

Date: March 15, 2023

Subject: **Request for Proposals**
Alternative Contracting-General Engineering Consultant Term Contract
2023-2026

To Whom It May Concern:

The Montana Department of Transportation (MDT or Department) is accepting proposals from consulting firms interested in a term contract for performing alternative contracting-general engineering consultant (AC-GEC) services at various locations throughout Montana.

MDT intends to establish a term contract to utilize a consultant on an "as-needed" basis for the work described herein. The intention is to award one (1) agreement for a three (3)-year period from May 2023 through April 2026. MDT reserves the right to revise the number of term contracts, the contract values, or contract timeframes, depending on the responses received. Extensions of contracts, by mutual agreement of both parties, may be made at one (1) year intervals, or any interval that is advantageous to MDT. Contracts, including any extensions, may not exceed a total of five (5) years.

Teams may be established as necessary; however, it is expected that the prime consultant will be capable of completing most of the work. As a rule, the prime consultant must complete at least 60% of the work for a specific task assignment unless written exception is given.

Active Professional Engineer License in the State of Montana is required for the Alternative Contracting GEC Manager (reference section 1.2.1 in Appendix A). The licensure must be in-hand at the time your proposal is submitted. If this requirement is not met and clearly identified in the proposal, your proposal will be considered non-responsive.

If your firm is interested, please submit a proposal as described herein.

A. TERM CONTRACT BACKGROUND

MDT requests responses for Alternative Contracting-General Engineering Consultant (AC-GEC) services that would support the Department's alternative contracting programs.

MDT has traditionally delivered its Design-Build (DB) and pilot Construction Manager/General Contractor (CM/GC) projects with dedicated internal alternative delivery staff. This practice has allowed MDT to maintain continuous, deep, and knowledgeable alternative delivery staff while delivering a fluctuating number of projects.

MDT is sponsoring a bill in the 2023 Legislature that will allow the use of FHWA approved alternative delivery methods. The bill would allow MDT to expand the alternative delivery program to use Progressive Design Build (PDB) and Construction Manager/General Contractor (CM/GC) delivery. These two delivery methods would supplement the currently used DB project delivery process. If the bill does not pass, MDT may still require the services of an AC-GEC to assist with the delivery of MDT's DB program.

Given current economic conditions, and the Department's goal to increase the use of alternative delivery methods, it is anticipated that the number of alternative delivery projects will exceed MDT's internal staffing and resources. MDT intends to delegate future projects to supplement its staff with the AC-GEC, to advance alternative delivery practices, deliver quality projects, meet the expectations of MDT's leadership, and ultimately deliver projects that provide the best value to the State of Montana.

MDT requires that the AC-GEC be able to complete requested alternative delivery program initiatives, develop and/or assist in drafting guidance documents, complete a variety of preliminary project engineering, provide strategic project advice, provide technical knowledge, provide professional technical writing, and provide knowledge of the best practices in the industry. MDT requires that the AC-GEC demonstrate extensive knowledge and experience with the alternative contracting delivery programs. Finally, MDT requires that the AC-GEC be able to complete these tasks in an efficient fashion regardless of the number of projects assigned.

As specific work items are identified for the AC-GEC, MDT will issue term assignments to clearly define tasks, schedules, deliverables, staffing, and costs necessary to deliver the project tasks. The overall AC-GEC Term Contract will be administered through the MDT Engineering Consultant Design Bureau (CDB). Specific term assignments will be negotiated and administered through the MDT Engineering Construction Bureau (ECCB), with support from CDB.

The AC-GEC will be expected to work cooperatively with CM/GC, PDB, and DB contractors and consultants. The AC-GEC may serve, at varying capacity, as MDT's agent to perform alternative contracting project management, project administrative services, scope reviews, design reviews, and construction inspection of work performed by the alternative delivery teams.

In the early project planning stage, MDT will perform a Project Delivery Selection Process (PDSP) to determine the appropriate delivery method. During this process, MDT will determine if AC-GEC services are needed. MDT will immediately notify the AC-GEC of the decision. For projects designated to use AC-GEC services, the AC-GEC will be requested to enter a term assignment for the project. Assuming the AC-GEC agrees to the terms and enters into the term assignment with MDT, the AC-GEC is prohibited from proposing as a prime consultant or subconsultant on the alternative delivery project. If the projects are not designated for AC-GEC,

the AC-GEC term consultant is free to participate as a prime consultant or subconsultant with a DB or PDB team. For non-AC-GEC projects, the term consultant can also propose to serve as MDT's CM/GC consultant.

The cost of this Term Contract will not exceed \$5,000,000.00. This Term Contract is not a guarantee of an assignment or assignments since the use of the AC-GEC's services will depend upon the availability of funding and knowledgeable internal staff at the time the work is required. A description of required work will be included in each Term Assignment that is issued.

MDT will be holding a mandatory pre-proposal meeting to provide all potential respondents with information related to this advertisement. The pre-proposal meeting will be held on March 20, 2023, from 2:30 p.m. to 4:00 p.m. This meeting will take place in person at the MDT Commission Chambers. To join the meeting virtually, use the information below.

Join Zoom Meeting for MDTCNF Commission Room

<https://mt-gov.zoom.us/j/4064447662?pwd=a0Yza3dsYVV1MDVoYnJSbjNESkZWQT09>

Meeting ID: 406 444 7662

Passcode: 4447662

Dial by Telephone

+1 646 558 8656

Meeting ID: 406 444 7662

Passcode: 4447662

Find your local number: <https://mt-gov.zoom.us/u/acpSXWR4bj>

B. SCOPE OF WORK AND DELIVERABLES

The scope of work for term assignments to be issued under this agreement could include all or part of the following specific task categories:

1. Pre-award project development of potential alternative delivery projects, including:

- Project Scoping
- Preliminary Bridge Design
- Foundation Recommendation
- Road Design
- Pavement Type Selection
- Geotechnical Engineering
- Preliminary Hydraulic Design
- Right-of-Way Design
- Traffic Engineering & Forecasting
- Surveying
- Utility Coordination
- Visual Quality
- Environmental Documentation & Permitting
- Public Information and Outreach
- Risk Analysis
- Special Project Documents

- Preliminary Cost Estimating
- Agreements
- Local Technical Assistance

If MDT decides that a DB project will require a Phase 1 document(s), the AC-GEC may be contracted to perform all or part of the effort to produce the Phase 1 bridging documents.

2. Prepare project solicitations for CM/GC, PDB, and DB projects including:

- Prepare or assist with development of scope of work documents for alternative contracting solicitations.
- Writing Requests for Proposals (RFP), Requests for Qualifications (RFQ), and associated addenda.
- Reviewing RFPs, RFQs, and associated documents when they are written by MDT personnel and advising MDT regarding their content.
- For DB projects that include Alternative Technical Concepts (ATC), provide MDT with review and technical assistance necessary to evaluate potential ATCs.
- Providing the technical input necessary to write or review sections of the RFP along with the communication skills necessary to effectively advise MDT staff regarding that input.
- Assist MDT with the preparation of RFQ and RFP evaluation criteria and developing evaluation manuals. To avoid conflicts of interest, the AC-GEC may be asked to review proposals but would be excluded from serving on technical review committees.
- Preparation of contract exhibits and associated documentation.
- Providing the project management necessary to ensure that the overall AC-GEC contract quality and efficiency goals are met for these items.

3. Providing contract administration support, including but not limited to the following:

- Contract development, review, and edits.
- Facilitate meetings during all phases of project development.
- Assist with schedule of value development (DB projects).
- Review and approve DB, PDB, and CM/GC submittals.
- Review contractor/consultant pay requests.
- Facilitate risk management meetings.
- Facilitate approach to pricing/estimate reconciliation meetings. Coordinate with MDT's Independent Cost Estimate (ICE) consultants.
- Change order reviews.
- Construction Engineering and Inspection.

4. Quality Management - Train MDT oversight staff with design, construction, contract administration, and document management services. Manage MDT quality management processes such as design reviews, documents management, materials management, training, implementation, and auditing. Audit Contractor quality management systems. Develop quality management lessons learned.

5. Advising and assisting MDT with the process to reach agreement on price for CM/GC and PDB construction contracts.
6. For alternative contracting projects wherein MDT construction management resources are not available, and MDT does not use a CEI term consultant (under separate contract), provide CEI services in accordance with guidance documents located on MDT's Consultant Design Web link for Construction Engineering and Inspection.
7. Generally supporting the Department's alternative delivery program. This includes:
 - Prepare guidance documents and/or standard procedures documents. Assist MDT with the development and maintenance of the RFQ, RFP, and other contract document templates. This would include periodic updates to the MDT manuals, implementing improvements to the contract documents, and assisting MDT with researching improvements to the documents.
 - Collecting and reporting lessons learned, benefits, and efficiencies.
 - Assist MDT with training MDT staff and other key stakeholders about the alternative contracting process. This task includes developing curriculum and other training materials.
 - Research options and methods of delivering projects using alternative contracting techniques. This includes, but is not limited to, attending training and seminars, providing MDT with reports or draft guides discovered during research activities.
 - Track innovations, cost savings, and value-added design and construction elements to projects.
 - Recommending and potentially implementing process improvements. One broad programmatic review will likely be conducted soon after the execution of the contract.
 - Programmatic auditing.
 - Assist MDT with bid protests and legislative issues associated with alternative contracting projects. This could include providing support to analyze and recommend actions associated with bid protests, assisting MDT with legislative initiatives, and providing guidance on the development of legislation language.
 - Other tasks as assigned.

Attached **Appendix A** identifies the AC-GEC team qualifications and general service requirements.

The amount of work and number of tasks assigned to the AC-GEC will be at the discretion of MDT. At the time of issuing this RFP, the Department is not certain of the number or size of future AC-GEC delivered projects.

C. PROJECT/TASK SCHEDULE AND DELIVERABLES

The schedule will be developed and negotiated separately for each individual term/task assignment.

D. STANDARDS, SPECIFICATIONS, AND POLICIES

Work is expected to follow MDT's various Manuals, Guides, and Policies. These items may be found on MDT's Design Consulting web page at: <http://www.mdt.mt.gov/business/consulting/>.

E. PROPOSAL SUBMITTAL

Submit one (1) electronic version (PDF format) of the proposal. Hard copy proposals will not be accepted.

Submit the electronic version by uploading to the State of Montana File Transfer Service (FTS) site, which can be accessed at this link: <https://transfer.mt.gov>. To upload to FTS, an account must be created unless the person who is uploading already has an account. Uploading instructions can be accessed at <https://transfer.mt.gov/Home/Instructions>. When your proposal has been uploaded, the FTS system will prompt you for an email address to send to. Please send this email of your uploaded proposal to the following individuals:

Shannon Gilskey: sgilskey@mt.gov

Sheryl Tangen: stangen@mt.gov

Kelly Williams: kwilliams@mt.gov

The Department must receive the proposals for this RFP no later than 3:00 PM MST, April 18, 2023.

Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's responsibility to assure electronic delivery at the specified emails by the specified time. Offeror may request the State return late proposals at vendor's expense or the State will dispose of late proposals if requested by the offeror. (See Administrative Rules of Montana (ARM) 2.5.509.). If no request is made, late proposals become the property of the Department. All proposals submitted on time become the property of the Department.

The costs for developing and delivering responses to this solicitation are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of this submittal.

F. TENTATIVE RFP/SELECTION SCHEDULE

The anticipated schedule for consultant solicitation and selection for this contract is as follows (subject to change):

March 15, 2023:	RFP released,
March 20, 2023:	Mandatory Pre-Proposal Meeting,
April 18, 2023:	Proposals due to be submitted to MDT Consultant Design,
April 24, 2023	Proposals reviewed, rated, and ranked by the evaluation committee,
April 28, 2023:	Oral interview (details in Section I below),
April 28, 2023:	Interview reviewed, rated, and ranked by the evaluation committee,
May 3, 2023:	Consultant Selection Board meeting to select consultant.

G. SINGLE POINT OF CONTACT

From the date this solicitation is issued until the consultant selection is finalized by MDT at the Consultant Selection Board meeting, offerors are not allowed to communicate with any state staff or officials regarding this solicitation, except at the direction of the Consultant Design Engineer. If unauthorized contact is made and the Consultant Design Engineer determines the

context of the contact gives the offeror an unfair advantage, the offeror will be disqualified from the solicitation. Contact information for the single point of contact is as follows:

Kelly Williams

Consultant Design Engineer

Montana Department of Transportation

(406) 444-7964 (Direct Line)

kwilliams@mt.gov

H. PROPOSAL CONTENTS

The proposal must contain the information listed in this section. The proposal is **limited to twenty (20) pages**, not including the required Appendices. A single cover jacket/title page is allowed if desired and will not count in the page limit. Each page is defined as one side of a letter size sheet (no larger than 8 ½" x 11"), minimum font size of 10. Evaluation of information will begin with the first page immediately following the cover jacket/title page, and every page will be counted, in order, from that point forward, including any table of contents or divider pages the firm wishes to include. Once the page limit is reached, any information included thereafter will be removed and not considered or scored. Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal:

Proposal Contents:

1) Staffing Plan

- a. Identify all critical project management and support staff as outlined in Appendix A. Include a summary of their qualifications and experience. Note that the AC-GEC firm will need to commit to these critical project management and support staff members. Substitution of critical project management and support staff for reasons out of your control will need to be approved by MDT.
- b. Provide a logical organization chart that includes critical project management and support staff. Provide other discipline support staff as deemed necessary. Identify participating companies and include primary contacts, business phone numbers, email addresses, and mailing addresses.
- c. Provide a summary of the project duties of the assigned critical project management and support staff.

2) Past Experience:

Provide a list of active and/or recently completed alternative delivery projects that you served as a GEC or as the engineer of record. Credit will be given for services provided as a GEC on non-alternative delivery projects. Reference information must include name of the state or local agency, start and completion dates (or anticipated completion date), budget, name and telephone numbers of owner's project representative, and names of Firm team management staff that managed the services.

3) Approach to Task Assignments:

Discuss the challenges you foresee as they relate to this type of work, your strategy for addressing these challenges, and your specific experience in implementing the strategies identified. Describe your quality assurance/quality control process. Provide a discussion on your overall strategy for delivering work in a timely manner, including fast-

tracked or emergency tasks and changing priorities. Discuss your Firm's ability and strategy to meet staffing requirements and project schedules, including flexibility in adapting to the Contractor's schedule and changing priorities and schedules.

4) References:

Submit references that includes a minimum of three (3) separate contacts from the past three (3) years. Include the references on a single sheet in Appendix A of the proposal. The references will not be included in the page count. If applicable, you may submit multiple contacts for a single client. Each contact must pertain to work like the proposed scope of services. Include client name, a currently employed primary contact person, corresponding valid phone numbers and emails, a range of contract value, and a brief description of the work performed. References will be scored as referenced. Note that a questionable or poor reference will be subject to the Review Committee review and could be deemed grounds for disqualification of the firm from further consideration.

5) Appendix B – Resumes:

Provide one-page resumes for the assigned critical project management and support staff, which includes past project duties and qualifications. Resumes will not be included in the RFP page count. The resumes should focus on the scope of work items for this specific project, and must include individual name, title, and professional licensure where applicable, office location, individual expertise, experience, and training.

I. ORAL INTERVIEW

Following completion of review of the written proposal, the top three scoring firms, but not more than four firms will be short listed and invited to participate in an oral interview described below. The 4th highest scoring team may be allowed to participate in the interview at the discretion of the Review Committee and Consultant Selection Board. Following are the details associated with the oral interview process:

- 1) An oral interview will be a mandatory part of the selection process. After the Evaluation Committee has completed proposal scoring, MDT will schedule an interview with the top three scoring firms (not more than four firms will be short listed and invited to participate in an oral interview). Interviews will be held at the MDT Headquarters Building in Helena, and Firms must be physically present to participate.
- 2) The time limit for the interview will be 1 hour. Firms will have 30 minutes prior to the interview to review a prepared question that will be addressed in the interview. The question will include a hypothetical project issue/challenge. The intent of this question is to assess the Firm's ability to respond in an impromptu manner. If the Firms exceed the 30-minute allowance, the overage will be deducted from the following described 1-hour interview time limit. Should the Firms not use up the entire 30-minute preparation time, the interview will still be limited to 1-hour; additional time will not be added.
- 3) The format of the 1-hour interview will be as follows:
 - The Firm is given a maximum 15 minutes to present their team and unique qualifications to provide AC-GEC services to MDT.
 - The Firm will have a maximum 30 minutes to respond to the prepared question including anticipated challenges and their approach to address the issues and develop a mitigation approach.
 - The remaining 15 minutes will be dedicated to questions and answers. The interview

will be cut off at the end of the 1-hour time limit.

- All the critical project management and support staff from the Firm's team are encouraged to participate in the interview. MDT reserves the right to make exceptions to this requirement in extreme, unforeseen circumstances, if requested by the Firm. A maximum of six (6) individuals will be allowed to participate in the interview stage. Inclusion of staff members or company principles not included in the Firm's team organization is discouraged (e.g., non-essential corporate representatives).
- To protect the integrity of the interview process, no employee or other persons affiliated with the Firm can attend or receive feedback regarding the presentation by another Firm. Violation of this condition will be cause for disqualification.
- The Review Committee will consider how well the Firm's responses demonstrate project understanding, project approach, project innovation, communication skills, and understanding of the AC-GEC process.

J. VALUATION OF PROPOSALS AND ORAL INTERVIEWS

All proposals and interviews will be evaluated in accordance with the following weighting:

- 1) Staffing Plan (20 points possible)
- 2) Past Experience (20 points possible)
- 3) Approach to Task Assignments (30 points possible)
- 4) References (5 points possible)
- 5) Oral Interview (25 points possible)

All Proposals will be evaluated using the following basic scoring methodology:

- Outstanding/Exceptional response: 90-100% of the available points
- Good response: 70-90% of the available points
- Average response: 50-70% of the available points
- Poor response: 30-50% of the available points
- Qualifications not clearly met: 0-30% of the available points

Following the review, evaluation, and rating of all proposals and the interview, the results will be presented to the Consultant Selection Board. The Consultant Selection Board will consider the most qualified firm for TERM CONTRACT. The Board may consider any Team score within 2% of another Team's score as equally qualified and consider its knowledge of the Firms' workload, past performance, and familiarity with the specific work to be performed in selecting the most-qualified consultant. The Board will take these factors in account to make a final decision on the most qualified Firm.

K. COMPENSATION AND PAYMENT

The method of compensation will be decided at the time the term assignments are negotiated. Reference the MDT Consultant Services Manual on the MDT Internet website.

http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf

MDT reserves the right to select from the following two options:

1) Specific Rates of Compensation:

An agreement based on a unit rate of work developed for billing purposes, including a firm's direct labor cost, indirect cost rate (accepted or negotiated), and negotiated fee. The "unit" may be an hour, drilling a hole for subsurface investigations, testing of materials, etc. This method should only be considered when the duration of work cannot be determined with a reasonable degree of accuracy. Federal regulations require a contract ceiling/upper limit when the payment method is cost per unit of work or specific rates of compensation. Direct travel costs in accordance with GSA rates and rules are compensable. All costs must be in accordance with 23 CFR 172, 48 CFR part 31, and other federal and state regulations as applicable.

2) Cost Plus Fixed Fee (CPFF):

An agreement in which all cost factors except fixed fee are actual costs. The fixed fee is a set dollar amount in the agreement. Through the negotiations process, MDT establishes a ceiling or upper limit on a cost-plus-fixed-fee contract. Federal regulations (23 CFR 172) require a contract ceiling/upper limit in cost plus fixed fee contracts. Almost all MDT contracts with consultants are based on this payment method. Proof of the firm's Indirect Cost Rate (overhead rate) is **not required** with this proposal submittal. However, an Indirect Cost Rate may be required prior to executing a contract according to MDT's Indirect Cost Rate Requirements:

All submitted indirect cost rates must be calculated in accordance with 23 CFR 172 for the cost principles of 48 CFR part 31 and include the required items identified in the MDT Indirect Cost Rate Policy located in Appendix A of the Consultant Services Manual on the MDT Internet website:

http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf.

Do not show any actual numerical financial information such as personnel rates within your proposal. Specific cost information of the Firm or team should not be part of the proposal.

L. STATE OPTION TO AWARD

While the State has every intention to award a contract resulting from this RFP, issuance of the RFP in no way constitutes a commitment by the State to award and execute a contract. Upon a determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

- Cancel or terminate this RFP (18-4-307, MCA);
- Reject any or all proposals received in response to this RFP (ARM 2.5.602);
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFP that would not have significant impact on any proposal (ARM 2.5.505);
- Not award a contract, if it is in the State's best interest not to proceed with contract execution (ARM 2.5.602); or
- If awarded, terminate any contract if the State determines adequate funds are not available (18-4-313, MCA).


M. DBE GOALS

There are no DBE goals for this work, but Firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>.

N. NONDISCRIMINATION COMPLIANCE

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice titled "MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE").

Sincerely,



Kelly Williams, P.E.
Consultant Design Bureau Chief

Attachment

e-copies:

Jay Skoog, ACEC Executive Director-Montana Chapter
Dustin Rouse, MDT Chief Engineer
Jake Goettle, MDT Construction Engineer
John Pavsek, MDT Alt Contracting Supervisor
Ryan Dahlke, MDT Preconstruction Engineer
Damian Krings, MDT Highways Engineer
Megan Handl, MDT Civil Rights Bureau Chief
Brandon Graff, MDT Alternative Contracting Section

Darin Reynolds, MDT ECCB Chief
Tom Martin, MDT Environmental; Services Bureau Chief
Andy Cullison, MDT Bridge Bureau Chief
Gabe Priebe, MDT Traffic & Safety Bureau Chief
Jason Gilliam, MDT Right-of-Way Bureau Chief
Dave Hedstrom, MDT Hydraulics Engineer
Randy Boysen, MDT Consultant Design Bureau
MDT Consultant Design Bureau file

APPENDIX A - REQUIREMENTS AND MINIMUM QUALIFICATIONS

This section outlines requirements and minimum qualifications for the alternative contracting general engineering consultant (AC-GEC). It is anticipated that the AC-GEC will be used to support and supplement MDT staff in a variety of roles. The skill sets and number of AC-GEC personnel will vary with each work order.

1.0 TEAM QUALIFICATIONS

1.1 General Staffing Requirements

- 1.1.1 The AC-GEC may only use competent personnel who are qualified by experience and/or education as indicated. Minimum qualifications for some example positions are defined in this section. For any specific term assignment, MDT may require that these minimum qualifications be altered in specific instances when the unique nature of the work requires specific or more specialized skills that are not identified in this section.
- 1.1.2 The AC-GEC will adequately staff each term assignment sufficiently in advance of the beginning of work on that project to be properly prepared to satisfy its responsibilities; however, the AC-GEC must not assign any personnel to a term assignment until submitting, in writing for MDT's review and approval, the qualifications of each person proposed for that term assignment. The AC-GEC shall submit its request for approval to the MDT Project Manager at least two weeks before the date an individual is to report to work. Responsible personnel, thoroughly familiar with all aspects of design and construction, may need to be available through the construction phase of the project.
- 1.1.3 An individual, who is previously approved by the MDT Project Manager, but whose performance is later determined by the MDT Project Manager to be unsatisfactory, will not be allowed to continue the project and may be replaced by the AC-GEC if the alternate is acceptable to the MDT Project Manager.
- 1.1.4 MDT requires that any personnel identified in the AC-GEC's proposal will be assigned to term assignments and committed to performing program support services. Any changes in personnel from the people identified in the AC-GEC's proposal will require written approval from the MDT Project Manager.
- 1.1.5 When operations on a term assignment diminish, the AC-GEC will reduce the number of its personnel assigned to that term assignment as appropriate. Any adjustment of AC-GEC forces as recommended by the MDT Project Manager will be accomplished within the agreed upon time period.
- 1.1.6 Specific personnel needs may vary but will be specifically defined in each project term assignment.

1.2 Alternative Contracting Management Staff

1.2.1 Alternative Contracting GEC Manager

The Alternative Contracting GEC Manager will serve as the AC-GEC contract manager and the main point of contact with MDT. If the AC-GEC is comprised of multiple firms, the Alternative Contracting GEC Manager must be directly employed by the prime consultant.

Minimum qualifications include:

- Demonstrates understanding of Design-Build (DB), Progressive Design Build (PDB), and Construction Manager/ General Contractor (CM/GC) contracting.
- Demonstrates experience managing similar contracts. Demonstrates experience managing large and complicated contracts with multiple subordinate staff members and varied needs preferred. Demonstrates experience managing similar contracts for state DOTs preferred.

1.2.2 Design-Build Contracting Subject Matter Expert

Minimum qualifications include:

- Extensive knowledge of design-build procurement and contracting in the highway and bridge transportation industry, including extensive knowledge of the practices of several other transportation agencies that have advanced design-build programs.
- Extensive knowledge of risks and risk management associated with design-build procurements and contracts.
- Demonstrates ability to exercise initiative, independent judgment, collaboration/communication, screen design concepts, problem solving, and serve as an expert.

1.2.3 Progressive Design-Build Subject Matter Expert

Minimum qualifications include:

- Extensive knowledge of progressive design-build procurement and contracting in the highway and bridge transportation industry, including extensive knowledge of the practices of other transportation agencies that utilize progressive design-build programs.
- Extensive knowledge of the progressive design-build practices of other state DOTs that have established programs, particularly related to procurement, risk management, innovation development/screening, and price negotiations for construction.
- Demonstrates ability to exercise initiative, independent judgment, collaboration/communication, screen design concepts, problem solving, and serve as an expert.

1.2.4 CM/GC Contracting Subject Matter Expert

Minimum qualifications include:

- Extensive knowledge of the CM/GC delivery method, including extensive knowledge of the practices of other public agencies that utilize progressive design-build programs in the highway and bridge transportation industry.
- Extensive knowledge of the CM/GC practices of other state DOTs that have established programs, particularly related to procurement, risk management, innovation development/screening, and price negotiations for construction.
- Demonstrates ability to exercise initiative, independent judgment, collaboration/communication, screen design concepts, problem solving, and serve as an expert.

MDT will allow an individual to serve in multiple management roles described above.

1.3 **Alternative Delivery Support Staff**

Minimum qualifications for each position are as listed below:

1.3.1 Roadway Design Engineer(s)

- Demonstrates engineering experience with road design on transportation projects.
- Demonstrates experience with utility coordination and management practices and policies.
- Demonstrates experience with Americans with Disabilities Act (ADA) designs and policies.
- Demonstrates experience with MDT standards and the pre-award activities necessary to prepare transportation projects for letting.
- Demonstrates experience directing a highly complex and specialized design review program.
- Demonstrates ability to plan and organize the work of subordinate staff members.

1.3.2 Hydraulics Engineer(s)

- Demonstrates hydraulic design experience.
- Demonstrates permitting experience related to hydraulic design.
- Demonstrates knowledge of MDT standards.

1.3.3 Traffic Engineer(s)

- Demonstrates traffic engineering experience.
- Demonstrates experience with traffic modeling, forecasting, and Interstate Access Requests.
- Demonstrates experience with signal, Intelligent Transportation Systems (ITS), signing, and lighting design.
- Demonstrates knowledge of MDT standards.

1.3.4 Geotechnical Engineer(s)

- Demonstrates foundation and soil design experience.
- Demonstrates experience with multiple types of bridge foundation systems.
- Demonstrates experience implementing new geotechnical solutions for an owner.
- Demonstrates experience working with monitoring instrumentation.
- Demonstrates knowledge of MDT standards.

1.3.5 Structures Design Engineer(s)

- Demonstrates bridge and structures design experience.
- Demonstrates experience directing a highly complex and specialized design review program.
- Demonstrates experience with Accelerated Bridge Construction (ABC).
- The demonstrates ability to plan and organize the work of subordinate staff members.
- Demonstrates knowledge of MDT standards.

1.3.6 Environmental Manager(s)

- Civil Engineering Technologies (or equivalent accredited program) degree.

- Experience with the preparation of environmental documents and Stormwater Pollution Prevention Plan (SWPPP).
- Demonstrates experience coordinating and obtaining permits from local, state, and federal agencies.
- Demonstrates knowledge of state environmental laws and federal NEPA requirements.
- Demonstrates knowledge of state and federal guidelines regarding cleanup of contaminated sites and the handling of regulated materials.

1.3.7 Estimator(s)

- Experience working with all trades within the heavy civil and transportation industry and knowledge of construction means, methods, and equipment in these areas.
- Experience preparing preliminary and final cost estimates for all trades within the heavy civil and transportation industry.
- Experience using all major heavy civil and transportation estimating methods/techniques such as production-based and average unit bid prices.
- An understanding of DB, CM/GC, and PDB contracting preferred.
- Experience with identifying, assessing, and pricing risk.
- Experience with schedule development and analysis in all trades of heavy civil and transportation.

1.3.8 Contract Editor(s)

- Demonstrated experience with technical writing and editing.
- Demonstrated experience with the preparation of complicated highway and bridge construction documents. Experience preparing Design-Build and CMGC documentation preferred.
- Demonstrated experience with risk management on highway and bridge construction projects.
- Demonstrated experience with design-build contracting working with either an owner or a proposer.

Credit will be given to teams that can demonstrate understanding and familiarity with MDT design standards, procedures, and expectations. Past MDT design-bid-build and alternative delivery experience is preferred.

AC-GEC FIRM CAPABILITIES AND EXPERTISE

2.0 AC-GEC FIRM DISCIPLINE REQUIREMENTS

The AC-GEC must demonstrate experience in the application of all MDT design standards, manuals, and guide documents associated with the following:

- 2.1 **Project Scoping** – Demonstrated experience with state DOTs to coordinate and preparing contract scope of services documents associated with DB, CM/GC, and PDB projects.
- 2.2 **Preliminary Bridge Design** - All tasks necessary to prepare a type, size, and location drawing for a bridge project. The drawing shows span arrangement, roadway cross section, and any other information necessary for guiding the detail design of the bridge.

- 2.3 **Foundation Recommendations** - All field, lab, and office tasks necessary to provide preliminary foundations recommendations for the structural elements of a project (i.e., bridges, retaining walls etc.).
- 2.4 **Road Design** - All the tasks necessary to prepare the desired level of road plans and roadway design criteria. This includes elements such as signing, lighting, landscaping, ITS, and signal design criteria.
- 2.5 **Pavement Type Selection** - All tasks associated with the preparation of the pavement type selection documentation.
- 2.6 **Geotechnical Engineering** – Provide preliminary geotechnical investigations to support structure and pavement designs.
- 2.7 **Preliminary Hydraulics Design** - The tasks needed to develop hydraulic analysis, scour analysis, and recommendations.
- 2.8 **Right-of-Way Design** - All tasks associated with assisting MDT with the preparation of right-of-way documents and deliverables for the projects.
- 2.9 **Traffic Engineering & Forecasting** - This task may include a variety of traffic engineering used to develop preliminary design concepts and pavement design criteria.
- 2.10 **Surveying** – Provide a full suite of survey experience required to support design and R/W engineering.
- 2.11 **Utility Coordination** – Provide Phase 1 and 2 Subsurface Utility Engineering (SUE) and conflict identification.
- 2.12 **Visual Quality** - The tasks necessary to determine or make recommendations for the type and extent of project aesthetic treatments. Work could include participating and/or conducting meetings, working with a separate visual quality consultant to format the visual quality manual to meet the design-build RFP format, and/or developing a visual quality manual or guidelines.
- 2.13 **Environmental Documentation & Permitting** - The tasks necessary to produce or assist MDT or its consultant hired under a separate contract, in the preparation of documents and items related to Environmental Documentation. It may also be used as a vehicle for coordination with outside agencies (and the public) that may have an interest in the project. Demonstrated experience with all aspects of NEPA/MEPA documentation, including but not limited to T&E species, wildlife conflict mitigation strategies, and regional resource agency collaboration.
- 2.14 **Public Information and Outreach** - All tasks necessary to prepare for, conduct, and document public information methods and facilitate public information meetings.
- 2.15 **Risk Analysis** - All tasks needed to assist MDT and stakeholders with risk identification, analysis, management, preliminary cost estimating, and final cost estimating. This includes the initiation and facilitation of formal risk workshops.

- 2.16 **Special Project Documents** - All tasks necessary to complete Special Project Documents, which are separate documents. Examples of types of special documents necessary would include Section 4(f) evaluations, noise reports (preliminary & final), air quality reports, hydraulic reports, aesthetic reports, wetlands findings, Interstate Access Reports, Environmental Assessment Worksheets, Value Engineering Reports, etc.
- 2.17 **Project Cost Estimating** - As part of this task, develop a detailed opinion of probable construction costs for all work associated with this project and other agency cost participation. Independent Cost Estimating (ICE) services required for CM/GC and PDB contracts will be provided by other contracts and is not included in this term agreement.
- 2.18 **Agreements** - All tasks associated with assisting MDT with the preparation and processing of various types of agreements such as Municipal Agreements, Railroad Agreements, Utility Agreements, and Maintenance Agreements.
- 2.19 **Construction Engineering & Inspection (CEI)** - All tasks associated with serving as MDT construction management agent in accordance with CEI guidance documents. Credit will be provided for AC-GEC teams experienced in AASHTOWare applications.
- 2.20 **Local Agency Technical Assistance** – As an agent for MDT, provide assistance to local city and county agencies local technical assistance program. MDT is committed to assist local agencies with guidance and education to develop alternative delivery projects and/or programs.

MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin,
sex, sexual orientation, gender identity,
age, disability, income-level & Limited
English Proficiency

State protected classes

Race, color, national origin, parental/marital status,
pregnancy, childbirth, or medical conditions related to
pregnancy or childbirth, religion/creed, social origin or
condition, genetic information, sex, sexual orientation,
gender identification or expression, ancestry, age,
disability mental or physical, political or religious
affiliations or ideas, military service or veteran status,
vaccination status or possession of immunity passport

For the duration of this contract/agreement, the PARTY agrees as follows:

(1) Compliance with Regulations: The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Non-discrimination:

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. The PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. A statement that the PARTY does not discriminate on the grounds of any protected classes.
 - ii. A statement that the PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for the PARTY’s representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
 - iv. Information on how to request information in alternative accessible formats.

- c. In accordance with Mont. Code Ann. § 49-3-207, the PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that the PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement, the PARTY assures MDT that:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

- c. The PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

(5) Information and Reports: The PARTY will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDT or relevant US DOT Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

(6) Sanctions for Noncompliance: In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities: During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.