 5.5 for additional protest provisions.

Subject to applicable New Jersey law, contents of SOQs, less proprietary information, to the extent protected under applicable New Jersey State law, will become public information upon execution of the Contract.

## 4 REQUIREMENTS OF SOQ SUBMISSION

### 4.1 SUBMITTAL REQUIREMENTS

#### 4.1.1 DUE DATE AND TIME

All SOQs must be submitted no later than 3.00 pm Eastern Time (ET) on the SOQ Due Date specified in Appendix A.

SOQs received after 3:00 pm (ET) on the SOQ Due Date will not be considered, consistent with State law requirements.

#### 4.1.2 ELECTRONIC COPY

Proposers shall submit the SOQ in electronic format via BidExpress (See Section 4.2). A separate folder shall be used for the submission of each volume of the SOQ (see Appendix B).

Submitted electronic files shall be, as appropriate, either:

- i. In searchable portable document format (pdf); or
- ii. In spreadsheet format as specified defined herein. No file protection or password protection shall be applied to file contents.

Digital or scanned signatures will be accepted.

For each file and for each folder/sub-folder (if used) submitted by the Proposer on BidExpress, the relevant volume, section, part and/or appendix of the SOQ shall be clearly communicated via the filenames and (if used) the folder/sub-folder names adopted by the Proposer.

### 4.2 BIDEXPRESS WEBSITE

Submit SOQs via BidExpress:

BidExpress website:

It is the Proposer's sole responsibility to ensure submission of its SOQ to the Department by the time specified herein, and the Department shall therefore have no liability or responsibility regarding the submission of a Proposer's SOQ.

### **4.3 PAGE LIMIT, FORMAT AND QUANTITIES**

Refer to Appendix B for details of page limits and requirements for the formatting of SOQ submissions.

### **4.4 CONTENT OF SOQ**

This Section 4.4 describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Appendix B. Required forms for the SOQ are contained in Appendix C. Any material modification to the forms may result in the SOQ being declared non-responsive. Fields may be expanded to accommodate additional text, as long as the completed Form does not exceed the page limit specified. Do not include photographs or web links unless specifically instructed.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.4.2. Lengthy narratives containing extraneous information are discouraged. If the Proposer's organization has not yet been formed, information regarding the future organization shall be provided as appropriate to allow the Department to determine whether the future organization will meet applicable requirements once it is formed. The preparer shall attach the required written certification from subcontractor(s) serving on more than one proposal team as discussed in section 1.11 Rules of Contact.

#### **4.4.1 COVER LETTER**

The Proposer shall provide a cover letter (no more than two pages) indicating its desire to be considered for the Project and stating the official names and roles of all Principal Participants and Design-Build Team members. The Proposer shall identify a single point of contact for the Proposer and the address, telephone and fax numbers and e-mail address, where the Department can direct questions. Authorized representative(s) of the Proposer's organization shall sign the letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives of all Principal Participants shall sign the letter.

The Proposer shall attach to the cover letter the completed acknowledgment of receipt form (Appendix C Form AOR) acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Department. The preparer shall attach the required written certification from subcontractor(s) serving on more than one proposal team as discussed in section 1.11 Rules of Contact.

#### **4.4.2 EVALUATION FACTOR OBJECTIVES AND REQUIREMENTS**

In providing a SOQ, Proposers should be guided by the overall Project goals and objectives in Section 1.2 and the specific RFQ objectives and requirements listed in Sections 4.4.2.1 through

4.4.2.7. The SOQ evaluation ratings described in Section 3.3 will reflect how well a SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors.

**4.4.2.1 Legal (Pass/Fail)**

A) Objective:

To confirm the Proposer is or will be prequalified, legally constituted, able to submit a Proposal and enter into the Contract, complete the Work, that the members of the Proposer's team either hold or commit to obtaining all required Professional Licenses, and to identify Proposers whose Materials Testing Firm(s) or Laboratory (Laboratories) is(are) AASHTO accredited.

B) Requirements and information to be provided in Section 1 of the SOQ:

Form L-1 (Appendix C), Proposer's Organization Information, for the Proposer's organization.

C) Requirements and information to be provided in Section 1 of the SOQ if the Proposer is a joint venture or partnership of different firms:

- 1) Identity of the Lead Principal Participant of the entity, if any (Form L-1, Appendix C); and
- 2) Percent equity share held by each member (Form L-1, Appendix C); and
- 3) If the Proposer has already been legally constituted, full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the joint venture agreement, limited liability company operating agreement or partnership agreement; and
- 4) If the Proposer has not yet been legally formed, a description of the proposed legal structure and draft copies of the underlying documents, including:
  - i. All significant terms of the joint venture\* or partnership, including the rules relative to the administration of the joint venture, limited liability company or partnership, including dealing with deadlock situations;
    - \*If a joint venture has not been established with a valid Federal Employer Identification Number, the Joint Venture agreement should contain language naming a "Designated Member" who shall receive payment of any potential stipend on behalf of the joint venture and that the Designated Member's right to receive the stipend survives termination of the Joint Venture agreement should it be terminated prior to the payment of the stipend
  - ii. Description of how the joint venture, limited liability company or partnership will operate administratively and technically;



- iii. A teaming agreement or comparable document setting forth the equity members' agreement to form the organization; and
  - iv. If a Proposer has not yet been legally formed at the time of the submission of their Proposal to the Department, the Proposer must be legally formed before the Department will Award or execute a Contract with the Proposer. If there is a delay, for any reason whatsoever, in the forming of the legal entity, the Award, contract execution and the notice to proceed will be postponed until the legal entity is fully formed. The resulting delay shall not change any of the contractual interim milestone or final completion dates in the Contract and Proposal and liquidated damages will be assessed for each day the interim milestone or final completion dates are not met. If the Proposer has not yet been legally formed within 7 calendar days of designation of best value selection, the Department can, at its discretion, reject the Proposal and proceed to award the Contract to the Proposer having the apparent next best value Proposal.
- 5) An express statement from each of the equity members of the entity as to their joint and severable liabilities.
- D) Requirements and information to be provided in Section 1 of the SOQ:
- 1) Use Form L-3 (Appendix C) to submit a copy of the Certificate of Authorization to provide Professional Engineering Services issued by the NJ Division of Consumer Affairs for the appropriate team members, or submit documentation on Form L- 3 (Appendix C) demonstrating the ability to obtain said Certificates and licenses, in accordance with the NJ Division of Consumer Affairs.

E) Requirements and information to be provided in Section 1 of the SOQ:

Qualifications to Propose - The Proposer is an individual, firm, or corporation submitting a proposal for the advertised Project. The Department will not accept proposals from Proposers who fail to meet all the following criteria:

- 1) Prequalification: The Proposer has been prequalified according to regulations covering the Classification of Prospective Proposers as required by N.J.S.A. 27:7-35.1, et seq, N.J.A.C. 16:44-3, et seq, and N.J.A.C 16:44A-3.1.

<https://www.nj.gov/transportation/business/procurement/ProfServ/PrequalRequirements.shtm>

Design-Build Team Prequalification Criteria:

- Construction Work Classification
- Design:
- Construction Inspection:

- 2) Before the receipt of the proposal or accompanying the proposal, the Proposer has disclosed ownership as required by N.J.S.A. 52:25-24.2.
  - 3) Classification: The Proposer has an effective maximum project ratings of not less than the amount of X.
  - 4) If the Proposer is a corporation not incorporated in the State, the Proposer has been authorized to do business in the State as required by N.J.S.A. 14A:15-2, *et seq.*
  - 5) Registration: For all Projects, the Proposer shall submit proof of valid Public Works Contractor Registration issued by the New Jersey Department of Labor, Division of Wage and Hour Compliance according to N.J.S.A. 34:11-56.48, *et seq.*
- F) Requirements and information to be provided in Section 1 of the SOQ:

Verification that the Materials Testing Firm(s) or Laboratory (Laboratories) is(are) AASHTO accredited.

#### 4.4.2.2 Financial (Pass/Fail)

- A) Objective:  
To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding capacity and the capability to effectively manage the scheduled cash flow as well as any unanticipated cash flow needs of the Project; and
- B) Requirements and information to be submitted – Surety Letter(s):
- 1) Provide a letter from a surety or insurance company indicating that the Proposer is capable of obtaining Proposal, Performance and Payment Bonds covering the Design-Build Contract;
  - 2) The bonding/security capacity levels in Table 4.1 represent minimum levels necessary to pass the Pass/Fail criteria of Section 3.3.1 for the Contract;
  - 3) The letter must state that the surety or insurance company is rated AA-/Aa3 by two nationally recognized rating agencies or at least A-VII by A.M. Best and Company, be listed on Treasury Department Circular 570;
  - 4) The letter must specifically state that the surety/insurance company has evaluated the team's backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team's amount of current backlog and utilized bonding capacity; and

5) Letters indicating “unlimited” bonding capability are not acceptable.

**Table 1: Bonding**

<b>Proposal Bond</b>	<b>Payment Bond</b>	<b>Performance Bond</b>
50% of Price Bid	100% of Price Bid	100% of Price Bid

C) The Estimated Project Rating is not anticipated to exceed the range shown in Appendix A.

**4.4.2.3 Backlog and Capacity (Pass/Fail)**

A) Objective:

To identify Proposers with sufficient capacity, considering current, committed and potential workload and past level of contract activity, to successfully complete the design and construction of the Project.

B) Requirements and information to be submitted:

Submit Form B (Appendix C), Backlog Information, for each Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory. Limit backlog information to the office(s)/division(s) of the firms that will be performing Work on the Project.

**4.4.2.4 Certification of Non-Suspension and Non-Debarment – (Pass/Fail)**

A) Objective:

For Proposers to provide the required certification pursuant to N.J.S.A. 52:32-44.1.

B) Requirements and information to be submitted:

Submit Certification of Non-Debarment Form (non-suspension and non-debarment). See Appendix C.

**4.4.2.5 Organization and Key Personnel (Quality)**

A) Objective:

1) To identify Proposers that can manage all aspects of the Contract in a satisfactory, timely, and effective manner, successfully integrate the various parts of its organization in relation to Design-Build, and coordinate with the Department in a cooperative and functional manner; and

2) To identify specific Key Personnel with demonstrated experience and expertise, and a record of producing satisfactory work on projects of a similar nature and scale to this Project.

B) Requirements and information to be submitted:

- 1) Organization chart and communication structure (Solid lines for organization and colored dash lines for communication) among the Principal Participants, Construction Firm(s), Design Firm(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory (Laboratories), and specific Key Personnel;
  - 2) A narrative for communication protocols fully describing the roles, responsibilities and reporting relationships of key personnel. Provide a clear explanation of how the Design-Build Team will function within the team, and with the Department, to accomplish the project goals.
  - 3) Form R – Summary of Individual’s Experience shall be submitted. Form R shall be completely filled out with no blank lines/spaces (use N/A where an answer is not needed).
    - a. References shall be owners for whom the individual has performed project work for in the past five (5) years and shall not be current employers of the individual.
    - b. Under “Contact Information”, of the Applicant’s past experience, provide the contact name, phone number, and e-mail address for the Project Owner.
      - “Project Owner” is not a Prime Consultant or Prime Contractor for which the Firm served as a subconsultant or subcontractor.
    - c. NJDOT reserves the right to contact any Project Owner to verify the information provided.
    - d. Relevant experience shall be listed in chronological order, starting with the most recent project.
    - e. Please explain any gaps in chronology of qualifying experience.
- C) Requirements for Key Personnel:  
Key Personnel are listed below and should meet the qualifications described in Appendix A. Proposed staff with qualifications less than those described in Appendix A will receive a reduced score compared to staff that meet or exceed the described qualifications.
- 1) Project Manager;
  - 2) Resident Engineer;
  - 3) Project Superintendent;
  - 4) Design Manager;

- 5) Quality Manager;
- 6) Lead Civil Engineer;
- 7) Lead Structural Engineer;
- 8) Lead Geotechnical Engineer.

Key Personnel overlap verification requirements on NJDOT Design-Build projects as per Section 1.16 of the General Instructions.

#### 4.4.2.6 Experience of the Firms (Quality)

A) Objective:

- 1) To identify the best Design-Build Teams with demonstrated experience, expertise, capacity in, and record of producing quality Work on projects similar in nature to this Project;
- 2) To identify Proposers that have:
  - i. Experience in successfully managing and constructing projects of similar type as this Project;
  - ii. Experience in successfully completing Design-Build or Design-Bid-Build projects of similar type, and possibly scope as this Project;
  - iii. Experience in successfully managing the construction sequencing, maintenance of traffic and community interaction aspects of Projects; and
- 3) To identify Proposers whose design team has successfully managed and completed the design of infrastructure projects and who have a record of developing designs that are cost effective, innovative and sustainable;
- 4) To identify Proposers who will effectively manage all aspects of the Contract in a quality, timely and effective manner and will integrate the different parts of its organization collectively and with the Department in a cohesive and seamless manner;
- 5) To identify Proposers that have the technical and management experience and expertise to plan, organize, execute the design and construction and assure the quality of the Project;
- 6) To identify Proposers whose Design and Construction Inspection Professional Engineering Firms preferably have past NJDOT experience; and

B) Requirements and information to be submitted:

- 1) Using Form E-1 (Appendix C), Project Description, Proposers shall provide no more than five (5) past project descriptions for the Constructor(s), five (5) for the Designer(s), three (3) for the Construction Inspection Professional Engineering Firm(s), and three (3) for the Materials Testing Firm(s) or Laboratory (Laboratories). For Joint Venture submissions, each principal participant of the Joint Venture shall each meet the requirements above.
- 2) Past projects must have been completed within the last 15 years, and may be ongoing. An emphasis shall be placed on projects having a scope, size, and/or complexity comparable to that anticipated for the Project; or project aspects comparable to that anticipated for the Project. The narrative shall identify the Firm's relevant experience on the project. NJDOT reserves the right to contact any Owner to verify the information provided. References and contact information must reflect active personnel who can attest to the level of experience declared. References where contact cannot be made, will not be counted.

#### 4.4.2.7 Past Performance (Quality)

##### A) Objective:

- 1) To identify Proposers with firms or personnel that have successfully completed projects on time and on or under budget, including transportation and infrastructure projects;
- 2) To identify Proposers that have records of managing contracts to minimize delays, claims, dispute proceedings, key personnel changes, assessment fees, litigation and arbitration;
- 3) To identify Proposers with a record of providing a safe work environment; and
- 4) To evaluate the record of DBE/ESBE/SBE compliance for each firm included in the SOQ in terms of achieving or making good faith efforts towards achieving past contract DBE/ESBE/SBE goals.

##### B) Requirements and information to be submitted by Proposers:

- 1) Using Form PP (Appendix C), Past Performance, provide the information requested for each project for which Form E-1 was prepared. The Narrative should be a self-assessment of the Firm's performance on the project, in accordance with Objectives and 2) above. The Narrative shall explain any cost overruns, schedule delays, claims, disputes, litigation, and liquidated damages associated with the project. Form PP shall not exceed two pages in length per project.

With respect to the information solicited in this Section 4.4.2.8, failure to provide this information, conditional or qualified submissions to requests or questions posed (such

as “to our knowledge”, “to the extent of available information”, “such information is not readily available”, “such information is not maintained in the manner requested”, etc.), incomplete or inaccurate submissions or non-responsive submissions can, in the sole discretion of the Department, lead to a low evaluation rating for this evaluation factor or result in a deficiency that would cause the Department to declare the SOQ non-responsive. The Proposer may include any extenuating circumstance it believes important regarding any assessment of liquidated damages, fines, or adverse findings assessed against the firm on the Design-Build team.

- 2) All Other Projects: For all other projects over the last 10 years, not including those on Form PP as required above, that each Design-Build Team member has been involved with, shall submit a complete and accurate narrative, organized by Design-Build Team member. If one or more of the Design-Build Team members have no information to provide in response to this Section, submit a declarative statement to that effect. Each Design-Build Team member’s response to this Section shall not exceed two pages in length. Failure to submit the following information, or the declarative statement, may cause the Department to determine the SOQ non-responsive:
  - a) Claims, dispute proceedings, and litigation proceedings: Provide an explanation for any claims, dispute proceedings, and litigation proceedings that were submitted, over the past 10 years, to the NJDOT Commissioner’s office, or other agency’s equivalent, as part of a formal claim resolution process and
  - b) Liquidated damages: Describe any contract which resulted in assessment of liquidated damages against any Design-Build Team member involving amounts in excess of \$25,000 for any one project over the past 10 years.
  - c) Delays: Describe the causes of the delays, the length of the delays, and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.
- 3) Safety: Submit Form S (Appendix C), Safety Questionnaire, for the Design-Build Constructor(s) and Construction Inspection Firm(s) in accordance with the instructions below. The information provided in Tables 1 and 2 will be evaluated inclusively to score the Proposer’s record of safe work environment.
  - a) Table 1: EMR
    1. Providing Experience Modification Rates for:
      - a. The EMR for the current insurance policy

- b. The EMR for the previous two years if the rate for the most recent year exceeds 1.2, as well as a written explanation, limited to one page in length within the space provided on Form S.
- 2. Each shall additionally submit a letter attached to Form S from their current workers compensation insurance carrier stating:
  - a. The EMR for the current insurance policy,
  - b. The expiration date of the policy.

For firms that do not have an EMR, due to work experience outside the US, a frequency rate table or accident incident rate or similar statistics shall be provided indicating the safety record over the last 5 years.

The EMR supplied by the Constructor(s) and the Construction Inspection firm(s) for the current year will be placed in the following ranges and scored accordingly:

Experience Modification Rate (EMR) Most Recent Completed	Score
0.8 or less	X
Between 0.8 and 1.2	Prorated accordingly from X
1.2 or greater	X

If there is more than one Prime Constructor and / or Prime Construction Inspection firm, then the EMR score will be averaged to obtain a single EMR score for the Constructors and / or Construction Inspection firms. A single average weighted EMR score will be determined by combining the EMR score for the Constructor(s) (XX% weighting) with the Construction Inspection firm(s) (XX% weighting).

b) Table 2: Safety Record

- 1. Provide the information requested for the past 3 years and use the space provided to explain any lost workday hours and fatalities identified.
- c) Safety Form S should be signed to attest the firm’s compliance with all health and safety requirements, if awarded the contract.
- 4) DBE/ESBE/SBE Program Experience: Submit Form DBE/ESBE/SBE (Appendix C), Record of DBE/ESBE/SBE Program Experience – Tables 1-5, for all Principal Participant(s)/ Constructor(s) reflecting record of compliance with DBE/ESBE/SBE



requirements. The submission shall include a total of five (5) projects. The term “firm” includes any Affiliate including parent companies and subsidiary companies.

- a) Each project listed on E-1, completed or ongoing within the last five (5) years, shall be included. Projects that are ongoing or completed within the last 5 years that are not included within the E-1 submission may be used to meet the 5 project requirement. The Design-Builder’s past DBE/ESBE/SBE experience will be evaluated based on a demonstrated record of compliance with NJ DBE/ESBE/SBE regulations and USDOT’s DBE Program regulations for past contracts.
  1. If any of the past projects listed required ESBE/SBE goals rather than DBE goals, the utilization and record of compliance demonstrating ESBE/SBE program experience should be used for those projects.
- b) Describe the firm’s/team’s experience in making good faith efforts to meet or exceed DBE/ESBE/SBE contract goals for past projects.
- c) Utilization Reports shall be submitted for all projects listed on Table 4. For closed projects, provide the CR-268 - Final ESBE/DBE or SBE Report. For ongoing projects, provide the CR-267 Monthly Report of Utilization of ESBE/DBE or SBE.

#### **4.4.2.8 Compliance with SOQ Format and Organization Requirements**

A) Objective:

- 1) To identify Proposers that have complied with the requirements of the RFQ for the format and organization of the Statement of Qualifications.

B) Requirements and information to be submitted:

- 1) Fully comply with the requirements listed in the RFQ and Appendix B for the content, format and organization of the Statement of Qualifications, including but not limited to content of Drawings, format of narratives, completion of all required forms, submission of required numbers of originals and copies, etc.

## **5 PROTESTS**

This Section 5.0 sets forth the protest remedies available with respect to this RFQ.

### **5.1 WRITTEN PROTESTS ONLY**

All protests must be in writing. Protests shall be submitted to the Department’s Contact at the address identified in RFQ, Appendix A.

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Department in an effort to reach resolution.

## 5.2 PROTEST CONTENTS

A) Proposers must include the following in all protests:

- 1) The name and address of the Proposer;
- 2) The Contract number;
- 3) A detailed statement of the nature of the protest and the grounds on which the protest is made;
- 4) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury; and
- 5) A summary of the remedy being requested.

B) The protestor must demonstrate or establish a clear violation of a specific law, regulation or procedure as the basis of the protest.

C) The Department will not be obligated to suspend or postpone the procurement process in any manner during the protest.

D) The Department will not be liable for payment of the protestor's costs, including, but not limited to, legal and consultant fees and cost.

## 5.3 TIME FOR FILING

A) Protests filed before the SOQ Due Date:

A protest, based on alleged improprieties in the solicitation, shall be filed before said SOQ Due Date. A protest based on alleged improprieties arising from modifications to the original solicitation shall be filed not later than the next closing date for receipt of SOQs following the modification.

B) Protests filed after selection of shortlisted Proposers:

An electronic debriefing will be made available to any Proposer that submitted a SOQ in response to this Request for Qualifications. The Department will make every effort to

ensure that debriefings are sent out within seven (7) working days of the Department's posting of the shortlist. An unsuccessful Proposer may not file a protest until after the debriefing is received. The protest shall be filed no later than four (4) working days after the debriefing is received.

#### **5.4 PROTEST DISCUSSIONS**

The Department's Contact may, in his/her discretion, discuss the protest with the protestor prior to issuance of the Department's written decision. The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by the Department, whose decision shall be final and conclusive. The Department shall issue a written decision regarding any protest.

#### **5.5 IRREVOCABILITY OF STATEMENT OF QUALIFICATIONS PENDING RESOLUTION OF PROTEST**

All SOQs shall be irrevocable until final administrative and judicial disposition of a protest.

### **6 DEPARTMENT'S RIGHTS AND DISCLAIMERS**

#### **6.1 DEPARTMENT'S RIGHTS**

The Department can investigate the qualifications of any Proposer under consideration, can require confirmation of information furnished by a Proposer, and can require additional evidence of qualifications to perform the Work described in this RFQ. The Department reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all SOQs;
- B) Issue a new RFQ;
- C) Cancel, modify or withdraw the RFQ;
- D) Issue addenda, supplements and modifications to this RFQ;
- E) Modify the RFQ process (with appropriate notice to Proposers);
- F) Appoint a Selection Committee and/or evaluation teams and Selection Official to review SOQs, and seek the assistance of outside technical experts in the SOQ evaluation;
- G) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;

- H) Revise and modify, at any time before the SOQ Due Date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. The Department will post any such revisions or modifications on the Department's website. The Department may extend the SOQ Due Date if such changes are deemed by the Department, in its sole discretion, to be material and substantive;
- I) Hold meetings and exchange correspondence with the Proposers responding to this RFQ to seek an improved understanding and evaluation of the SOQs;
- J) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- K) Waive minor weaknesses, minor informalities and minor irregularities in SOQs that do not have a material effect on the content of the SOQs;
- L) Disqualify any Proposer whose conduct/and or SOQ fails to conform to the requirements of the RFQ.
- M) Seek clarification of and revisions to SOQs.
- N) Prior to opening of the SOQs, direct Proposers to submit modifications addressing subsequent RFQ amendments.
- O) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's SOQ and/or to determine a Proposer's compliance with the requirements of the RFQ.
- P) Disqualify any Proposer that changes its SOQ without Department written approval; and/or
- Q) Refuse to consider an SOQ or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
  - 1) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Department (or other State agency);
  - 2) Default on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);

- 3) Unsatisfactory performance by the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Department (or other State agency);
- 4) Issuance of a notice of debarment or suspension of professional licensure to the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory;
- 5) Submittal by the Proposer of more than one SOQ for the same work under the Proposer's own name or under a different name;
- 6) Existence of a conflict of interest or evidence of collusion between a prospective Proposer (or any Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) and other Proposer(s) (or Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) in the preparation of an SOQ or Proposal for any Department construction project;
- 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory is responsible, which in the judgment of the Department might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded;
- 8) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory to submit and certify a Non-Debarment Form to the Department, or other agency prior to the SOQ Due Date; and/or
- 9) Submittal by the Proposer of an SOQ that contains any false information or statements, or references to any documents that have been proven to be falsified.

The RFQ does not commit the Department to enter into a Contract, nor does it obligate the Department to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Legislature of New Jersey, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and the Department, and the subsequent executive enactment of these appropriations.

In no event shall the Department be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to the Department, has been executed and authorized by the Department and approved by all required parties and, then, only to the extent set forth therein.

## 6.2 DEPARTMENT'S DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Department specifically disclaims the following:

- A) Any obligation to award or execute a Contract pursuant to this RFQ; and
- B) Any obligation to reimburse a Proposer for any costs it incurs under this RFQ.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

## 7 CONFLICT OF INTEREST

The Proposer is responsible for complying with the Conflicts of Interest Policy set forth in ITP Appendix F, General Provisions 109.12 Ethics Standards and Conflicts of Interest, and all applicable State and Federal laws concerning conflicts of interest including, but not limited to, the requirements of 23 C.F.R. 636.116 and New Jersey Conflicts of Interest Law N.J.S.A. 52:13D-12 and including a full disclosure of all potential Conflicts of Interest in their Proposal. In addition, any firm that is rendered ineligible through any State or Federal action is ineligible to participate on any Design-Build team.

Federal regulations prohibit the hiring of any person or organization that has a "conflict of interest." Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, firms that have been identified as having conflicts of interest that prevent their consideration for the pending project are shown in Appendix A. Proposers will not include the services of the firm(s), or individuals who worked on the project for these firms, identified in Appendix A.

**Proposers utilizing firm(s) identified in Appendix A will be disqualified from participating in this Project.**

## 8 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of the Project and the performance of the Contract.

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SAMPLE

New Jersey  
Department of Transportation



<PROJECT TITLE>

<UNIQUE IDENTIFIER>

<CONTRACT NUMBER>

**DESIGN-BUILD PROJECT**

**REQUEST FOR QUALIFICATIONS (RFQ)  
GENERAL INSTRUCTIONS**

**APPENDIX A PROJECT INFORMATION**

**DRAFT <DATE>**



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SAMPLE

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SAMPLE

## APPENDIX A TO REQUEST FOR QUALIFICATIONS

### 1.0 PROJECT SCOPE AND BACKGROUND

The Project involves Design-Build services for the **enter project description** (the “Project”). The Project is located in the **enter township county information**, New Jersey.

**Describe the project**

SAMPLE

## 2.0 PROJECT LOCATION

Provide Location map

SAMPLE

### 3.0 PROJECT WEB SITE

The Department will post Project-related information via the following web address:

Enter address

The Department will post the following reference documents on the Project BidExpress website prior to the issuance of the Final RFP: **below are examples, edit consistent with project information**

- Concept Development Report
- Preliminary Engineering Report
- Existing ROW and/or Acquisition Maps
- Survey Data
- As-Built or Record Plans of Roadways and Structures within the Project Limits
- Existing Utility Plans
- Bridge Inspection Reports
- Asbestos Survey Reports
- Soil Borings
- Environmental Screening Reports
- Traffic Study

Additional reference documents may be posted to the project website when they become available. Proposers are advised to check the project website regularly for Project documentation.

### 4.0 ESTIMATED PROJECT RATING

The Estimated Project Rating amount is forecasted to be between \$X-X million.

### 5.0 PROJECT SCHEDULE

The current anticipated date of Contract Award for the Project is X XXXX, with anticipated Project Completion no later than X. Interim milestones for the project may also be established.

### 6.0 PROCUREMENT SCHEDULE

The following represents the current procurement schedule for the Project. The schedule is subject to change at the discretion of the Department.

**New Jersey Department of Transportation**

---

<b>Activity</b>	<b>Due Date</b>
RFQ Issued	X x, xxxx
Final Date for Receipt of RFQ questions	X x, xxxx
Final Date for RFQ Addenda and/or Answers to Questions	X x, xxxx
SOQ Due Date	X x, xxxx
Shortlisted DB Teams Announced	X x, xxxx
Draft RFP Issued	X x, xxxx
Draft RFP Information Meeting	Week of X x, xxxx
Final RFP to shortlisted Firms	X x, xxxx
Proposals Due	X x, xxxx
Best Value Selection/Designation Announced	X x, xxxx
Contract Award	X x, xxxx
Notice to Proceed Issued	X x, xxxx

SAMPLE

## 7.0 PROJECT STATUS

The following list is a summary of the status of work that has been completed or is being completed by the Department for the Project. This list is indicative and is not comprehensive.

- Topographic Survey: Control surveys and design-level photogrammetry are to be provided in electronic format in the Reference Documents or RFP.
- Subsurface Survey: Available geotechnical information is to be provided in the Reference Documents prior to issuance of the Draft RFP.
- Scope of Work: A detailed description of the Work to be performed for the Project will be provided in the RFP;
- Utilities: Studies are being conducted to identify existing utilities, the results of which will be provided in the RFP;
- Right-of-Way (ROW): The Department will undertake any necessary ROW acquisition(s);
- Environmental: The appropriate environmental clearances will be obtained by the Department, except those identified in the RFP to be specifically assigned to the Design-Builder;
- NEPA: All NEPA requirements will be satisfied prior to issuance of the RFP.

## 8.0 DEPARTMENT'S CONTACT FOR THE PROCUREMENT

The Department's Contact for the procurement is:

New Jersey Department of Transportation  
Bureau of Professional/Construction Services (BPCS)  
Attention: DB Services for X  
Email: dot.dbpd@dot.nj.gov

## 9.0 QUALITY EVALUATION FACTORS FOR THE RFQ PHASE

The quality evaluation factors to be evaluated in the SOQs and their relative weighting are:

- Organization and Key Personnel (x%);

- Experience of the Firms (x%);
- Past Performance (x%); and
- Compliance with SOQ Format and Organization Requirements (x%).

## 10.0 REQUIREMENTS FOR PROJECT KEY PERSONNEL

Key Personnel are preferred to have experience on projects of a similar size, type of work, and complexity as this Project, and should meet the qualifications described below. Proposed staff with qualifications less than those described below will receive a reduced score compared to staff that meet or exceed the described qualifications. Any requirements described as “shall have...” or “shall be...” are determined to be minimum response requirements. Any requirements described using “should” are preferential or preferable. Proposers shall request confirmation from the Department, not later than 10 calendar days prior to the Final Date for Receipt of RFQ Questions, if Proposers are uncertain if their proposed Key Personnel candidates meet the requirements in accordance with Section 1.16 of the General Instructions.

Key Personnel experience requirements will be provided below on a project-by-project basis

### a) Project Manager:

Responsibilities: The Project Manager shall have full responsibility for the execution of the Work on behalf of the Design-Builder. The Project Manager shall be the Design-Builder’s representative and single point of contact.

### b) Resident Engineer:

Responsibilities: The Resident Engineer shall be responsible for coordinating and overseeing the design, development, and construction of the Project. The Resident Engineer shall also be responsible for documenting and providing the as-built information required to be included on the As-Built Plans.

### c) Project Superintendent:

Responsibilities. The Project Superintendent shall be responsible for directing and coordinating the activities of the Design-Builder’s workforce, including all subcontractors, ensuring that work progresses according to schedule, within budget and that material and equipment were delivered to the site on time.



**d) Design Manager:**

Responsibilities: The Design Manager shall have an understanding of developing design and staging plans for the Project, which will minimize impacts to the traveling public. The Design Manager shall manage the design and design support during construction, manage design changes, and manage the completion of the As-Built Plans. The Design Manager, and/or staff working under the direct supervision of the Design Manager, shall conduct an assessment and evaluation of design such that the Design Manager can certify to the Design-Builder and to the Department that the design satisfies the Contract requirements, including the following requirements:

- Accuracy;
- Adequacy;
- Conformance to standards of practice;
- Compliance with codes and standards;
- Cost effectiveness applying to change order adjustments or added work;
- Quality;
- Fitness for purpose and/or Project Requirement attainment as specified and/or implied in the Contract; and
- Conformance with the standard practices and specifications of New Jersey Department of Transportation.

**e) Quality Manager:**

Responsibilities: The Quality Manager shall be responsible for overseeing the overall quality program and the preparation, implementation and update of the Design-Build Quality Plan for the Design-Builder, including management, design and construction. The Quality Manager is the individual retained by the Design-Builder with the authority and responsibility for quality management, quality system-related activities for all Work, including the establishment and maintenance of, and compliance with the quality management plan or equivalent report/Submittal. The Quality Manager shall have no Project responsibilities other than quality management and quality control of the Project and shall be independent from staff and duties associated with the execution/production of the Work.

**f) Lead Structural Engineer:**

Responsibilities: The Lead Structural Engineer shall be responsible for design of structures.

**g) Lead Civil Engineer:**

Responsibilities: The Lead Civil Engineer shall be responsible for design of Civil project elements.

**h) Lead Geotechnical Engineer:**

Responsibilities: The Lead Geotechnical Engineer shall be responsible for design of all geotechnical work and shall perform or directly oversee all geotechnical design work.

**i) Rail Coordinator:**

Responsibilities: The Rail Coordinator shall be responsible for coordinating all matters related to X.

## **11.0 DESIGN-BUILDER'S RESPONSIBILITIES**

The selected Design-Builder shall be responsible for furnishing all labor, material, equipment, services and support facilities for the following summary list, in addition to any other items that will be detailed fully at the RFP stage:

- Design and construction of all Project components;
- Project design and construction management;
- Support to project-related public information activities;
- Coordination with Project stakeholders, other contractors and utility owners;
- Design Quality Control;
- Construction Quality Control;
- Construction Inspection;
- Laboratory Testing of Materials;
- Environmental mitigation and compliance plan including monitoring, and securing permits and approvals necessary for the work not acquired by the NJDOT;

- Stormwater Pollution Prevention Plan (SPPP) Document preparation;
- Additional environmental investigations, permitting, monitoring and investigation associated with or resulting from the Design-Builder's actions including but not limited to staging areas, haul routes and other activities necessary for construction;
- Work zone traffic control and access to properties;
- Project safety and security;
- Surveys and geotechnical investigations;
- Harmful and hazardous materials remediation;
- Drainage and erosion control;
- Excess material disposal and handling;
- Required clearances, licenses, construction easements and permits for Design-Builder's work sites, staging areas, temporary works access, storage areas, etc., both on and off site;
- Ancillary work, such as access roads, driveways, temporary fencing, relocation of drainage, and work sites;
- Coordination and relocation of utilities and municipal drainage facilities;
- Site clearance;
- Maintenance of the Project during the Contract period; and
- Operations and maintenance manuals, as-built drawings, and records of the new construction.

## 12.0 CONFLICT OF INTEREST

Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, the following firms have been identified as having conflicts of interest that prevent their consideration for the pending project. Due to a conflict of interest based on services currently being provided that are related to this Project, Proposers shall not include the services of the following firm(s), or individuals who worked on the project for these firms:

- Include names identified as having a conflict of interest

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

### **13.0 PROPOSAL STIPEND**

The Department has decided that the payment of Stipends is proper as a part of this Design-build project for Proposers who submit qualifying proposals and meet the terms and conditions set forth in the RFP. The stipend amount for this project will equal to X% of the Proposer's total Qualified Costs, as substantiated in accordance with the provisions of the RFP, but not to exceed \$X.

SAMPLE

New Jersey  
Department of Transportation



<PROJECT TITLE>

<UNIQUE IDENTIFIER>

<CONTRACT NUMBER>

**DESIGN-BUILD PROJECT**

**REQUEST FOR QUALIFICATIONS (RFQ)  
GENERAL INSTRUCTIONS**

**APPENDIX B FORMAT AND ORGANIZATION  
FOR STATEMENT OF QUALIFICATIONS**

**DRAFT <DATE>**

SAMPLE

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## **APPENDIX B TO REQUEST FOR QUALIFICATIONS**

### **1.0 FORMAT AND ORGANIZATION FOR STATEMENT OF QUALIFICATIONS**

Proposers shall follow the outline presented in this Appendix B for preparing the Statement of Qualifications (SOQ). Specific content requirements for each section of the SOQ are described in the RFQ, as referenced in the outline. This format has been created to facilitate responses to the RFQ and the SOQ evaluation and shortlist process.

Proposers shall submit the SOQ in 2 separate volumes. Each Volume shall consist of one file folder each. The cover page, and section dividers, shall contain only text with no pictures, renderings or graphics. Text shall be in a standard font, a minimum of 10 points in height, single-spaced.

Pages shall be 8.5" by 11" format unless otherwise stated, with simple lettered/numbered dividers for each section/subsection. All narrative pages shall contain text only with no pictures, renderings graphics, or internet links.

Unless indicated on a specific Form, the supplied Forms are not to be altered:

- A) Photographs or external web links are not to be included in the Forms.
- B) All required information must be contained in the Form. Do not reference any other Attachments or Appendices.
- C) Additional lines or pages only allowed when indicated on the form.
- D) All headers and footers supplied with the Form must be included, and
- E) Corporate Logos are not to be inserted.

With the exception of those changes directed by the Department, any Form found to be altered can, at the discretion of the Department's Bureau of Professional/Construction Services (BPCS), be removed from the SOQ before evaluation.

Proposers shall submit the full SOQ in electronic format via BidExpress.

#### **1.1 VOLUME 1: ADMINISTRATIVE SUBMISSION**

Volume 1 shall be submitted separately from Volume 2.

**New Jersey Department of Transportation**

Volume 1 shall contain the cover letter, Form AOR, written certification from subcontractors serving on more than one proposal team (Section 1.11), and the following four sections:

- A) Section 1 – Legal
- B) Section 2 – Financial
- C) Section 3 – Backlog and Capacity
- D) Section 4 – Certification of Non-Suspension and Non-Debarment

<b>Volume 1 Section No.</b>	<b>Required Information</b>	<b>RFQ Reference</b>
	General: <ul style="list-style-type: none"> <li>• Cover Letter (maximum 2 pages); and</li> <li>• Form AOR Acknowledgement of Receipt.</li> <li>• Written Certification from the Subcontractor(s).</li> </ul>	4.4.1
Section 1	Legal: <ul style="list-style-type: none"> <li>• Form L-1;                             <ul style="list-style-type: none"> <li>○ Identity of Lead Principal Participant (on Form L-1);</li> <li>○ Percent share of each Principal Participant (on Form L-1)</li> </ul> </li> <li>• Form L-3;</li> <li>• Additional information if JV, LLC, or partnership;</li> <li>• Legal Documents;</li> <li>• Statement of joint and several liability;</li> <li>• Qualifications to Propose; and</li> <li>• Verification of AASHTO Accreditation of the Materials Testing Firm or Laboratory.</li> </ul>	4.4.2.1
Section 2	Financial: <ul style="list-style-type: none"> <li>• Surety Letters.</li> </ul>	4.4.2.2
Section 3	Backlog and Capacity: <ul style="list-style-type: none"> <li>• Form B.</li> </ul>	4.4.2.3
Section 4	Certification of Non-Suspension and Non-Debarment: <ul style="list-style-type: none"> <li>• Certification of Non-Debarment Form</li> </ul>	4.4.2.4

**1.2 VOLUME 2: TECHNICAL SUBMISSION**

Volume 2 shall be submitted separately from Volume 1.

Volume 2 shall be formatted with three separate sections:

- A) Section 5 – Organization and Key Personnel



**New Jersey Department of Transportation**

B) Section 6 – Experience of the Firms

C) Section 7 – Past Performance

<b>Volume 2 Section No.</b>	<b>Required Information</b>	<b>RFQ Reference</b>
Section 5	<p>Organization and Key Personnel:</p> <ul style="list-style-type: none"> <li>• Organization structure (one 11" X 17" page per D-B Team Organization &amp; Communication Chart); and</li> <li>• Communication Protocol Narrative (maximum 5 pages per D-B Team narrative); and</li> <li>• Form R for Key Personnel.</li> </ul>	4.4.2.5
Section 6	<p>Experience of the Firms:</p> <ul style="list-style-type: none"> <li>• Form E-1: Each Form E-1 not to exceed two pages per project</li> </ul> <p>(No more than three (3) for the CI Firm(s), three (3) for the Materials Testing Firm(s) or Laboratory (Laboratories), five (5) for the Constructor(s) and five (5) for the Design Firm(s)).</p>	4.4.2.6
Section 7	<p>Past Performance:</p> <ul style="list-style-type: none"> <li>• Form PP (One Form PP for each project for which a Form E-1 was prepared. Each Form PP not to exceed 2 pages per project;</li> <li>• All Other Projects (not to exceed 2 pages for each Design-Build Team member);</li> <li>• Form S; with Copy of the Experience Modification Rate (EMR); and</li> <li>• Form DBE/ESBE/SBE.</li> </ul>	4.4.2.7

Proposers shall present information clearly and concisely. Documentation that is difficult to read can be rejected and can lead to disqualification.

The information shall be easily reproducible by normal black and white photocopying machines.

SOQs will become the property of the Department. The SOQ will be retained by the Department, after the SOQ evaluation process has been completed, for the Project files.

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SAMPLE

New Jersey  
Department of Transportation



<PROJECT TITLE>

<UNIQUE IDENTIFIER>

<CONTRACT NUMBER>

**DESIGN-BUILD PROJECT**

**REQUEST FOR QUALIFICATIONS (RFQ)  
GENERAL INSTRUCTIONS**

**APPENDIX C SOQ FORMS**

**DRAFT <DATE>**

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SAMPLE

## APPENDIX C

### FORMS

#### VOLUME 1

<b>Form Designator</b>	<b>Form Title</b>
Form AOR	Acknowledgment of Receipt of RFQ, Addenda and Responses to Questions
Form L-1	Proposer's Organization Information
Form L-3	Authorization to Provide Professional Engineering Services in New Jersey
Form B	Backlog Information
	Certification of Non-Suspension and Non-Debarment Form

#### VOLUME 2

<b>Form Designator</b>	<b>Form Title</b>
Form R	Summary of Individual's Experience
Form E-1	Project Description
Form PP	Past Performance
Form S	Safety Questionnaire
Form DBE/ESBE/SBE	Record of DBE/ESBE/SBE Program Experience

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SAMPLE

**FORM AOR**

**ACKNOWLEDGMENT OF RECEIPT OF RFQ,  
ADDENDA AND RESPONSES TO QUESTIONS**

(to be attached to SOQ cover letter)

<b>NAME OF PROPOSER</b>

We hereby acknowledge receipt of **enter name of project**, dated **enter date** and subsequent responses to questions and Addenda issued by the Department, as listed below.

Add additional lines in tables below, if needed.

<b>Addendum number:</b>	<b>Date issued by Department:</b>

<b>Q&amp;A number:</b>	<b>Date issued by Department:</b>

Proposers on New Jersey procurements subject to competitive bidding are required to have a policy on employment discrimination and sexual harassment. By submission of this Statement of Qualifications (SOQ), each prospective bidder and each person signing on behalf of any prospective bidder acknowledges, and in the case of a joint bid each party thereto certifies its own organization, under penalty of perjury, that the bidder has implemented a written policy addressing employment discrimination and sexual harassment prevention in the workplace, and provides annual sexual harassment training to all its employees. Such policy shall, at a minimum, meet the requirements of the Department.

<b>SIGNED</b>	
<b>DATE</b>	
<b>NAME</b> (printed or typed)	
<b>TITLE</b>	

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SAMPLE



**FORM L-1**

**PROPOSER'S ORGANIZATION INFORMATION**

Under the category "Other", supply names of subcontractors who will provide services other than Construction, Design, Construction Inspection, or Materials Testing, and indicate the specific service the subcontractor will provide. Add additional lines if necessary.

<b>NAME OF PROPOSER</b>				
<b>Main office and contact details of Proposer</b>				
Main office address:		Contact name		
		Title		
		Telephone No.		
		Email		
<b>Local or regional contact details of Proposer (if different from above)</b>				
Local/regional office address:		Contact name		
		Title		
		Telephone No.		
		Email		
<b>NAME(S) OF PROPOSER ENTITY(IES)</b> <span style="float: right;">Insert more rows below if needed</span>				
Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
<b>CONSTRUCTORS</b>				
<b>DESIGNERS (Include Prequalified Disciplines)</b>				

**FORM L-1**

**PROPOSER'S ORGANIZATION INFORMATION**

Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
<b>CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM</b> (Include Prequalified Disciplines)				
<b>MATERIAL TESTING FIRM OR LABORATORY</b>				
<b>OTHER</b>				
<b>OTHER</b>				

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SAMPLE

**FORM L-3**

**AUTHORIZATION TO PROVIDE PROFESSIONAL  
ENGINEERING SERVICES IN NEW JERSEY**

<b>NAME OF PROPOSER</b>			
<b>NAME OF FIRM PROVIDING PROFESSIONAL ENGINEERING SERVICES</b>			
<b>EITHER</b> (1) Copy of current Certificate of Authorization to provide Professional Engineering Services issued by the New Jersey Office of the Attorney General Division of Consumer Affairs.	<b>Yes</b> (copy attached)	<b>No</b> (Item (2) applies)	
<b>OR</b> (2) Documentation is attached to this Form L-3 demonstrating the ability to obtain Certificate of Authorization to provide Professional Engineering Services from the New Jersey Office of the Attorney General Division of Consumer Affairs.	<b>Yes, documentation attached and further details are given below</b>		
<b>OR</b> (3) Exempt			
If (2 or 3) applies, give details of attached documentation demonstrating ability to obtain the relevant certification / license, or exemption as applicable: (Add additional lines if required.)			

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SAMPLE

**FORM B**  
**BACKLOG INFORMATION**

Insert more rows if needed.

Form B Table 1 CONTRACTS IN FORCE						
(Note: Limit contract information to the office(s)/division(s) of the firms that will be performing work on the project.)						
NAME OF PROPOSER						
Proposer Entity	Name of firm	Number of contracts in force	Total contract value (US\$ millions)	Value of work remaining last three years (US \$ millions)		
				20__	20__	Current Year
<b>CONTRACTORS</b>						
<b>DESIGNERS</b>						
<b>CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM</b>						
<b>MATERIAL TESTING FIRM OR LABORATORY</b>						

**New Jersey Department of Transportation**

Insert more rows if needed.

<b>Form B Table 2 - OUTSTANDING PROPOSALS and BIDS</b>			
(Note: Limit information to the office(s)/division(s) of the firms that will be performing work the project.)			
<b>NAME OF PROPOSER</b>			
<b>Proposer Entity</b>	<b>Name of firm</b>	<b>Number of proposals / bids outstanding</b>	<b>Total potential value (US\$ millions)</b>
<b>CONTRACTORS</b>			
<b>DESIGNERS</b>			

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**CERTIFICATION OF NON-SUSPENSION AND  
NON-DEBARMENT FORM**

NJDOT Contract No: \_\_\_\_\_  
Contract Name: \_\_\_\_\_  
Proposer Name: \_\_\_\_\_  
Proposer Address: \_\_\_\_\_

**CERTIFICATION**

Pursuant to N.J.S.A. 52:32-44.1, I, the undersigned, being duly authorized to complete this certification on behalf of the above-named Proposer, do hereby certify and attest, under the pains and penalties of perjury, that:

- The Proposer is not debarred at the federal level from contracting with the federal government;
- None of the parent entities, subsidiaries, related entities or affiliates of the Proposer set forth and identified below are debarred at the federal level from contracting with the federal government;
- I am authorized to execute this certification on behalf of the Proposer;
- I acknowledge that the NJDOT is relying on the information contained herein;
- I acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contract(s) with NJDOT to notify NJDOT in writing of any changes to the information contained herein; and
- I acknowledge that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to criminal prosecution, and such misrepresentation may be considered fraudulent, and/or a material breach of the Proposer's contract(s) with the NJDOT.

If the NJDOT finds a person or entity to be in violation of the law, it shall take action as may be appropriate and permitted by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and/or seeking debarment or suspension of the party.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

List of parent entities, subsidiaries, related entities, and affiliates:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Add additional sheets as necessary.)

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SAMPLE

**FORM R**

**SUMMARY OF INDIVIDUAL'S EXPERIENCE**

Form R shall be completed by the Proposer for the Key Personnel indicated in RFQ, Section 4.4.2.5. Add lines/pages as necessary. "Project Name" should include the relevant contract number if available. Use N/A where an answer is not necessary or applicable.

Applicant's Information			
Name of Proposer:			
Name of Firm:			
Individual's Name:			
Title for Proposed Project:			
Is Applicant Licensed as a Professional Engineer in the State of New Jersey?		Yes:	No:
NJ Professional Engineering License Number:			
Education:			
Years with this Firm:			
Total Years of Experience:			
Provide Time Committed to Proposed DB Project in next row:			
12 Month period (beg MM/YY-end MM/YY)	Percentage	12 Month period (beg MM/YY-end M/YY)	Percentage
12 Month period (beg MM/YY-end MM/YY)	Percentage	12 Month period (beg MM/YY- end MM/YY)	Percentage

Applicant's Past Relevant Experience			
Total number of years of qualifying experience meeting the requirements stated in RFQ, Appendix A for the title above:			
The information provided below should confirm the total years stated in the above row.			
Project Name:			
Project Description:			
Project Owner:			
Contact Information:			
Project Cost Value			
Title on Project:			
Individual's Duties & Responsibilities:			
Individual's Start Date on Project:	MM/YY	Individual's End Date on Project:	MM/YY
Individual's Total Time on Project: (in months)		% of time spent on Qualifying activities	Qualifying time: (in months)

New Jersey Department of Transportation

<b>Project Name:</b>				
<b>Project Description:</b>				
<b>Project Owner:</b>				
<b>Contact Information:</b>				
<b>Project Cost Value</b>				
<b>Title on Project:</b>				
<b>Individual's Duties &amp; Responsibilities:</b>				
<b>Individual's Start Date on Project: MM/YY</b>		<b>Individual's End Date on Project: MM/YY</b>		
<b>Individual's Total Time on Project: (in months)</b>		<b>% of time spent on Qualifying activities</b>		<b>Qualifying time: (in months)</b>
<b>Project Name:</b>				
<b>Project Description:</b>				
<b>Project Owner:</b>				
<b>Contact Information:</b>				
<b>Project Cost Value</b>				
<b>Title on Project:</b>				
<b>Individual's Duties &amp; Responsibilities:</b>				
<b>Individual's Start Date on Project: MM/YY</b>		<b>Individual's End Date on Project: MM/YY</b>		
<b>Individual's Total Time on Project: (in months)</b>		<b>% of time spent on Qualifying activities</b>		<b>Qualifying time: (in months)</b>
<b>Explain gaps in chronology for qualifying experience:</b>				

**Total Time:** Identify the total time the Applicant spent on the project (start date to end date, in months).

**% of time on Qualifying activities:** Identify the percentage of time spent performing qualifying activities during the Total Time.

**Qualifying Time:** Calculate the percentage of time spent performing qualifying activities by the total time to determine the number of qualifying months meeting the experience required for the Key Personnel title on the proposed Design-Build project as described in RFQ, Appendix A. *Example: Total Time on project is 12 months (1st box) with 50% of time spent on qualifying activities (2nd box) equals 6 months of qualifying time (3rd box).*

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SAMPLE

**FORM E-1**

**PROJECT DESCRIPTION**

Complete a copy of Form E-1 for each past project, as explained in the General Instructions 4.4.2.6.

<b>PROPOSER</b>					
<b>Name of firm</b>					
<b>Role of firm</b>	Contractor:		Designer:		
	Construction Inspection Engineering Firm:		Material Testing Firm or Laboratory:		
<b>Experience (years)</b>	Roads/Streets:		Bridges:		Utility Relocations:
<b>DESCRIPTION OF PAST PROJECT</b>					
<b>Name of project</b>					
<b>Location</b>					
<b>Brief description</b>					
<b>Nature of work for which firm was responsible</b>					
<b>Past project aspects/ similarities to the Project in this RFQ</b>					
<b>List any awards or citations received</b>					
<b>Owner details</b> (department, agency, authority, etc.)	<b>Owner Name</b>				
	<b>Address</b>				
	<b>Contact name</b>				
	<b>Telephone and e-mail</b>				
	<b>Contract Reference #</b>				
<b>Contract Award Date</b>		<b>Final Contract Value (US\$):</b>			
<b>Project Delivery</b>	Design-Build; Design Bid Build – Low Bid; Design Bid Build – Best Value				

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SAMPLE

**FORM PP**

**PAST PERFORMANCE**

<b>PROPOSER</b>			
<b>Name of firm</b>			
<b>DESCRIPTION OF PAST PROJECT</b>			
<b>Name of project from FORM E-1</b>			
<b>Contract Value as Bid: (US\$)</b>		<b>Final Contract Value (US\$):</b>	
<b>% of total work done by Firm:</b>		<b>Commencement date:</b>	
<b>Planned completion date as Bid:</b>		<b>Actual completion date:</b>	
<b>Claim Amount (US\$)</b>		<b>Any Litigation? (yes or no)</b>	
<b>Liquidated Damages &gt;\$25k #</b>		<b>Total (US\$)</b>	

**NARRATIVE**

**1) Self-Assessment:**

**2) Explanations:**

Use the space below to explain any or all of the following situations if they occurred on the project (Form PP may be up to two pages in length per project if necessary):

- a. Final Contract Value or Expected Contract Value exceeds the Contract Value as Bid. Describe the reason(s) why the project costs were over budget.
- b. Justification of why the project is/was behind schedule.
- c. Amount of Claims is greater than \$0. Detail the number and amount of each claim.



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- d. Fully describe and disclose all disputes with the New Jersey Department of Transportation that occurred during the project, regardless of their current disposition.
- e. Identify all Court of Claims litigation, and provide the claim number and summary of causes of action.
- f. Litigation. Describe background behind all other litigation, current status, etc.
- g. Amount of Liquidated Damages greater than \$25,000. Detail the number of issues and amount of Liquidated Damages for each issue.

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**FORM S**

**SAFETY QUESTIONNAIRE**

Form S Tables 1 and 2 shall be completed for the Constructor(s), and Construction Inspection Firm(s) as listed in the SOQ. A letter from the Workers Compensation Insurance Carrier shall be attached to this form with the submission.

<b>Form S Table 1 SAFETY QUESTIONNAIRE FOR PROPOSER</b>	
<b>NAME OF PROPOSER</b>	
<b><u>ITEM 1</u></b> Provide the current EMR. If the rate exceeds 1.2 for the most recent year provided, include a written explanation within Item 2 and not to exceed one page; and also provide the two previous years EMR provided by the Workers Compensation Insurance Carrier.	
<b><u>Provide the EMR for the current insurance policy</u></b>	
<b><u>Provide the EMR for the previous insurance policy (if current rate exceeds 1.2)</u></b>	
<b><u>Provide the EMR for the previous insurance policy (if current rate exceeds 1.2)</u></b>	
<b><u>ITEM 2</u></b> Use this space to explain steps taken by the firm to ensure continuous improvement in health and safety on projects.	

<b>Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM</b>			
<b>NAME OF PROPOSER</b>			
<b>NAME OF FIRM</b>			
<b>ITEM 1</b> Provide the following information for the past 3 years:	20__	20__	Previous calendar year 20__
Value of Work (dollars)			
Total number of employee hours worked (hours) <small>Do not include non-work time, even though paid.</small>			
Number of lost workday cases (number)			
Total number of lost employee work hours (hours)			
Number of fatalities (number)			
<b>ITEM 2</b> Use this space to explain the circumstances for lost workday cases and/or fatalities identified above, and explain the category of work activities they are attributed to: Equipment Backing, Bridge Demolition, Excavation, Form Work, Pile Driving & Steel Sheeting, Structural Lifting, Beam Erection, Fall Protection, Blasting (Rock or Buildings).			
<b><u>By signing below, if awarded the contract, the firm will comply with all safety requirements outlined in Section 2.2.3 of Part 3 of the RFP. The health and safety plan shall include, at a minimum, but not be limited to:</u></b>			
Regular safety meetings; safety program for all existing and newly hired staff, including supervisors and construction and field services staff; project safety inspections; on-site meetings; emergency procedures; accident investigations; fire protection and prevention; and safe work practices. Safe work practices shall include: tailgate safety talks prior to engaging field activities; inspection protocols for multiple shifts and weekend shutdown/startup; and protocols for jobsite security and safety responsibility/accountability.			
<b><u>Signature</u></b> :			
<b><u>Title:</u></b>			

**Date:**

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**FORM DBE/ESBE/SBE**  
**RECORD OF DBE/ESBE/SBE PROGRAM**  
**EXPERIENCE**

Describe your firm’s experience in promoting opportunities for DBE/ESBE/SBE s by completing Tables 1-5. This information should include:

- Demonstrated good faith efforts in having met or exceeded DBE/ESBE/SBE participation goals on past contracts, preferably of similar scope.
- Demonstrated success in conducting outreach efforts/events including collaborating with local resources to allow for increased participation of small businesses including DBE/ESBE/SBE s.
- Documented system of tracking and reporting good faith efforts to solicit DBE/ESBE/SBE s proactively and ensure opportunities are communicated effectively.
- Experience coordinating and or facilitating training or mentor-protégé programs for subcontractors including DBE/ESBE/SBE s.
- Demonstrated experience utilizing a broad spectrum of DBE/ESBE/SBEs for work items and as material suppliers in operations that traditionally have been self-performed by contractors.
- A satisfactory record of integrity and business ethics as it relates in administering DBE/ESBE/SBE program regulations.

<b>NAME OF PROPOSER</b>			
<b>NAME OF FIRM</b>			
<b>ROLE OF FIRM</b>	Principal Participant:		Designer:
	Construction Inspection:		Constructor:
	Other (describe):		

<b>Form DBE/ESBE/SBE – Table 1    RECORD OF DBE/ESBE/SBE OUTREACH</b>
Briefly provide examples of outreach efforts or events that your firm organized/developed which were used to expand the pool of available and interested DBE/ESBE/SBE s to work on contracts under your direction. Outreach examples should relate to specific highway/bridge contracts which have occurred during the most recent 5 years.

**Form DBE/ESBE/SBE – Table 2 RECORD OF DBE/ESBE/SBE SOLICITATION**

Briefly provide examples of effective techniques used by your firm to creatively and proactively solicit DBE/ESBE/SBEs for specific contracts under your direction. Solicitation examples should relate to highway/bridge projects which have occurred during the most recent 5 years. Include types and frequency of solicitations as well as your follow-up procedures and response expectations.


**Form DBE/ESBE/SBE – Table 3 RECORD OF DBE/ESBE/SBE PRACTICES**

1) Describe your firm's practice of what constitutes an acceptable proposal from a DBE/ESBE/SBE. Include specific attributes of DBE/ESBE/SBE firms that you evaluate.

--

2) Describe your firm's approach on which work items are identified to be performed by DBE/ESBE/SBE s. Provide examples of non-traditional approaches used to find work items for DBE/ESBE/SBE s on highway/bridge projects within the most recent 5 years.

--

3) Describe your firm's experience in promoting opportunities for DBE/ESBE/SBE s through good faith efforts on contracts of similar complexity, within the most recent 5 years.

--

4) Explain your firm's past experience of subcontracting a portion of the "primary work operations" to DBE/ESBE/SBEs that your firm would normally perform with your own workforce, within the most recent 5 years.

--





**Form DBE/ESBE/SBE - Table 5    RECORD OF DBE/ESBE/SBE PROGRAM INTEGRITY**

List all convictions, charges and/or investigations related to allegations of DBE/ESBE/SBE fraud which have been brought against your firm or any subsidiary within the most recent 5 years. For each item listed, describe the precise reasons and circumstances which led to the charges, the outcome (if completed) and your explanation of why this happened and what your firm has done to prevent the situation from occurring again.

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SAMPLE

New Jersey  
Department of Transportation



<PROJECT TITLE>

<UNIQUE IDENTIFIER>

<CONTRACT NUMBER>

**DESIGN-BUILD PROJECT**

**REQUEST FOR QUALIFICATIONS (RFQ)  
GENERAL INSTRUCTIONS**

**APPENDIX D ABBREVIATIONS AND  
DEFINITIONS**

**DRAFT <DATE>**

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1.0	ABBREVIATIONS .....	1
2.0	DEFINITIONS.....	2

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## APPENDIX D TO REQUEST FOR QUALIFICATIONS

This RFQ includes abbreviations and specific defined terms as indicated below.

### 1.0 ABBREVIATIONS

CM	Construction Manager
CQAE	Construction Quality Assurance Engineer
CQCE	Construction Quality Control Engineer
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DQAE	Design Quality Assurance Engineer
DQCE	Design Quality Control Engineer
DM	Design Manager
DOT	Department of Transportation
FHWA	Federal Highway Administration
IA	Independent Assurance
JV	Joint Venture
DBE/ESBE/SBE	Disadvantaged Business Enterprises, Emerging Small Business Enterprises, Small Business Enterprises
N/A	Not Applicable
NEPA	National Environmental Policy Act
PI	Public Information
PM	Project Manager
QA	Quality Assurance
QC	Quality Control
QM	Quality Manager
RE	Resident Engineer
RFP	Request for Proposals
RFQ	Request for Qualifications
ROD	Record of Decision (State & Federal)
ROW	Right(s)-of-Way
SOQ	Statement of Qualification

## 2.0 DEFINITIONS

**“Addenda/Addendum”** means written supplemental additions, deletions, and modifications to the provisions of the RFQ issued by the Department, after the date of issuance of the RFQ.

**“Advertisement”** means a public announcement inviting prospective Proposers to obtain an RFQ and submit an SOQ. The Advertisement shall include a brief description of the Work proposed to be the subject of the procurement, with an announcement where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters as the Department may deem advisable to include therein.

**“Affiliate”** means:

- A) Any Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer or any Principal Participant.
- B) Any Person for which 10% or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:
  - 1) The Proposer;
  - 2) Any Principal Participant; or
  - 3) Any Affiliate under part (A) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

**“Clarifications”** means a written or oral exchange of information that takes place between a Proposer and the Department after the receipt of all SOQs during the evaluation process. The purpose of Clarifications is to address minor ambiguities, omissions, errors or mistakes and clerical revisions in an SOQ.

**“Commissioner”** means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally possible.

**“Conflict of Interest”** means that a Person or organization: (1) had or has relations with Persons: (2) engaged or is engaging in activities; or (3) performed or is performing services for NJDOT or another entity concerning the Project or a related project, that afford such Person or organization with a competitive advantage or that might otherwise impair the Person or organization’s objectivity, or that render such Person or organization unable, or potentially unable, to render impartial assistance or advice on the Project.

**“Construction Inspection (CI)”** means to inspect all construction operations and to enforce all safety measures (for employees and the traveling public) performed by the Design-Builder to

ensure conformance with the Contract Documents. This includes performing daily inspection and testing activities in accordance with all the requirements set forth in Department policies, manuals, preparation of applicable construction inspection forms; preparation of monthly estimates; monitoring compliance to safety procedures, including fall protection and work zone traffic control (WZTC) requirements; monitoring compliance to environmental requirements. Construction Inspection also includes contract administration functions including, but not limited to keeping required records, monitoring the DB Contractor's progress, monitoring certified payroll compliance and processing of payments, monitoring adherence to Equal Opportunity and Labor requirements contained in the Contract, taking measurements as required for payment, and maintaining a contemporaneous project diary documenting conformance with the Contract Documents. The Department reserves the right to change the CI scope of work after the RFQ Phase.

**“Construction Inspection Professional Engineering Firm”** means an independent Engineering firm, licensed in New Jersey to perform Engineering Services and having experience in Construction Inspection as defined herein. This firm shall be included as part of the Proposer's team during the RFP Phase and shall be hired by the Design-Builder to perform Construction Inspection for the Project.

**“Construction Subcontractor”** means a subcontractor on the Proposer's Team that will be responsible for construction of the Project.

**“Constructor”** means a Principal Participant or subcontractor retained by the Design-Builder, who is involved in the actual construction of the Project.

**“Contract”** means the written agreement between the Department and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment, and including all provisions required by law to be inserted in the Contract whether actually inserted or not. The Contract will include the Contract Documents and any amendments, supplemental agreements and Change Orders that are required to complete the design and construction of the Work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

**“Contract Documents”** means the documents identified as such in the Contract, including all provisions required by law to be inserted in the Contract whether actually inserted or not.

**“Deficiency”** means a material failure of an SOQ to meet the Department's requirements or a combination of significant Weaknesses in an SOQ that increases the risk of unsuccessful Contract performance to an unacceptable level.

**“Department”** means the New Jersey Department of Transportation.



**“Design-Build (DB) Project”** means a project delivery system that combines all or some portions of the design and construction phases of a Construction project into a single contract with the Department including, but not limited to design and regulatory; permit approvals.

**“Design-Builder”** means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, design-build team, joint venture or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where relevant, to perform work on a design-build project, and prequalified pursuant to N.J.A.C. 16:44-3 et seq. and N.J.A.C. 16:44A-3.1.

**“Design-Build Team”** means the Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), and Materials Testing Firm(s) or Laboratory.

**“Design Manager”** means the Design-Builder’s designated person who shall have primary responsibility for coordination and oversight of the all the Project Designs including design plans, calculations, and specifications. The Design Manager shall be a registered Professional Engineer in the State of New Jersey.

**“Design Quality Assurance Engineer”** means the Department’s representative with primary responsibility for monitoring and/or auditing the Design-Builder’s design and engineering activities for compliance with the Contract requirements and the Design-Builder’s Quality Control Plan.

**“Design Quality Control Engineer”** means the person appointed by Design-Builder who reports directly to the Design-Builder’s Quality Manager and is responsible for the QC of all Work conducted by the Designer. The Design QC Engineer shall be a New Jersey -licensed professional engineer with similar experience as the Design Manager. The Design QC Engineer shall ensure that checkers are assigned for each design discipline and for each design unit and that they are properly scheduled during the design Work.

**“Designer”** means a Principal Participant or other entity, licensed in New Jersey to perform Engineering Services and having experience in bridge and/or highway and/or infrastructure design, that has the primary responsibility for design services for the Project. This entity shall be included as part of the Proposer’s team during the RFP Phase and shall be hired/employed by the Design-Builder to perform design services for the Project.

**“Disadvantaged Business Enterprise (DBE)”** means a designation assigned to a firm who has been certified to participate in the Federal DBE Program. If applicable to this contract, the firm must be currently certified as a DBE in the New Jersey Unified Certification Program (NJUCP) to earn DBE credit for its performance on the contract. Means a for-profit small business concern:

- a. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
- b. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it, and who do not exceed the personal net worth criteria established in 49 CFR Part 26.

**“Dispute”** means a matter of Contract performance or Contract compensation, including granting of extensions of time, in which there is or may be disagreement between the Design- Builder and the Department and which may involve adjustment of Contract Items or the addition of new items to the Contract, extension of time for performance, and/or adjustments in compensation necessitated by the resolution of such disagreement.

**“Emerging Small Business Enterprise (ESBE)”** A designation assigned to a firm who has been certified to participate in the NJDOT’s ESBE Program. DBEs are also ESBEs since they meet the criteria used to establish economic disadvantaged. If applicable to this contract, the firm must be currently certified as a NJDOT ESBE or NJUCP DBE to earn ESBE credit for its performance on the contract. Means a for-profit small business concern classified as a small business pursuant to the appropriate Small Business Administration regulations:

- a. That is at least 51 percent owned by one or more individuals who are economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
- b. Whose management and daily business operations are controlled by one or more of the economically disadvantaged individuals who own it, and who do not exceed the personal net worth criteria established in 49 CFR Part 26.

**NOTE: DBEs automatically qualify as ESBEs.**

**“Equity Participant”** means any Person holding (directly or indirectly) a 15% or greater interest in the Proposer.

**“General Provisions”** means RFP Part 2 Design-Build Division 100 General Provisions which replace the 2019 Standard Specifications for Road and Bridge Construction Division 100 in its entirety.

**“Independent Assurance (IA)”** means activities that are undertaken in accordance with 23 CFR 637.203(a)(2), providing an unbiased and independent evaluation of all the sampling and testing procedures, equipment calibration, and qualifications of personnel (Design-Builder’s or Department’s) used in the Acceptance Program, including the Design-Builder’s QC. The Independent Assurance (IA) agent for the Project will be designated by the Department.

**“Lead Principal Participant”** means the Principal Participant that is designated by the Proposer as having the lead responsibility for managing the Proposer’s organization.

**“Materials Testing Firm or Laboratory”** means an independent testing firm or Laboratory having experience in performing Quality Control activities as defined herein. This firm shall be included as part of the Proposer’s team during the RFP Phase and shall be hired by the Design-Builder to perform Quality Control sampling and Testing activities for the Project. The Materials Testing Firm or Laboratory shall report to the Construction Inspection Professional Engineering firm.

**“Person”** means any individual, firm, corporation, company, sole proprietorship, limited liability company (LLC), joint venture, voluntary association, partnership, trust, unincorporated organization, or other legal entity.

**“Principal Participant”** means any of the following entities:

- a. The Proposer;
- b. If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the partnership, joint venture or LLC; and/or
- c. Any Equity Participant.

**“Project”** means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

**“Project Manager”** means the Design-Builder’s designated representative responsible for all aspects of the Work, including construction oversight, design oversight, project finances, project scheduling, etc. Disputes regarding design or construction that cannot be resolved with the designer or in the field will be brought to the attention of the Design-Builder’s Project Manager for resolution.

**“Project Superintendent”** means the Design-Builder’s on-site designated representative who oversees the construction of the Design-Build Contract, including directing and coordinating the activities of the Design-Builder’s workforce and all subcontractors, ensuring that the work progresses according to schedule, and ensuring that material and equipment are delivered to the site on time, etc.

**“Proposal”** means a complete submittal by a proposer in response to a request for proposals from the Department which includes both a technical proposal and price bid. If the Department requested a revised Proposal, the term “Proposal” means the revised Proposal submitted by the proposer, including any revisions thereto.

**“Proposer”** means a design builder submitting a Statement of Qualifications, or proposal, in response to a solicitation or request for proposals for the award of a design build contract.

**“Quality Assurance (QA)”** means all planned and systematic oversight actions by the Department necessary to provide confidence that the Design-Builder is performing QC in accordance with the Quality Control Plan, that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended. Quality Assurance includes, but is not limited to, monitoring and verification of design through auditing, spot-checking and participation in the review of the design, and monitoring and verification of construction, manufacturing/process facilities and equipment, on site equipment and QC documentation through auditing, spot inspections and Verification Sampling and Testing at production sites and the Project Site. Quality Assurance also includes Independent Assurance, consultation and provision of written comments by the Department, documentation of QA activities, and Completion and Acceptance. The Scope of Work to be performed as part of the Quality Assurance task may be changed after the RFQ Phase.

**“Quality Program”** means the overall quality program and associated activities including the Department’s Quality Assurance, Design-Builder Quality Control, the Contract’s quality requirements for design and construction to assure compliance with Department Specifications and procedures.

**“Quality Control (QC)”** means the total of all activities performed by the Design-Builder, Designer, Construction Inspection Professional Engineering Firm and the Materials Testing Firm or Laboratory, subcontractors, producers or manufacturers to ensure that the Work performed by the Design-Builder conforms to the Contract requirements. For design, Quality Control activities shall include, but not be limited to, procedures for design quality, checking, design review including reviews for constructability, and review and approval of working plans. For construction, Quality Control activities shall include, but not be limited to, procedures for materials handling and construction quality, inspection, sampling and testing of materials both on site and at the plant(s), field testing of materials, obtaining and verifying Materials Certifications, record keeping, and equipment monitoring and calibration, production process control, and monitoring of environmental compliance. Quality Control also includes documentation of all QC design and construction efforts. The Scope of Work to be performed as part of the Quality Control task may be changed after the RFQ Phase.

**“Quality Control Plan”** means the Design-Builder’s plan for implementing the Design-Builder’s overall quality program and associated activities, including Design-Builder’s QC and procedures to assure and document quality of design and construction activities through reviews, inspections, testing, internal communications, and necessary interfaces with the Department and the Department’s QA activities.

**“Quality Manager”** means the individual identified by the Design-Builder who is responsible for the overall Quality Control program and Quality Control activities of the Design-Builder, including

the quality of management, design and construction (also referred to as the “Quality Control Manager”).

**“Reference Documents”** means the documents provided with and so designated in the RFP. The Reference Documents, including Plans contained therein and/or so designated, are not Contract Documents and were provided to the Design-Builder for informational purposes only and are relied upon at the Design-Builder’s own risk.

**“Request For Proposals (RFP)”** means a written document issued by the Department (and as amended by any Addenda) seeking Proposals (including quality and price) to be used to identify the Proposer offering the best value to the Department. The RFP will be issued only to Proposers who are on the shortlist.

**“Request For Qualifications (RFQ)”** means the written solicitation, including all Addenda thereto, issued by the Department seeking SOQs in order to identify and shortlist the Proposers to receive the RFP for the Project.

**“Resident Engineer”** means a qualified individual as specified in the RFQ/RFP, who directs the organization and coordination of the inspectors and the on-site Construction Quality Control inspection of the execution of the construction by the Design-Builder. The Resident Engineer ensures that the construction is executed in accordance with the approved designs, drawings and specifications related to the Work under construction.

**“Resource Provider”** means the individual to be specified by the Proposer who has full authority to move resources (personnel and equipment) to advance this Project on schedule, potentially drawing from other ongoing competing work. The Resource Provider should have broad oversight of all construction operations, procurement of equipment and materials, and the assignment of personnel.

**“Shortlist”** means the list of proposers selected by the Department to participate in the second phase of a two-phase selection process.

**“Small Business Enterprise (SBE)”** A designation assigned to a firm who has been certified/registered as a SBE with the New Jersey State SBE Program. If applicable to this contract, the firm must be currently certified as a SBE with NJ to earn SBE credit for its performance on the contract. Means a business which has its principal place of business in the State of New Jersey; is independently owned and operated; has no more than 100 full-time employees; has gross revenues that do not exceed the applicable Federal revenue standards referenced at N.J.A.C. 17:13-2.1 and satisfies any additional eligibility standards under this chapter.

Small businesses with no more than 100 full-time employees will be registered in one of the following three categories:

- a. Small business with gross revenues that do not exceed \$3 million.
- b. Small businesses with gross revenues that do not exceed 50 percent of the applicable annual revenue standards set forth in federal regulation at [13 CFR 121.201](#), incorporated herein by reference, and as may be adjusted periodically.
- c. Small business with gross revenues that do not exceed the applicable annual revenue standards set forth in federal regulation at [13 CFR 121.201](#), incorporated herein by reference, as may be adjusted periodically.

The business must be independently owned and operated, with management being responsible for both its daily and long-term operation, as well as owning at least 51 percent interest in the business.

Businesses must be incorporated or registered with the Division of Revenue & Enterprise Services to do business in the State and have its principal place of business in New Jersey, defined when:

- a. 51 percent or more of its employees work in New Jersey supported by paid New Jersey unemployment taxes or;
- b. 51 percent or more of its business operations/activities occur in New Jersey supported by income and/or business tax returns.
- c. The business must be a sole proprietorship, partnership, limited liability company or corporation with 100 or fewer employees in full-time positions, not including:
  1. Seasonal and part-time employees employed for less than 90 days, if seasonal and casual part-time employment are common to that industry and
  2. Consultants employed under contracts for which the business wants to be eligible as a small business.

**“Solicitation”** means the written document including all addenda thereto, issued by the Department in the first phase of the two-phase selection process that describes the project in enough detail to allow potential proposers to determine if they wish to compete for the design-build contract and that requests information from proposers regarding the qualifications, experience, and organizational structure of the proposer's design-build team, which information can be used by the Department to shortlist the proposers to receive the request for proposals for the design-build project.

**“Statement of Qualifications (SOQ)”** means the document(s) submitted by a proposer in response to a solicitation issued by the Department that describes the qualifications and

capabilities of the proposer, the proposer's key person, and key staff who will perform the scope of services to be included in a design-build contract.

**“Strength”** means a feature or aspect of the SOQ that exceeds the minimum requirements of the RFQ and increases the chance of successful Contract performance. A significant Strength in the SOQ is a feature or aspect that exceeds the minimum requirements of the RFQ and increases the chance of successful Contract performance.

**“Verification Sampling and Testing”** means sampling and testing performed by the Department, or by a firm retained by the Department, to validate the Design-Builder's QC sampling and test data that was used in the acceptance decision.

**“Weakness”** means a flaw in the SOQ that increases the risk of unsuccessful Contract performance. A significant Weakness in the SOQ is a flaw that appreciably increases the risk of unsuccessful Contract performance.

**“Work”** means all of the administrative, design, engineering, utility support services, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, warranty, documentation, and other duties and services to be furnished and provided by the Design- Builder as required by the Contract Documents, including all efforts necessary or appropriate to achieve final acceptance of the Project and to fulfill the Design-Builder's warranties. In certain cases, the term is also used to mean the products of the Work.

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SAMPLE