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**Letter : Freeport, Route 125/136, Design-Build Project, Request for Proposals (RFP) : Questions and Answers, June 3, 2009**

Maine Department of Transportation

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STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
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AUGUSTA, MAINE  
04333-0016

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID A. COLE  
COMMISSIONER

June 3, 2009



SUBJECT: FREEPORT, ROUTE 125/136, DESIGN-BUILD PROJECT (MAINEDOT PIN: 012782.00), REQUEST FOR PROPOSALS (RFP): QUESTIONS & ANSWERS FOR RFP AMENDMENT, DATED MAY 29, 2009; AND NOTICE OF TECHNICAL PROPOSAL RESPONSIVENESS, DATED MAY 29, 2009

Please find below questions and answers which have been received on the amendment to the RFP dated May 29, 2009, and the Notice of Technical Proposal Responsiveness also dated May 29, 2009.

- Q) Would the Department consider extending the 06/19/09 price proposal due date to be closer to or even the same as the opening of proposal date of 07/22/09?
- A) For MaineDOT design-built contracts, where the basis of award is best-value, the Final Technical Proposals and the Price Proposals are required to be submitted simultaneously, per 23MRSA§753-A(6). Moreover, due to the time required to score the technical proposals and the construction begin date included in the most recent addendum to the RFP, dated May 29, 2009, the Department cannot extend the date of the Final Technical Proposal and Price Proposal submission date. The specifics regarding 23MRSA§753-A(6) can be found at the following:  
<<http://www.mainelegislature.org/legis/Statutes/23/title23sec753-A.html>>
- Q) Section 103.2.1.2 – Please clarify what constitutes satisfactorily curing defects. What is the process required to adequately respond and to indicate that these defects have been addressed?
- A) Defects must be cured to the satisfaction of the Department, where the defect is corrected to result in the Proposal being responsive. The Proposers were forwarded a spreadsheet with the Notice of Technical Proposal Responsiveness, which outlined the specifics with regard to each defect. To facilitate the evaluation of responsiveness upon submittal of the Final Technical Proposals, the Department requires that the Proposer provide a hard-copy of the spreadsheet, with appropriate comments by the Proposer to indicate how the defect was cured. The Department will verify the defect noted on the spreadsheet by reviewing the Proposal accordingly. One copy of the forementioned spreadsheet is required with the final submittal, addressed to the Project Manager and Contract Representative.

Prior to submission of the Final Technical Proposals, the Proposer may propose a specific cure for a noted defect and communicate this to the Department, in writing, email addressed to the



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Project Manager and Contract Representative, is acceptable. The Department will then notify the Proposer if the proposed cure for the defect would result in a responsive Proposal. The Department will not guide or advise the Proposer as to a specific technical defect cure. All correspondence shall be in writing.

- Q) If the Proposer makes changes to the Final Submittal that are not for response to curable defects, will these changes be taken into consideration by the Department? Is there a format to alert the Department as to what changed since the Draft submission?
- A) As stated in the cover letters to the addendums to the RFP dated May 22 and May 29, 2009, the Proposer may amend their Technical Proposal; this provision is exclusive of the Notice of Technical Proposal Responsiveness. If the Proposer amends their Technical Proposal, exclusive to the Notice of Technical Proposal Responsiveness, these changes will be taken into consideration by the Department during scoring. The Proposer may provide a cover letter outlining what was changed from the preliminary submission, but this is not required, and will not be scored; this is based on the following:
- Only individuals who have been responsible for responsiveness have evaluated the proposals, and no one who has evaluated responsiveness will be scoring the proposals.

The Department will only verify that the curable technical defects noted in the Notice of Technical Proposal Responsiveness have been cured prior to scoring. In submitting the Final Technical Proposal, the Proposer is solely responsible for ensuring the Proposal is responsive, regardless of oversights by the Department during initial responsiveness review, changes made due to the Notice of Technical Proposal Responsiveness, or changes made otherwise. No further notice regarding responsiveness will be given to the Proposer. If the Proposal is determined non-responsive during verification of the curable defects noted in the Notice of Technical Proposal Responsiveness, or during scoring, the Proposal will be disqualified, and not scored. Further, after determination of the Apparent Success Proposer, per Section 103.4.3: Within 10 days of receipt of the required items requested in the Letter of Intent to Award, the Department will make a final determination of whether the Proposal of the Apparent Success Proposer is responsive and, if responsive, award the Contract to the Apparent Successful Proposer.

Please consider these Questions and Answers in preparing your Final Technical and Price Proposals for the Project. Final Technical Proposal and Price Proposal Submissions are required on or before June 19, 2009.

Sincerely,



Jeffrey Tweedie, P.E.  
Project Manager

Cc: Brad Foley, P.E., MaineDOT  
Norman Baker, P.E., MaineDOT  
Scott Bickford, P.E., MaineDOT  
Shawn Smith, MaineDOT