

Date: 08/08/2024
To: Proposers
Re: Lyndon IM091-3(53) PDB_ VTrans Response to Questions

Bidders,

Please be advised of the following questions that were received during the Question period of the Lyndon IM 091-3(53) Progressive Design Build, Request for Proposal (RFP) that ended on 07/30/2024. The Vermont Agency of Transportations (VTrans) has provided the following response to those questions and are outlined in blue below.

1. On page 13/114 "Required Documents," VTrans indicated several forms that need to be completed. Aside from Item 1.a. and 1.b., would you please clarify which members of the design-builder team is required to complete each form?
 - a. Executive Order 02-22 Vendor Certification: Complete by the Prime Contractor
 - b. Contractor and Sub-Contractor Information Form: Include contact information from the Prime Contractor and any subcontractor.
 - c. AASHTO Internal Control Questionnaire (ICQ): Completed by the entity in which will provide design and engineering consultant services. This assists in determining the appropriate Federal Acquisition Regulation (FAR) overhead rate.
 - d. Executive Order 05 – 16: Complete by the Prime Contractor.
 - e. Contractor's EEO Certification - Form CA-109: Complete by Contractors and proposed sub-contractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause.
2. The AASHTO ICQ (and similar) form has typically been completed post award. Supplying complete answers to all questions in this form takes quite a bit of time. Would our most recently completed certified audit statement be an acceptable alternative?
 - a. The AASHTO form shall be completed and included in the proposer's proposal.
3. Can the Environmental Compliance Officer (ECO) be performed by a firm who may also provide construction inspection oversight services during the construction phase of the project through the VTrans Consultant Construction Management Services contract?
 - a. If the contractor has a contract with VTrans, and will also contract with the Design Builder, and it's for the same project, this is a Conflict of Interest.
 - b. If the contractor has a contract with VTrans, and will also contract with the Design Builder, but are for different projects, this is a not a conflict of interest.
4. Attachment M - State of Vermont Agency of Transportation Contractor's EEO Certification Form was provided with the RFP, however is not outlined in the list of required forms. Please confirm if this form is required for submission.
 - a. This is a required form and shall be submitted as part of the proposal. Section VI: Contents of Proposal(s) and Interviews, item Required Forms, will be updated and

will be found by accessing the revised RFP titled Lyndon IM 091-3(53) RFP Revision #1 and associated addenda titled Lyndon IM 091-3(53) Addenda #3.

5. Please confirm which forms (RFP page 13 – Required Documents) should be submitted by the contractor, and which forms by the lead designer and subconsultants/subcontractors.
 - a. Please see question 1.
6. Page 22 the RFP states "Any Proposer whose team includes an Engineer who does not have applicable Vermont registration(s) MUST acknowledge non-compliance with this requirement and confirm in writing that, if selected for the Project, will expedite acquisition of Vermont registration(s) prior to Notice of Intent to Award. The letter of acknowledgement must be included as part of this proposal submittal and be attached to the Key Personnel Resume." Please confirm that this requirement applies only to Key Personnel and not all engineers on the team, and that a letter only needs to be provided if a design Key Personnel does not have a Vermont license.
 - a. This requirement pertains to any engineer that may stamp design or construction calculations and plans for the project. It applies to the following Key Personnel at a minimum:
 - Design Manager
 - Geotechnical Design Manager
 - Design Quality Manager
7. What are the requirements for environmental staff, and what role will the ECO play in this PDB?
 - a. This individual should be knowledgeable with state and federal permitting requirements and the conditions typically required by permitting agencies on transportation projects in Vermont. Such person shall be knowledgeable in the principles and practice of Erosion Prevention and Sediment Control (EPSC) and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all EPSC measures selected to control the quality of stormwater discharges from the construction site and shall be able to demonstrate related certification(s) and training.
 - b. During Phase 1, the ECO shall be the lead for the Design-Builder for obtaining all necessary environmental clearances and permits required to complete the Work and shall be the singular point of contact for the regulators on behalf of the Design-Builder. The ECO should also be involved during design to help advise the team on constructability, and risk mitigation.
 - c. During Phase 2, the ECO will be required to be on the Project site weekly and during all major construction operations. The ECO shall be responsible for all Quality Control environmental inspection and record keeping, correcting any permit violations and for coordinating with regulatory agencies. The ECO shall have the authority to stop construction activities as necessary to maintain compliance with the environmental commitments and/or permit conditions.
 - d. The ECO shall be responsible for establishing, managing, and updating an Environmental Commitments Tracking Database during Phase 1 and Phase 2.

8. What is the role of the Construction Manager? Is it the same as a superintendent? Can we propose multiple Construction Managers depending on the method of structure installation (open cut vs. trenchless)?
 - a. The Construction Manager is a team member of the Design-Builder, who will be on the Project site for the duration of all construction operations, shall be responsible for managing all construction activities, including all QC activities to ensure the materials used and work performed meet Phase 2 Contract Amendment requirements. The Construction Manager shall be responsible for on project safety. This individual shall also oversee implementation of the Traffic Control Plan for the project and be the key point of contact for issues arising relative to the traffic control. This individual shall be responsible for coordinating with the Environmental Commitments Officer to ensure compliance with all permit conditions and environmental requirements.
 - b. The proposer should explain how the Design Manager will bring value in meeting the project goals during the design in Phase 1.
 - c. The Proposer may submit multiple Construction Managers that could be assigned based on the scope and construction methods of the project. Once the project scope is determined VTrans would expect that the assigned Construction Manager would remain with the project until construction is complete.
9. Numerous split spoon and core samples were obtained by VTRANS from borings, B-4, 4A, B-5B, B-8C, and B-9A. Have the samples been preserved, and will they be available for viewing by the Proposer(s) during the design phase, phase I?
 - a. VTrans retained all un-tested soil and rock samples that were collected. The samples will be available for viewing by the Design-Builder during Phase 1.
10. The record plans provided as part of the RFP are difficult to read. Can better resolution plans be provided? Also are other records, such as construction records for I-91, available? We are interested in obtaining information related to the construction of the existing culverts including survey data of top of bedrock before and after culvert construction and whether any bedrock removal was performed and where.
 - a. VTrans will provide all record plans that are available. These will be added to the Resource Package in file folder titled Project Record Plans and can be found by accessing the [link](#).
11. Is the Phase 1 Completion Date flexible if events outside the Design-Builder's control, such as agency reviews required to obtain environmental clearances or landowner negotiations needed to complete right-of-way acquisitions, result in delays? Will there be repercussions if this date is missed?
 - a. VTrans intention is to select a Design-Builder that can achieve the dates outlined in the RFP. The Proposer should assume reasonable but expedited reviews by VTrans to support meeting the dates. Schedule risks due to such things as permitting and ROW acquisition will be evaluated when selecting a project scope and approach to construction. If the selected scope results in a demonstrated need for additional time for Phase 1, VTrans may consider revising the schedule.
 - b. VTrans will notify the Design-Builder at any time during the Phase 1 contract period if it believes that the Design-Builder is not performing the terms as outlined in the executed Phase 1 contract, such as missing project dates. Notification may result in a course of action such as requesting a remediation plan to correct the performance, or off-ramping of the Design-Builder.

12. Will VTrans be willing to negotiate the terms of the Phase 2 contract with the Design-Builder, or is only the GMP up for negotiation?
 - a. It is the intent of VTrans to work collaboratively in the development of the terms of the Phase 2 Contract Amendment concurrent with the design and GMP negotiation. The Phase 2 Amendment will include a Special Provision Package and all Design-Build requirements to complete the project.
13. If questions are not answered until 8/8, that leaves only two weeks to submit a proposal. Can the proposal submission deadline be extended?
 - a. Deadline to submit a proposal has been extended to 8/28/2024, 3:00pm EST. The RFP schedule on the first page of the RFP will be updated to reflect such and can be found by accessing the revised RFP titled Lyndon IM 091-3(53) RFP Revision #1 and associated addenda titled Lyndon IM 091-3(53) Addenda #3.
14. The RFP requires that we “provide the current direct hourly rates for the key personnel who may be utilized under the executed contract.” Section VI, Procurement Process, of the RFP states the Phase 1 (Preconstruction) contract will be Cost Plus Fixed Fee. Attachment B of the RFP states “Contractor will be paid an inclusive hourly rate for activities performed” during Phase 1. Please clarify how the Design-Builder will be compensated. Will compensation be based on approved overhead rates and a fixed fee, or will a multiplier be used and how will that be determined? Since construction firms generally do not have audited overhead rates, how will the construction side of the Design-Build team be compensated during Phase 1 if a Cost-Plus Fixed Fee payment method is used?
 - a. It is the intent that Design and Engineering consultant services will be paid per the approved Federal Acquisition Regulation (FAR) overhead rate and is subject to FAR audit.
 - b. It is the intent that all other Key Personnel which are not considered Design and Engineering consultant services, will be paid per the negotiated fully burden labor rate, outlined in the executed contract and are not subject to FAR audit requirements.
 - c. Attachment B- Sample Payment Provisions will be updated and can be found by accessing the revised RFP titled Lyndon IM 091-3(53) RFP Revision #1 and associated addenda titled Lyndon IM 091-3(53) Addenda #3.
15. As a Contractor, we do not have a FAR overhead rate. Are the FAR Overhead rate requirements just for the Consulting engineers that are part of the team? Will VTRANS waive this requirement for the contractors?
 - a. Please refer to question number 14.
16. Team requirements list a need for d. Environmental Commitment Officer (ECO). Does this individual need to be independent of the contractor and Consultant Designer or can this be a consultant designer employee?
 - a. The ECO may be an employee of the Contractor, Designer or a Sub-contractor.
17. In the RFP on page 15, there is a list of required documents. Attachment M re: EEO is not included in the list, yet it is included later in the RFP with the other required documents (page 32). Should we include Attachment M as one of the required documents?
 - a. Please refer to question number 4.
18. Under the past performance and experience section of the table on RFP page 10 of 114, item 2 refers to two completed bridge or culvert projects within the last 5 years with information to be provided as noted in the bullets below. Section 2h on RFP page 11 of 114 refers to up to four (4) and no less than two (2) complete or substantially complete relevant projects to highlight past performance and experience and including an additional list of information to be provided. Is a separate list of projects for both the contractor and the design engineer being requested? Do the additional 2-4 projects (if they are indeed a separate list) need to meet the same “completed within the last 5 years” requirement?

- a. The intent is for one list of relevant projects. The Proposer shall provide a minimum of two (2) relevant project narratives for the designer and builder that are responsive to the specific requirements and allow up to two (2) additional projects. Section VI: Contents of Proposal(s) and Interviews, item Past Performance and Experience will be updated and will be found by accessing the revised RFP titled Lyndon IM 091-3(53) RFP Revision #1 and associated addenda titled Lyndon IM 091-3(53) Addenda #3.

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