

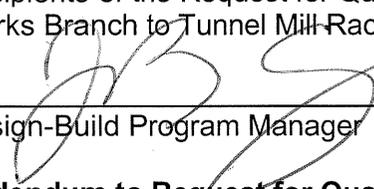
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OFFICE OF PROJECT DELIVERY
ALTERNATIVE DELIVERY UNIT
DESIGN-BUILD PROGRAM

DATE: August 4, 2004

RFQ Addendum No. 1

TO: Recipients of the Request for Qualifications
Clarks Branch to Tunnel Mill Race Section

FROM: 
Design-Build Program Manager

SUBJECT: Addendum to Request for Qualifications
Clarks Branch to Tunnel Mill Race Section
Interstate 5 (I-5)
SOQ Submittal Deadline: August 11, 2004

Following the issuance of the Request for Qualifications (RFQ) for this project, we have received questions and comments about information contained in the RFQ. This Addendum is to inform you of the following revisions to the Request for Qualifications.

These revisions are official Agency-issued changes to the RFQ for this Project. SOQs shall be based on the RFQ terms as amended by this Addendum No. 1.

1. On page 2 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Agency Project Manager (Agency PM)** and replace with:

“**Agency Project Manager (PM)**” – means the Agency's representative who directly supervises the administration of the Contract. The Agency Project Manager is the Agency's exclusive representative to the Design Builder with respect to this Project, unless the Agency or the Agency PM designates another representative and notifies the Design Builder in writing of that designation. All instructions from the Agency to the Design Builder will be issued or made through the Agency PM. All submittals from the Design Builder to the Agency required by the Contract shall be made to the Agency PM.”

2. On page 3 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Contract** and replace with:

“**Contract**” - means the written agreement between the Agency and the Design Builder, including all Contract Documents, describing the Work to be completed and defining the rights and obligations of the Agency and the Design Builder.”

3. On page 3 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Contract Documents** and replace with:

“**Contract Documents**” – means those documents listed in Article 12.1 of the Contract, as well as all documents incorporated by reference into the Contract.”

4. On page 3 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Design-Build** and replace with:

“**Design-Build**” – means a contracting method that combines into a single contract the design, construction, construction engineering, inspection, and Quality Control (QC) testing requirements for a project, all in accordance with design criteria and specifications established in the contract.”

5. On page 3 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Designer**, delete “that leads the team furnishing or” and replace with “who leads the team”.

6. On page 3 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Design Professional** and replace with:

“**Design Professional**” – means: 1) An architect who is registered and holds a valid certificate in the practice of architecture in the State of Oregon; 2) An engineer who is registered and holds a valid certificate in the practice of engineering in the State of Oregon; 3) A surveyor who is registered and holds a valid certificate in the practice of land surveying in the State of Oregon; and 4) Such other professional person or entity otherwise registered and holding a valid certificate to provide professional design services in the State of Oregon that are required to complete the Project under the Contract.”

7. On page 4 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **DMSWEB**, delete “**DMSWEB**” and replace with “**DMWESB**”. In the third line delete: “Minority” and replace with “Minority”.

8. On page 4 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Independent Assurance (IA)** and replace with:

“**Independent Assurance (IA)**” – means activities that are an unbiased and independent evaluation of all the sampling and testing procedures, Equipment calibration, and qualifications of personnel (Design Builder's or Agency's).”

9. On page 4 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Lead Principal Participant**, at the end of the definition, delete “Proposer's organization.” and replace with “Design Builder's organization.”.

10. On page 4 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Principal Participant**, delete subparagraph B), and replace with:

“B) An individual firm, all general partners, or JV members of the Design Builder (or Proposer); or”.

11. On page 4 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Principal Participant**, in subparagraph C), delete “15% or greater” and replace with “major”.
12. On page 4 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Professional Services**, delete “Project specifications, and other documents specified in the Contract” and replace with “Design Builder Specifications, and other submittals specified in the Contract Documents”.
13. On page 4 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Project** and replace with:

“**Project**” – means the sum of all Work to be performed under the Contract.”

14. On page 4 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Quality Assurance (QA)** and replace with:

“**Quality Assurance (QA)**” – means all planned and systematic oversight actions by the Agency necessary to provide confidence that the Design Builder is performing QC in accordance with the Quality Plan; that all Work complies with the Contract; and that all Materials incorporated in the Work, all Equipment, and all elements of the Work will perform satisfactorily for the purpose intended. Oversight actions include, but are not limited to, monitoring and verification of design through auditing; spot-checking, and participation in the review of the design; and monitoring and verification of construction through auditing spot inspections and Verification Sampling and Testing at production sites and the Project site. Quality Assurance also includes Independent Assurance (IA), the Agency PM's Review and Comment, documentation of QA activities, Final Inspection, and Final Acceptance.”

15. On page 5 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Quality Assurance Program**, delete “Contract” and replace with “Contract’s”.
16. On page 5 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Quality Control (QC)** and replace with:

“**Quality Control (QC)**” – means the total of all activities performed by the Design Builder and its Design Professionals, Subcontractors, and Materials producers and manufacturers to ensure that the Work meets Contract requirements. For design, this includes, but is not limited to, procedures for design quality; checking; Design Review, including reviews for constructability; and review and approval of Working Plans. For construction, this includes, but is not limited to, procedures for Materials handling and construction quality; Inspection, sampling, and testing of Materials, plants, production, and construction; Materials certification; calibration and maintenance of Equipment; production process control; and monitoring of environmental compliance. Quality Control also includes documentation of all design and construction QC efforts.”

17. On page 5 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Quality Control Manager**, in the second line after “including the. . .”, add “verification of”.
18. On page 5 of the RFQ, **Section 1.1.2 Definitions** – in the definition of **Reference Documents**, delete “and are provided to the Design Builder for informational

purposes only.” and replace with “and are provided to the Design Builder for information purposes only and are relied upon at the Design Builder's own risk.”

19. On page 5 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Request for Proposals** and replace with:

“**Request for Proposals**” – means the document, including all documents referenced therein and all appendices attached thereto, through which the Agency requests the submittal of a Proposal.”

20. On page 5 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Request for Qualifications** and replace with:

“**Request for Qualifications**” – means the document, including all documents referenced therein and all appendices attached thereto, through which the Agency requests the submittal of Statements of Qualification by firms interested in the Project.”

21. On page 6 of the RFQ, **Section 1.1.2 Definitions** – delete the definition of **Work** and replace with:

“**Work**” – means the furnishing of all design, Materials, Equipment, tools, labor, services, and incidentals necessary to successfully complete any individual Contract item or the entire Contract, and the carrying out of duties and obligations imposed by the Contract.”

22. On page 6 of the RFQ, **Section 1.2 PROJECT GOALS** – in subparagraph F), delete “to facilitate achievement of program goals”.

23. On page 8 of the RFQ, **Section 1.9 QUALITY ASSURANCE/QUALITY CONTROL** – in the third paragraph, in the second line, after “and/or perform quality” add “inspection and”.

24. On page 10 of the RFQ, **Section 1.16 INELIGIBLE FIRMS** – in the first sentence delete “comply” and replace with “complying”.

25. On page 10 of the RFQ, **Section 1.18.1 Organization** – in subparagraph A), delete “more than 15%” and replace with “a major portion”. Delete “more than 20%” and replace with “a major portion”.

26. On page 11 of the RFQ, **Section 1.19 PROPOSAL STIPEND** – in subparagraph A), delete “an overall quality rating of “acceptable”” and replace with “a total quality score of at least “1””. In subparagraph B), delete “DMWSEB” and replace with “DMWESB”.

27. On page 12 of the RFQ, **Section 2.1.1 Request for Qualifications Step** – in the second paragraph, in the third sentence, delete “ratings” and replace with “scores”.

28. On page 12 of the RFQ, **Section 2.1.2 Request for Proposals Step** – in the first paragraph, delete “rating” and replace with “scoring”. Delete subparagraph 5), under subparagraph B) and add subparagraph C) “Price”. Delete subparagraph

8) "A letter of commitment for nominated key personnel;". In subparagraph 9), delete "9)" and replace with "8)". In subparagraph 10), delete "10)" and replace with "9)".

29. On page 13 of the RFQ, **2.2 PROCUREMENT SCHEDULE** – in the second sentence, delete ", short-list".

30. On page 14 of the RFQ, **2.2 PROCUREMENT SCHEDULE** – in the table, add to the end of the third item under **Activity**, "and RFQ Requests for Change and Protests".

31. On page 14 of the RFQ, **Section 3.2 REVIEW AND EVALUATION OF THE STATEMENTS OF QUALIFICATIONS** – delete "rating" and replace with "scoring".

32. On page 15 of the RFQ, **3.3.1 Pass/Fail Evaluation Factors** – in the third paragraph, in the first sentence, delete "rating" and replace with "scoring". In the third paragraph, in the second sentence, delete "rated as unacceptable" and replace with "assigned a score of "0"".

33. On page 16 of the RFQ, **3.3.2 Quality Evaluation Factors** – delete the third paragraph which begins with "During evaluation, ratings will be assigned. . . ." and the fourth paragraph which begins with "Quality ratings for each quality. . . ." and replace it with

"After the pass/fail evaluation factors have been reviewed and rated for each SOQ, the quality evaluation factors of each SOQ that did not receive any "fails" will be reviewed to determine whether that SOQ meets the minimum qualifications as stated in this RFQ, and to document the strengths and limitations of the individual quality evaluation factors. Quality scores for each quality evaluation factor and the total quality score for the quality evaluation factors in the SOQ will be based on the following quality scoring guidelines:"

34. On page 16 of the RFQ, **3.3.2 Quality Evaluation Factors** – delete the paragraph which begins with "EXCEPTIONAL: The Proposer has. . . .". Delete the paragraph which begins with "GOOD: The Proposer has. . . .". Move the paragraph that begins with "ACCEPTABLE: The Proposer. . . ." and insert it after the paragraph that begins with "UNACCEPTABLE: The Proposer. . . ." In the paragraph that begins "ACCEPTABLE: The Proposer. . . ." at the end of the second sentence, add the following:

"The scoring for each quality evaluation subfactor will begin at one-half the number of points available for the factor as designated in Section 4.3.2. Based on the noted strengths and limitations, points will be added or subtracted to determine the score for each quality evaluation factor. The scores for each factor will be compiled by the evaluation team to determine a total consensus quality evaluation factor score."

In the paragraph that begins "UNACCEPTABLE: The Proposer. . . ." at the end of the third sentence, add the new sentence, "The score assigned is "0".". Delete the next paragraph which begins with "The evaluators may also use a plus (+). . . .".

35. On page 17 of the RFQ, **3.3.2 Quality Evaluation Factors** – in the paragraph that begins “Any SOQ that receives. . . .”, in the first and second lines, delete “rating of unacceptable” and replace with “score of “0””. In the same paragraph that begins “Any SOQ that receives. . . .”, in the second line, delete “shall” and replace with “will”.
36. On page 17 of the RFQ, **3.5 DETERMINATION OF THE SHORT-LIST** – in the first paragraph, in the second sentence, delete “rated” and replace with “scored”. In the first paragraph, in the second sentence, delete “acceptable”. In the first paragraph, delete the third sentence which begins with “Neither the overall ratings nor. . . .”. Delete the second paragraph which begins with “Letters announcing the Short-List shall. . . .”, and replace it with:
- “Letters announcing the Short-List shall be issued by the Agency. The Agency will provide the summary of scores for all teams and the Evaluation Team Worksheets for their own SOQ evaluation to each individual team.”
37. On page 18 of the RFQ, **4.3 CONTENT OF STATEMENTS OF QUALIFICATIONS** – in the third paragraph, in subparagraph B), at the end of the second line, delete “; and” and replace with “.”. Delete subparagraph C) which begins with “Defend any action seeking release of “.
38. On page 18 of the RFQ, **4.3 CONTENT OF STATEMENTS OF QUALIFICATIONS** – in the fourth paragraph, delete “ORS 192.510(2)” and replace with “ORS 192.501(2)”. In the fifth paragraph, delete “ORS 192.510(2)” and replace with “ORS 192.501(2)”.
39. On page 19 of the RFQ, **4.3.2 Evaluation Factor Objectives and Requirements** – in the fourth sentence, delete “ratings” and replace with “scores”.
40. On page 22 of the RFQ, **4.3.2.3 Experience of the Firms** – in subparagraph B) at the end of the sentence add “(30 points)”. In subparagraph 4), under subparagraph B) delete each occurrence of “key personnel” and replace with “Key Personnel”.
41. On page 23 of the RFQ, **4.3.2.3 Experience of the Firms** – in subparagraph 5), under subparagraph B), in the first sentence, delete “key personnel” and replace with “Key Personnel”.
42. On page 23 of the RFQ, **4.3.2.4 Past Performance** – in subparagraph B) at the end of the sentence add “(30 points)”. In subparagraph 1), under subparagraph B), in the third sentence, delete “rating of “acceptable -” for this factor. “ and replace with “score of one half the number of points available for the factor as designated in B) above.”.
43. On page 24 of the RFQ, **4.3.2.4 Past Performance** – in subparagraph 1), under subparagraph B), near the end of the sixth sentence, delete “rating” and replace with “score”.

44. On page 25 of the RFQ, **4.3.2.5 Backlog/Capacity** – in subparagraph B) at the end of the sentence add “(30 points)”.
45. On page 25 of the RFQ, **4.3.2.6 Project Understanding** – in subparagraph B) at the end of the sentence add “(30 points)”.
46. On page 26 of the RFQ, after section **4.3.2.6 Project Understanding**, add the following new section 5.0:

“5.0 PROTESTS AND REQUESTS FOR CHANGES

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

5.1 WRITTEN PROTESTS ONLY

All protests must be in writing, including protests of the RFQ Short-List, solicitation protest and requests for changes. Protests shall be submitted to the Office of Project Delivery Manager, 680 Cottage Street, Salem, OR 97301 (Protest Official). Any protest not set forth in writing within the time limits specified in this RFQ shall not be considered.

The Protest Official may, in its sole discretion, discuss the protest with the protestor. No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by the Protest Official or designee. The Office of Project Delivery Manager (Protest Official) or designee shall issue a written decision regarding any protest.

5.2 RFQ REQUESTS FOR CHANGE AND PROTESTS

5.2.1 Requests For Changes To RFQ Terms

Any Proposer may submit a request for changes to the RFQ terms, in writing, to the Protest Official. To be considered, the request for changes must be received by the Protest Official by the deadline specified in Section 2.2. The request shall include the reason for requested changes, supported by factual documentation, and any proposed changes. The Request for Change shall be marked “Solicitation RFQ Provision Request for Change”, and include the Key Number.

5.2.2 Protests Of RFQ Terms

Any Proposer who believes the RFQ terms are unnecessarily restrictive or limit competition may submit a protest, in writing, to the Protest Official. To be considered, the protest must be received by the Protest Official by the deadline specified in Section 2.2. The protest shall include the legal and factual grounds for the protest, a description of the resulting prejudice to the Proposer if the protest is not granted, a statement of the desired changes to the RFQ terms and conditions. The protest shall be marked “Solicitation RFQ Provision Protest”, and include the Key Number.

5.3 PROTEST OF RFQ SHORT-LIST

Those Proposers who submit a Statement of Qualifications in response to the Request for Qualifications but who are not selected for the Short-List, and who therefore are not eligible to submit a Proposal in response to the RFP, may protest exclusion from the Short-List. Agency will provide the information specified in Section 3.5 to those Proposers excluded from the Short-List within three days of the notification and those Proposers will have five business days following fax or email transmittal of the information specified in Section 3.5 to submit a written protest to the Protest Official. The Agency will not consider a protest submitted after the deadline established in this subsection.”

47. On page 26 of the RFQ, **5.0 AGENCY RIGHTS AND DISCLAIMERS** – delete section number “5.0” and replace with “6.0”
48. On page 26 of the RFQ, **5.1 AGENCY RIGHTS** – delete section number “5.1” and replace with “6.1”.
49. On page 27 of the RFQ, **5.2 AGENCY DISCLAIMERS** – delete section number “5.2” and replace with “6.2”.
50. On page 28 of the RFQ, **6.0 DMWSEB ENTERPRISE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY** – delete section number “6.0” and replace with “7.0”.
51. On page 28 of the RFQ, **6.0 DMWSEB ENTERPRISE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY** – in the section heading delete “DMWSEB” and replace with “DMWESB”.
52. On page 28 of the RFQ, **6.1 POLICIES** – delete section number “6.1” and replace with “7.1”.
53. On page 28 of the RFQ, **6.2 DMWSEB ENTERPRISE PARTICIPATION GOAL** – delete section number “6.2” and replace with “7.2”.
54. On page 28 of the RFQ, **6.2 DMWSEB ENTERPRISE PARTICIPATION GOAL** – in the section heading delete “DMWSEB” and replace with “DMWESB”.
55. On page 28 of the RFQ, **6.3 EQUAL EMPLOYMENT OPPORTUNITY** – delete section number “6.3” and replace with “7.3”.
56. On page 28 of the RFQ, **7.0 COMPLIANCE WITH APPLICABLE LAWS** – delete section number “7.0” and replace with “8.0”.
57. Insert Exhibit A, which consists of the attached file entitled “COI Guidelines and Disclosure Process.doc”.
58. In Appendix B of the RFQ, in the table on page B-2, delete “Form 1” and replace with “Form DMWESB”.

59. In Appendix C of the RFQ, in the **Cover & RFQ Index**, on page i, delete the two occurrences of "DMWSEB" and replace with "DMWESB".

60. In Appendix C of the RFQ, delete the Form DMWSEB and replace it with the attached Form DMWESB.

Proposers may submit a written request for change or protest of the Addendum provisions to the point of contact indicated below by August 9, 2004.

Please refer any questions or discussions regarding the RFQ to Mike Murphy at murphymic@pbworld.com.