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**Letter : Freeport, Route 125/136, Design-Build Project (MaineDOT
PIN : 012782.00), Request for Proposals (RFP) : Questions and
Answers, March 18, 2009**

Maine Department of Transportation

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JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLE
COMMISSIONER

March 18, 2009



SUBJECT: FREEPORT, ROUTE 125/136, DESIGN-BUILD PROJECT (MAINEDOT PIN:
012782.00), REQUEST FOR PROPOSALS (RFP): QUESTIONS & ANSWERS

The following is a compilation of questions and answers received on the RFP distribution, as of March 4, 2009. Any further questions must be received on or before May 8, 2009, no later than 1:00 p.m. (EST). Responses to future questions on the final RFP distribution which are received in a giving week will be answered on or before the Tuesday of the following week.

- 1) Q: Completion date of 05/10/10 does not seem realistic. After allowing for designing and clearing, 3 miles of base pavement and drainage improvements would have to be completed in less than 4 months.
Will the Department consider extending the completion date to a more reasonable time frame?
A: The contract completion date has been extended to June 26, 2010, this has been changed in the amended RFP.
- 2) Q: Section 103.3.4 states the Project requires a full time Project Manager. Part 2-Section 6.6.1 states that the PM will be the design PM. This project does not appear that technical to require a full time PM and will significantly add to MDOT costs.
Will the Department waive the requirement?
A: The Department will not waive the full-time Project Manager requirement.
- 3) Q: Section 8.5 states that the D/B firm is responsible for causing the utility work to be completed according to the construction schedule. This would be much better left under MDOT control; would MDOT consider changing this requirement?
A: Coordination of utility work with the construction schedule is the responsibility of the Design-Builder. The Department will not consider changing this requirement.



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- 4) Q: Will wage rates be issued?
A: Yes, these have been added to Appendix A of the RFP.
- 5) Q: Additional rock probes would be very helpful as the design progresses. Will MDOT be willing to pay for this work prebid?
A: The Department views additional borings beyond the three allotted supplemental borings by each team as excessive for this type of Project. If the Project were design-bid-build, the borings that were completed as part of the Geotechnical Data Report for the Project would have been sufficient for the Department to design and advertise the Project.
Additional borings beyond the three supplemental borings allotted to each team have been requested. The Department will not conduct additional borings/probes beyond the first-three supplemental borings requested by each team. If the Proposer requires additional borings beyond those supplied by the Department, additional borings may be completed by the Proposer prior to the Technical Proposal submittal. Borings completed by the Proposer prior to the submission of Technical Proposals shall be at the Proposer's expense. The information obtained from the borings can be used solely by the Proposer in development of the Technical Proposal. Results from borings completed by the Proposer shall be included with the Technical Proposal. Alternately, the Design-Builder may perform additional borings after contract award; borings completed after contract award shall be part of the technical proposal, and included in the cost included in the Price Proposal.
- 6) Q: Will additional borings be authorized as the design as the design finalizes?
A: See Question 5, above.
- 7) Q: Will Section 108.5.2 be changed to reflect the latest MDOT policy?
A: Section 108.5.2 has been amended in the RFP to reflect the current Department policy.
- 8) Q: Will there be any opportunity to have a confidential meeting between the Proposer and the Department prior to submitting technical and price proposals?
A: No
- 9) Q: Section 103.3.3.1 – If the Department decides to use the Best and Final Offer procedure will the previously submitted prices from Proposers already be made public?
A: Per Section 103.3, Price Proposal Opening, “the Price Proposals will be opened and the Lump Sum Prices will be read publicly by the Department...” It is anticipated that the opening of the Price Proposals and Technical Scores, along with the computation of the Best Value score will occur at the same time and place. This will all occur prior to the Department deciding on the Best and Final Offer provision of the RFP.
- 10) Q: Section 4.2 – pg. 2-11 – “Recycling methods are normally used and encouraged” How will this be factored in the selection of a Proposer?
A: The use of recycled materials and recycling methods will be factored into the scoring for Pavement and Geotechnical Design and Construction, as outlined in Section 3.2.7 of the RFP.

11) Q: Section 5.2.C and 5.2.D-pg. 2-13 – The Department is requiring that the Proposer be responsible for items provided by the Department such as borings, survey, traffic data, etc. This provision is very difficult for proposers to accept as we will need to check all traffic data, ESAL's, existing survey base plans, etc. The Department needs to take responsibility for the items it furnishes that can not be quickly or easily verified by the proposer. In addition, the Department should not rule out the possibility of granting a time extension or claims for additional compensation, or both, if the Department provides incorrect data such as survey that causes rework beyond the control of the proposer.

A: To the best of the Department's knowledge, the Department-Supplied information is accurate. Further, Section 5.2 states in its entirety, that the Proposer has reviewed the Department-Supplied information for errors, omissions, inconsistencies, or other defects. And, as such, will correct any errors, omissions, and defects through the design and/or construction process. Section 5.2 does not indemnify the Department from the forementioned, errors, etc, as Part C of Section 5.2 states that the provision does not eliminate the Department's obligations under the contract with respect to Differing Site Conditions. Further, the Proposer is responsible to notify the Department if/when an error, omission, inconsistency, or other defect, has been/is identified by the Proposer, in accordance with Section 101.3.6 and 104.3.3 of the RFP.

12) Q: Section 6.1.4 – pg. 2-14 – Could the Department provide a minimum baseline for a coordination program? Will the Department lead the R/W acquisition process for all R/W the Department has been deemed necessary and then assist the proposer in acquiring any additional R/W needed through eminent domain?

A: Coordination activities which are the explicit responsibility of the Department consist of the appraisal, negotiation, and acquisition of all Right-of-Way (ROW) deemed necessary by the Department to construct the Project, as included in the ROW plans of the RFP. The resulting design shall not require any additional permanent rights or easements for the construction of the roadway. If the Design-Builder requires temporary rights for construction activities, the procurement of these rights are the sole responsibility of the Design-Builder.

13) Q: Section 6.1.5 – pg. 2-14 – The Department typically requires Design Exceptions applied for on drives worsened by greater than 3%. Will this be required in the project?

A: Yes, driveways which are worsened by 3% will require design exceptions.

14) Q: Section 6.6.3 – pg. 2-19 – What are the minimum number of briefings that the Department will require?

A: The Department requires two formal meetings with the land owners and the community. Additional, informal, meetings will be required, as warranted, depending on the impacts of the design and construction methods have on the abutters and community.

15) Q: Section 6.6.3 – pg. 2-19 – What intended by “further reviews” in the last sentence? Is there a possibility that “further reviews” can lead to delays or changes and if so will time extensions and additional compensation be allowed for items beyond the control of the proposer?

A: The intent is to have follow-up briefings for “further clarification” reasons. These will not result in delays to the Project.

- 16) Q: Section 6.9.1 – pg. 2-23 – What are the minimum requirements of the “public notification program?”
A: There are no minimum requirements; the aspects, approach, and details of the public notification program are to be developed by the Proposer. The public notification program should be sufficient to meet the needs of the design and construction methods proposed by the Design-Builder, while being cost-effective. The public notification program is part of the scoring criteria, as outlined in Section 3.2.5.
- 17) Q: Section 6.13.1 – pg. 2-30 – By requiring the drainage direct into water quality swales or enhancement areas, is this beyond the standard BMP’s typically used for a Design-Bid-Build project?
A: The provisions of Section 6.13.1 state that drainage may direct runoff onto water quality swales or enhancement areas; this is not required. Standard BMP’s apply to the Project contract as a minimum.
- 18) Q: Section 6.13.1 – pg. 2-30- How does the Department anticipate the Proposer to address all future land use?
A: The Department does not anticipate the Proposer to be aware of all future land use. However, the Department does expect the Proposer to address future land use by calling the Town and seeing if any future development is currently permitted in the area of the Project, specifically development that would require on site stormwater mitigation. And, if necessary, address any issues in the drainage design.
- 19) Q: Section 6.14 – pg. 2-30 – Indicates the Proposer is responsible for the accuracy of all survey. Does this include the survey provided by the Department?
A: The Proposer is responsible for verifying the Department provided survey.
- 20) Q: Section 8.4 – The D-B will be responsible for information provided by the utility companies?
A: Because the Design-Builder is completing the design, the Design-Builder is responsible for verifying the information provided by the utilities.
- 21) Q: Section 8.11 – There may be a new Utility Accommodation Policy released by the Department during the proposal phase. If so, will this project be required to meet the new Policy?
A: The provisions of the new Utility Accommodation Policy which will affect the Project have been included in Section 8.11 of the RFP. Additional provisions of the new Utility Accommodation Policy are expected to have no substantial affected on the Project.
- 22) Q: Section 6.6.3 – pg. 2-19 – What is the minimum amount of information the Department will require to meet the “reasonably requested” requirements?
A: Reasonably requested information shall consist of plans and information sufficient to convey the design and impacts being discussed. At these briefings, the Design-Builder shall be represented by an employee of the Designer and an employee of the Contractor.
- 23) Q: How is FWD testing done? Is it staggered in each lane? Is it in the wheel path?
A: Field testing was done from south to north (in the direction of the baseline stationing) with the weight dropped in the right-hand wheelpath.

- 24) Q: Will FWD files be available to our DB team?
A: Yes, the FWD data files can be obtained on the internet at the following: <http://www.maine.gov/mdot/freepport/documents.htm>. The FWD data is available in both PDF and Microsoft Excel format.
- 25) Q: We don't have deflections at each test point in tabular form; they are only presented in a graphical format. Can we get the deflection data in a tabular form and also lane information?
A: See Question 24, above
- 26) Q: The FWD analysis report gives only the pavement surface modulus, subgrade resilient modulus and structural number. We also need to know what is the modulus of the asphalt and underlying base/sub base. Can we get the back-calculation analysis results for this purpose?
A: The FWD gives the asphalt layer modulus. The Department does not calculate the subbase modulus since it is not a requirement in the pavement design method used by the Department, as specified in Section 6.7.2.3 of the RFP, and, as a result, this information is not available.
- 27) Q: Our team should also see the samples. Will they be available?
A: The Proposer will have an opportunity to review the samples prior to laboratory testing to refine the requested testing criteria. This is as included on the Boring Request Form. Once samples have been obtained, samples can be viewed add the MaineDOT Regional Office in Scarborough. The samples will be available for viewing for approximately 24 hours. Revised testing criteria shall be forwarded to the Contract Representative designated in the RFP.
- 28) Q: No water table boreholes. Does it mean it was deeper or just not recorded?
A: Groundwater was not encountered during drilling, so no groundwater table was noted on the logs.
- 29) Q: The logs describe the base/sub base as sand with some gravel at some locations. Is it crushed gravel (processed sand and gravel or pit run material) or a crushed rock?
A: The sand and gravel noted in the boring logs was not crushed material, if it were, it would have been noted in the logs.
- 30) Q: What is the warranty period? Is it 5 years or 10 years? What does it mean – ten year warranty items on page 2-52?
A: On page 5-51, Section 10.6, ten-year warranty items consist of bridge replacement, if selected by the Proposer, or if required as a changed-condition resulting from the bridge being deemed unsuitable for rehabilitation by inspection and structural evaluation, as approved by the Department.
- 31) Q: Will there be any reference stress survey allowed during the warranty period? What if we don't agree with the results of their survey?
A: Pavement inspections will be conducted in accordance with Section 10.3.4. If there is a dispute between the Department and the Design-Builder, resolution will be completed under Sections 10.8 and 111.4 of the RFP.

32) Q: How much grade increase is allowed?

A: The allowable grades for the Project are as defined in the MaineDOT Highway Design Guide – State Standards, and the RFP. Grades on driveways shall be in accordance with the MaineDOT Highway Design Guide - Driveways Policy. The allowable increase in grade/elevation is limited by the Right-of-Way limits shown on the ROW plans, and/or retaining earth structures utilized in design by the Proposer

33) Q: In the case of discrepancies between the General Requirements and the Project Requirements do the project requirements take precedence?

A: In the case of a discrepancy between the General Requirements and Project requirements the Project Requirements shall take precedence. Moreover, if the Proposer is aware of an ambiguity, error, omission, conflict, or discrepancy in the RFP/contract documents, the Proposer shall duly notify the Department, in accordance with Section 101.3.6 and 104.3.3 of the RFP.

34) Q: General requirements section 104 General Rights and Responsibilities subsection 104.3.8 Wage Rates and Labor Laws states "...wage rates established by the Maine Department of Labor are set forth in the appendices. If not so set forth, the Design-Builder shall contact the department..." We do not find the wage rates in the appendices. Will they be provided in the Final RFP?

A: The wage rates have been added to Appendix A of the RFP.

35) Q: Project Requirements section 4 subsection 4.2 paragraph 3 states that "...replacement of the Collins Mill Bridge is not anticipated as part of the Project.". Project Requirements section 6.11 subsection 6.11.3 Collins Mill Bridge states that "Prior to final design, material sampling shall be required, including concrete powder samples..." We request that the Department conduct the material sampling and testing program providing the results by April 13, 2009 with a determination of whether the bridge requires replacement or is feasible to rehabilitate. This effort by the Department will ensure both Design-Teams have the same information, understand the Departments expectation and allow final design to proceed without delay after award should the bridge require replacement.

A: Sampling and testing requirements of the concrete for the Collins Mill Bridge have been waived in the amended RFP. In rehabilitating the bridge, the Proposer can consider the information below as existing conditions.

1. The minimum compressive strength of the concrete can be assumed at 2.5 ksi;
2. The minimum tensile strength of the steel reinforcement can be assumed at 33 ksi;

In rehabilitating the structure, the following provisions are required:

1. If the bridge is to be widened, the fascia beam(s) shall be removed and replaced with structural element(s) sufficient to meet the design requirements of the RFP. In widening the structure, the wing walls shall be replaced or sufficiently rehabilitated and built-up to meet the design requirements of the RFP. Rehabilitation of the wing walls shall consist of removal and replacement of any unsound concrete
2. If the bridge is not widened, the fascia beams and wing walls shall be rehabilitated by removal and replacement of any unsound concrete.

- 36) Q: Project Requirements section 4 subsection 4.2 paragraph 3 states that "...replacement of the Collins Mill Bridge is not anticipated as part of the Project.". Project Requirements section 6.11 subsection 6.11.3 Collins Mill Bridge states that "Prior to final design, material sampling shall be required, including concrete powder samples..." If the RFP is based upon bridge rehabilitation and the subsequent material sampling indicates that the bridge needs replacement, will this be considered a differing site condition that warrants an equitable adjustment in compensation?
- A: The concrete material testing requirement for the Collins Mill Bridge has been waived from the RFP. However, if after subsequent inspection and/or construction efforts the structure is determined not-suitable for rehabilitation, as approved by the Department, this would be considered a differing site condition, and would warrant equitable adjustment in compensation. However, it may not necessary constitute the replacement of the bridge; other design changes, highway and/or bridge, may be requested by the Department, and/or the Department may revise the Contract provisions, so that the bridge would not need to be replaced.
- 37) Q: General Requirements section 106.3 Quality Control subsection 106.3.1 paragraph 4 states "The individual managing the QCP shall be a full time employee of the Designer engaged by the Design-Builder." Can this individual be a qualified full time employee of one of the companies that comprise the Design-Build team rather than just be limited to the Designer?
- A: The QCP Manager shall be an employee of the Designer; employees from other companies which comprise the Design-Build Team are not allowed.
- 38) Q: Included in Appendix B are Forms B and E having to do with Disadvantaged Business Enterprise Information and Proposed Utilization. Project Requirements section 1.11 states that there are no DBE requirements for this project. Do forms B and E need to be submitted with the technical proposal even though there are no DBE requirements?
- A: Forms B and E do not need to be submitted with the Technical Proposal.
- 39) Q: General requirements section 106.2 subsection 106.2.2.3 specify the need for a licensed Landscape Architect and under Project Requirements section 3.2 Technical Proposal Evaluation Criteria subsection 3.2.1 it is requesting the type and location of landscaping. Is it the Department's expectation that landscaping will be limited to that required for restoration and stabilization of surfaces or will it be more in depth than that?
- A: Landscaping should be limited to that required for restoration and stabilization. The approach to landscaping on the Project will be part of the proposal scoring.
- 40) Q: Project Requirements section 6.9 Traffic Engineering subsection 6.9.2 states "Signing improvements may be required beyond the limits shown on the drawings and it is the Design-Builders responsibility for the design and construction of these signs." How far beyond the contract limits, does this apply to? If additional destination signage is needed, will the Department provide what information they would like displayed? If the Department has any on-going or future projects in the area, will these plans be provided to the Design-Build Teams? If additional signing is required, will the Department be responsible for the costs?
- A: The need for additional guide signs beyond the Project limits is a function of the design and resulting Technical Proposal of the Proposer, and, as such will be part of the basis of scoring. The Department has no ongoing or future projects in the area that would require additional guide signs. The need for additional signing beyond the Project limits, as described, shall be all-inclusive in a Proposer's Price Proposal.

41) Q: Project Requirements section 8 Utilities details the requirements of the Design-Build team with regards to the utilities. In an effort to keep the utility contacts to a minimum (and the resulting confusion on the utilities part) would the Department consider coordinating the Utility effort during the RFP phase with the Design-Builder taking over coordination once the contract is awarded?

A: The Department has already made contact with the utilities located within the Project area, and informed them that significant utility relocations will be required for the Project. This will be the extent of the utility coordination effort completed by the Department. Utility coordination shall be the responsibility of the Design-Builder.

42) Q: Project Requirements section 1.7 Insurance requires the Design-Builder to have Environmental Impairment Insurance. We have never had this requirement on a department project before. The Environmental Impairment Insurance is extremely expensive to purchase. Would the Department consider waiving this requirement?

A: The provision for Environmental Impairment Insurance is no longer necessary and has been removed from the RFP.

43) Q: Project Requirements section 6.2 Design Submittals and Reviews subsection 6.2.4 indicates a multiple submission required following the 30% submission. Would the Department consider requiring fewer submissions, since the responsibility is on the Design-Build team for what information is needed to construct?

A: The 50% and 80% plan submittals, as outlined in Section 6.2.4, are required prior to a plan set being Released for Construction (RFC).

44) Q: Project Requirements section 6.7 Highway Design subsection 6.7.1 indicates a detailed list of items to be included as part of the Highway Design Document package. Is it the Department's expectation that all these different plans will be required to be considered a complete plan set? If the Design-Build team feels that they can build the project with fewer plans, would that be allowed?

A: The items included in Section 6.7.1 outline the requirements for the final highway design document package. The final highway design document package shall be submitted as a complete set, and shall include the resulting final design, including 80% plans which have been approved for RFC by the QA manager (with incorporated Department comments), and approved changes. The final highway design document package shall be considered the as-built plans. 80% plan packages which have been reviewed and updated, as approved by the QA Manager, and RFC need not include all of the items required under Section 6.7.1. Plan sets RFC shall include sufficient detail required to construct the Project, and for the Department to understand the full intent of the design and construction to be undertaken.

45) Q: Project Requirements section 4.2 Project Descriptions provides information of limits along Route 125/136. It also states that there will be "intersection improvements at Durham Rd. and Rte. 136/Mallet Drive" but no limits on Mallet Drive are provided. What is the limit of work on the easterly end of Mallet Drive?

A: The limits of work for the Project shall start at the northerly abutment of the I-295 overpass located on the Mallet Drive section of Route 125/136.

46) Q: Does the Department have any improvements planned within this area or near this intersection under another project or program? If so, will the plans be provided to the Design-Build Teams?

A: The Department has no improvements or projects planned in the area or near the intersection of Mallet Drive/Pownal Rd. The Department did have a project under development to improve the intersection. This project has been canceled, with the intent that improvements to the intersection will be incorporated into the design of the Project, specifically as outlined in Section 6.8.1 of the RFP.

47) Q: The first paragraph of Project Requirements Section 6.11.3 indicates that “the Design-Builder shall perform a full structural evaluation for all existing elements that are to remain and be rehabilitated. This investigation will include a full inspection to note all deficiencies that affect the structural integrity, load carrying capacity and/or the long –term performance.” Is it the Department’s intent that this inspection to be performed as part of the RFP (pre-award) or prior to final design (post-award)?

A: The inspection and structural evaluation of the Collins Mill Bridge can be performed once a Design-Builder is selected, at the option of the Proposer. However, it should be noted that the Preliminary Design Report (PDR) for the bridge is to be included as part of the technical proposal, and is therefore a basis of scoring the proposal.

48) Q: The first paragraph of Project Requirements Section 6.11.3 indicates that “the Design-Builder shall perform a full structural evaluation for all existing elements that are to remain and be rehabilitated. This investigation will include a full inspection to note all deficiencies that affect the structural integrity, load carrying capacity and/or the long –term performance.” May the Departments most recent Structure Inventory and Appraisal be substituted for an independent inspection?

A: The Department’s most recent Structural Inventory and Appraisal for the Collins Mill Bridge shall not be substituted for an inspection by the Proposer/Design-Builder.

49) Q: The second paragraph of Project Requirements Section 6.11.3 indicates that design improvements shall be in accordance with Chapter 10 of the Department’s Bridge Design Manual. Will a Life Cycle Cost Analysis (LCCA) as described in Section 10.1 and 2.2 of the Bridge Design Manual be required on this project? If LCCA is required, how will it affect the computation of the Best-Value Rating for the proposal as described in General Requirements Section 103.3.2?

A: In rehabilitating the Collins Mill Bridge, a Life Cycle Cost Analysis is not required.

50) Q: The second paragraph of Project Requirements Section 4.2 refers to a methodology to achieve a serviceable design life of 20 years for the project including structural improvements. The second paragraph of Section 6.11.3 indicates that “improvements shall result in a 30-year minimum design life for the bridge at the completion of the work.” Please confirm that the design life and service life should be the same and set at 20-year for all improvements if the RFP is based on bridge rehabilitation.

A: The “structural improvements,” referred to in Section 4.2 refers to structural roadway improvements, with a serviceable design life of 20 years. The design life for the rehabilitation of the Collins Mill Bridge shall be 30 years. This has been clarified in the amended RFP.

51) Q: Based upon the draft RFP issued on February 18, 2009, we understand the existing Collins Mill Bridge may require replacement. As such, we request the Department complete supplemental borings behind at each abutment of the Collins Mill Bridge.

A: The Department's preferred option for the Collins Mill Bridge is rehabilitation/improvements to accommodate alignment improvements in the area of the bridge. If the Proposer elects to replace the bridge, additional borings shall be the responsibility of the Proposer/Design-Builder, see Question 5, above, regarding additional borings.

52) Q: What type of rehab options for Collins Mill Bridge would the Department consider?

A: The Department views the following as one scenario that may be plausible for the rehabilitation of the Collins Mill Bridge:

Raise the grade at the bridge by using engineered, steepened, slopes and/or precast wall elements. The additional height of fill within the approaches to the bridge could be retained with a precast wall system. To meet guardrail/bridge rail requirements, guardrail could be driven through the geotextile reinforcement of a steepened slope, or a moment distribution slab could be cast on top of precast wall elements.

Please consider these Questions and Answers in preparing your Technical and Price Proposals for the Project. Technical Proposal Preliminary Submission shall be on or before May 13, 2009. Final Technical Proposal and Price Proposal Submissions are required on or before June 12, 2009.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Tweedie".

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