Before the Director, Department of Administrative Services
Of the State of Oregon

In the Matter of the Exemption Request of the Department of Transportation for the Lower Perry Interchange Bridge Replacement (Grande Ronde River) Bridges (#08428E and #08428W) Old Oregon Trail Highway (I-84), Union County	))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

ORS 279.015(1) requires, with certain exceptions, that all public contracts be based on competitive bidding and, under ORS 279.029, be awarded to the lowest responsive and responsible bidder. ORS 279.015(2) permits the Director of the Department of Administrative Services (DAS), as the State's public contract review authority, to grant exemptions from the requirement for competitive bidding upon the approval of specified findings. ORS 279.011(5) defines "Findings" and identifies specific information to be provided as part of the agency justification. Under ORS 279.015(3) a public hearing must be held before the findings are adopted, allowing an opportunity for interested parties to comment on the draft findings. OAR 125-300-0050 is the DAS rule addressing requirements for competitive bidding exemption requests.

The hearing for review of these findings was held at 1:30 PM on January 4, 2002 at the Department of Administrative Services office at 1225 Ferry Street, Salem, Oregon. There were no oral or written comments received on the draft findings supporting this exemption.

ORS 184.610 to 184.733 describes the Oregon Department of Transportation (ODOT) and the responsibilities of the Oregon Transportation Commission (OTC), Director and managers. ORS 366.400 authorizes ODOT to enter into all contracts deemed necessary for the construction, operation, maintenance, improvement, or betterment of highways. ORS 279.712(2)(c) provides ODOT with independent contracting authority for contracts relating to maintenance or construction of highways, bridges, parks, or other transportation facilities. ORS 366.505 describes the composition and use of the Highway Fund, including Federal funds.

FINDINGS OF FACT
SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND THE USE OF THE DESIGN-BUILD COMPETITIVE SELECTION PROCESS

I
BACKGROUND

1. Project Description: Lower Perry Interchange (Grande Ronde River) Bridges

The purpose of the project addressed by this document is to replace the eastbound and westbound Lower Perry Interchange bridges over the Grande Ronde River in Union County. The work under this Design-Build Contract consists of design, construction, contract administration, and all support needed to complete construction. The existing bridges (Br. #08428E and Br. #08428W) are located at milepost 257.23 and milepost 257.24 on Old Oregon Trail Highway (I-84). The project will require the Design-Build Contractor to provide a considerable level of environmental awareness and commitment in both the design and construction phases. It is essential that the work be vigorously initiated, pursued and completed, with minimal impact to the travelling public. The

work will be done in accordance with ODOT approved geometric design standards, performance requirements, and specifications. The estimated contract value of this project is $6-12 million.

2. Nature of Business

ODOT, formerly the Oregon State Highway Department, has been contracting for road improvement projects since 1914. In recent years, the average number of projects has been approximately 150 to 200, at a cost of approximately $200 to $300 million. The OTC is mandated to "encompass economic efficiency" (ORS 184.618), and therefore ODOT strives to continually improve its acquisition and project delivery approaches. One of those acquisition improvements is Design-Build.

3. Circumstances

ODOT, and most other DOT's, have traditionally employed at least two separate phases to implement transportation public improvement projects; namely a design phase and a construction phase contract. Experiences from other public contracting arenas have shown that the potential exists to reduce both time and cost to complete projects that require both design and construction by including and integrating both efforts within a single Design-Build contract for the completion and delivery of the project.

The Oregon Department of Transportation has traditionally used a low bid approach for selecting construction contractors. In the future, the department anticipates using a variety of contracting methods to deliver transportation projects. One promising method is Design-Build contracting. With this approach, a Design-Build team can supply engineering design, plan preparation, value engineering, construction engineering, construction, quality control, and documentation for an entire project, and fully integrate these elements into one contract.

Other states, such as Florida, have demonstrated that Design-Build contracting can provide a number of benefits on transportation projects. These include:

- Saving time by overlapping and interweaving the design and construction phases of projects. Florida, for example, has reported average time saving of 33% relative to conventional project delivery processes.

- Saving money a number of ways such as creating expanded opportunity for cost saving innovations, reducing efforts spent preparing documents for a contracting process, allowing customization of designs for a specific contractor's proven approach and equipment, and reducing the number of change orders. Florida reported a decrease in contract price of 6% and less than half the claims and litigation. (www11.myflorida.com/construction/Design%20Build/Design%20Text.htm)

- Better projects from integrating design and construction and by incorporating contractor-specific details and methods into the construction plans.

ODOT is interested in pursuing further Design-Build contracting to realize these benefits on selected transportation projects in Oregon.

Recently the legislature passed and the Governor signed into law Oregon Laws 2001, Chapter 669 (House Bill 2142), known as the Oregon Transportation Investment Act (OTIA), which provides for the proceeds of a $400,000,000 bond issue(s) to be used to fund transportation projects selected by the Oregon Transportation Commission. A project selection process is underway, which is to conclude on January 16, 2002 with the Commission's formal selection of projects. The process allows considerable opportunity for public input. Several state bridge replacements have been selected as possible candidates since many state bridges are rapidly deteriorating and must be either replaced, rehabilitated or severely load limited.

During hearings on the bonding program there was encouragement by legislators to implement this program as quickly as possible using innovative contracting methods where appropriate to ensure a rapid response. An early start will minimize the inefficiencies associated with peak loading and respond to the trust and expectations placed in ODOT by the legislature. Design-Build project delivery has been demonstrated as a method to initiate and complete construction work more quickly than the traditional Design/Bid/Build approach, and is better suited to quickly initiate certain bridge replacements in the OTIA.

4. Process

The procurement process to be implemented is described in Attachment A hereto. It will culminate in a lump sum contract (with progress payment provisions) for the project under this exemption. The project will be awarded to the contractor submitting the proposal determined to be most favorable in light of several factors. Those include; proposal price (including removal, design, and construction costs), and technical factors (including experience, personnel, schedule aggressiveness, and capabilities and plans in areas such as quality, maintainability, reliability, environmental impact, traffic disruption, project staging, staffing, and organization).

5. Form

The contract form to be used will be the standard ODOT Construction Contract form, modified to facilitate the Design-Build project approach. Development of the modified contract will be coordinated with both the Department of Administrative Services (DAS) and the Department of Justice (DOJ). The final contract will be reviewed and approved for legal sufficiency by DOJ prior to execution. There will be no separate public contract for design, since ODOT will not contract directly for the design work. Engineering work will be performed by the engineering resource furnished by the Design-Build contractor.

6. Advantage

Design-Build is expected to significantly reduce overall project cost by i) reducing formal engineering documentation efforts, ii) permitting 'Long Lead' construction-related planning and procurements to be initiated prior to finalization of total, detailed design, and iii) reducing the period of performance of the project. Further, the process described in Attachment A hereto has been formulated to encourage competition. Both the construction and engineering consultant communities have expressed support of limited ODOT Design-Build contracting.

7. ODOT Pilot Program

The detailed design, construction and delivery of the project follows the ODOT Design-Build Pilot Program under which two Design-Build projects were successfully contracted and delivered. In July 1997 ODOT initiated a pilot program to conceptually develop and gain direct experience with Design-Build contracting. The Department recognized that Design-Build contracting would require significant changes in the way all participants in transportation projects conduct business. Representatives from the design and construction industry, insurance and bonding companies, and cities and counties were invited into the pilot program and actively participated. Informational and educational publications and meetings were provided for broader audiences of stakeholders, including the Oregon Transportation Commission, and the Legislature.

The Pilot program developed and tested a Design-Build team selection process and associated draft documents (project description, RFQ, and RFP).

Two projects were delivered using Design-Build contracts in the pilot program. The two Design-Build Pilot projects were:

- Highway 99E: Willamette River (Harrisburg) Bridge Deck Replacement

- Interstate -5: Evans Creek to Rock Point, Pavement Preservation

These projects were selected because they were small, straight-forward projects, involving relatively uncomplicated technologies. They allowed concentration on testing the Design-Build processes developed by earlier phases of the pilot program. Although they were selected to benefit from Design-Build contracting, the benefits were probably small compared to what may be realized on larger, more complex projects. Despite that, the Harrisburg Bridge project in particular was completed in a manner that saved the public significant travel time and detour costs. The solution proposed and used by the contractor for moving traffic during construction required minimal lane closure saving significant out of direction travel and travel delays.

II
FINDINGS REGARDING REQUIRED INFORMATION

ORS 279.011(5) states that: *"Findings" means the justification for an agency conclusion that includes, but is not limited to, information regarding: (a) Operational, budget and financial data. (b) Public benefits. (c) Value Engineering. (d) Specialized expertise required. (e) Public safety. (f) Market conditions. (g) Technical complexity. (h) Funding sources.*

Many of these criteria support the use of the Design-Build contracting process. This finding is supported by the following facts:

a) Operational, Budget and Financial Data: By passage of HB 2142, the 2001 Legislative Assembly mandated that ODOT improve the condition of and the traffic flow on the state highway system. To support this effort, under that Act a $400,000,000 bonding program was approved and budget authority provided to assure that construction starts as quickly as possible. This bridge project is one of the projects to be completed under the legislatively approved program. The Design-Build method of contracting is the quickest method of getting this project underway while ensuring that ODOT will not incur additional costs beyond those budgeted for.

b) Public Benefits: The current bridge structures are limited in load carrying capacity, requiring out-of-direction travel for many trucks. Further deterioration of the structures over time will require additional traffic limitations including lane closures and possible detours during heavy maintenance. Contracting for improvements under Design-Build ensures a more timely completion of the replacement project. This will allow for resumed service to those currently unable to use the structures and eliminate future delays for all users during heavy maintenance projects. In addition, there is a significant estimated direct cost saving of $595,000 as described in IV below.

c) Value Engineering: ODOT believes that the team process used in the Design-Build method of contracting should result in earlier, more reliable and higher quality value engineering proposals produced for the project. Value engineering has resulted in both initial savings as well as long term savings for other ODOT projects. Since a good deal of the project design and planning will be accomplished during the proposal phase, ODOT can expect to realize benefits in the initial contract price.

d) Specialized Expertise Required: This project involves work on an Interstate Highway under high traffic volumes. Safe traffic flow must be maintained while construction proceeds. The work is structural in nature and the final product must be capable of a long service life under heavy loads. Expertise and innovation in managing and coordinating both design and construction, fast tracking, implementing performance specifications, providing value engineering and constructability review, expertise in scheduling and estimating, assessing risk and providing a complete project as a single point of responsibility are all required for successful project completion

e) Public Safety: As the project is staged, the contractor may be required to design and build temporary traffic detours. Any detour must meet the requirements of the Manual on Uniform Traffic Control

Devices. The integrated relationship between the designer and the constructor in the Design-Build method of contracting should assure coordination of work, resulting in shorter lane closures and detour times. In addition, Design-Build contracting of this project will ensure all is being done as quickly as possible to minimize the possibility of failure of the structure before a replacement is in place.

f) Market Conditions: Unemployment in Oregon is currently much higher than experienced in the past several years. The Governor and the Legislature have encouraged ODOT to contract bonded projects quickly in order to take advantage of market conditions and to improve employment. Economic studies have shown that highway construction projects nationally create 30 to 40 jobs per million dollars spent. ODOT conservatively estimates that highway construction projects in Oregon provide more than 18 jobs for every million dollars spent. Additionally, contractors have had some experience with Design-Build in Oregon and have become more accepting of this process, thereby assuring competition. Design-Build applied to this project is expected to accelerate construction effort by up to a year.

g) Technical Complexity: These structures, as mentioned above, carry high volumes of high-speed traffic requiring technical expertise in traffic engineering to develop safe staging, lane closures and detours during construction. Technical expertise is also required for structural design including geotechnical and siesmic design and construction. The project presents unique challenges related to staging and removal of the existing structures. This project will draw upon existing skills and capabilities available in the design and construction community. This is a replacement, presenting a less complex challenge than either new bridges on a new alignment or a major rehabilitation of an existing facility. As this is a new structure, it still offers areas where meaningful project innovation may be applied.

h) Funding Sources: As mentioned earlier, this project will be funded with funds approved in HB 2142 for transportation projects approved by the Oregon Transportation Commission.

III
FINDINGS ADDRESSING COMPETITION

ORS 279.015(2) requires that an agency make certain findings as a part of exempting public contracts or classes of public contracts from competitive bidding. ORS 279.015(2)(a) requires an agency to find that: *It is unlikely that such an exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.* ODOT finds that selecting a Design-Build contractor through a competitive process in accordance with OAR 731-007-0190 will not inhibit competition or encourage favoritism. This finding is supported by the following;

It is anticipated that competition will remain strong as it has in other states where Design-Build has been introduced. ODOT has early indications of interest and intent to participate. ODOT processes for procurement of a contractor have been developed with maintenance of competition in mind.

1. The competition remains open to all currently qualified bidders. There are 126 construction contractors and 39 design consulting firms who have directly expressed interest in pursuing ODOT Design-Build projects. Over 40 firms have expressed interest in this project. These firms should be able to locate needed complementary skills to form a viable Design-Build team to pursue this project and other Design-Build projects

2. ODOT has been communicating regularly with both the construction contracting community and the engineering consulting community about Design-Build.

3. The Design-Build evaluation and selection process ODOT intends to employ is summarized in Attachment A hereto. It is open and impartial; all requirements for both the Qualification and Proposal stage will be determined by and reflective of the significant work elements of this type of project.

4. The final selection will be made on the basis of Adjusted Low Price as described in Attachment A hereto, which expands the grounds of competition beyond price alone to include quality and

innovation factors. While it is not clear this induces increased competition, ODOT's literature search and discussions with other jurisdictions indicate competition has remained strong.

5. Pursuant to ORS 279.025, the solicitation will be advertised in the Daily Journal of Commerce. In addition the notice will be advertised in Commercial Market Data and on the ODOT web site www.ODOT.state.or.us/contractorplans

IV
FINDINGS REGARDING SIGNIFICANT COST SAVINGS

ORS 279.015(2) requires that a public agency make certain findings as part of exempting public contracts or classes of public contracts from competitive bidding. ORS 279.015(2)(b) requires an agency to find that: *The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency.* This finding is supported by the following;

Design-Build benefits for this project include opportunity for significant cost and time saving through innovation including:

- improved project staging,
- incremental completion of engineering and commencement of construction (for example construction may start on a detour once designed rather than waiting until the whole project is designed),
- integrated planning (as the designer works for the contractor, the most cost effective construction methods the contractor is capable of can be designed into the project),
- reduced formal engineering effort (the plans and specifications do not have to be biddable requiring that level of detail), and
- continuous improvement (products new to the market and other state of the art innovations can be identified and used).

While measurement of the results of these features of Design-Build is difficult, other state DOT's and other owner communities consistently report benefits from their Design-Build experience, including direct and indirect cost savings. ("Innovative Contracting Practices", FHWA, www.fhwa.dot.gov)

1. Direct Contract Cost Saving:

1.1. Cost and Time - Indications from the experiences of other state DOT's are that, in general, initial contract prices are expected to be comparable between Design-Build and conventional methodologies. However, the Construction Industry Institute (CII) found that design-build construction methods have an edge over others in limiting cost and schedule creep. The study reviewed 350 building construction projects (20% Construction Management (CM), 45% Design-Build, and 35% Design-Bid-Build (DBB)). The DBB method showed the greatest median cost escalation at 4.84%, followed by CM at 3.34% and Design-Build at 2.37%. The CM and Design-Build experienced almost no delays with DBB running an average of 4.44% longer. "Design-Build Has Cost, Time Edge" Engineering News Record November 17, 1997. That difference would result in a cost saving of approximately $175,000 on this six to eight million-dollar contract.

1.2 Contract Changes - Analyses by other transportation jurisdictions indicate that the number and cost of contract changes (change orders after bid opening which affect the work to be completed) decreases, and that changes may tend to result in modest *decreases* to contract price. For example, Florida (Transportation Research Record No. 1351, "Final Evaluation of the Florida Department of Transportation's Pilot Design/Build Program", 1992) has experienced a swing from +8.8% average contract cost growth using conventional design/bid/build approaches to 2% average contract cost *reduction* for Design/Build projects. This swing of over 10% may be attributable to the continual Value Engineering opportunities the Design-Build team has by working together from proposal preparation through project

completion and delivery. Applying Florida's experience to Oregon's situation, ODOT could see a shift from +2.5% contract cost growth experienced by ODOT under its current conventional approaches to Florida's 2% contract cost reduction, a 4.5% swing. For this project, the saving is therefore projected to be approximately $300,000. This saving is a duplication of that described above but provides a confirmation (for which ODOT uses the smaller figure of $175,000 in totaling Direct Cost Savings).

1.3 Bid Documents - There are areas of savings to be expected related to ODOT bid documentation preparation. For example, under current design/bid/build, it is necessary for preliminary engineering design plans and specifications, adequate for identifying project performance, to be further formalized to standards appropriate for inclusion in formal Bid packages. By eliminating the separation between design and build phases of the project, formalization costs can be decreased. ODOT estimates that preliminary engineering will be reduced by approximately $15,000 for this contract.

1.4 Maintenance - By contracting this project as Design-Build, ODOT estimates that the project construction can commence in the Summer of 2002 with completion approximately 12 months earlier than if conducted under the traditional process. This difference is attributable to pletion of engineering allowing early start of some construction tasks, and performance time span. It includes a time saving due to the opportunity to stream work in 2002, a one-year earlier window than could be met under ign-bid-build. (There are environmental restrictions on in-stream work, rk to occur only at certain times of the year.) The estimated 12-month he project completion date could allow ODOT to forego some maintenance or es on these rapidly deteriorating bridges. Due to their current condition, the ch $300,000.

1.4 – Is it true
Is it valid for Quarry?
Maint Savings ?

ne-year time saving will also save inflationary cost of construction, which has amounting to approximately $105,000 for this project assuming the saving is ear (3% X $7,000,000 X ½ = $105,000).

e two of several bridges on this route currently unable to withstand modern l requiring some heavier trucks to take a detour route. The out of direction rucks is about 100 miles which is unreasonable. However, based upon a 100 mile out-of-direction routing and 40% of the trucks being detoured (the number of five axle or greater trucks being used in that area) the cost is estimated at $300,000/day delay and $300,000/day in out-of-direction travel for a total of over $200 million annually to the industry. The reality is that the industry would be unlikely to send shipments in trucks subject to the detour. Some areas would likely not get deliveries or shippers would be forced to pay a premium to have the shipments hauled in smaller trucks. An estimate of this cost would be subjective and is not attempted here. It could easily exceed one million dollars.

Is this project on 'critical path' to opening I-84 to heavier traffic – that is year complete in '04 – Comm pens; if not the 05-06-07 etc

tructures were not funded in the State Transportation Improvement Program al design work has been started. However, it is possible to contract this ly, using the Design-Build process, without impeding the development of cts in the corridor. This will make the entire corridor usable sooner. The are in the Statewide Transportation Improvement Program for future

l eventually have been added to the STIP after other bridges are completed allowed. Because of the immediate availability of funds under HB 2142 it sign-Build to proceed with this project immediately, eliminating as much as completion time of all bridges on this corridor saving two years of trucks ur route. The total savings as described above could amount to millions of

2.2 There is agreement that Design-Build procurements reduce time to deliver a project. In addition to eliminating one procurement cycle; innovation, concurrent engineering, incremental starting of material acquisition and fabrication all contribute to reduction of time. Innovation was the key to Oregon's experiences with the I-5 Trunnion Gear Replacement, the Mary's River Bridge, and the Willamette River (Harrisburg) Bridge Re-decking all of which realized significant time reductions. By allowing and even encouraging innovation and aggressive program approaches, time saving can be expected. In Design-Build, the contractor is encouraged to engineer and stage the project to optimize construction, considering in-house mix of design skills and construction capabilities. This typically leads to reduction in time for start of construction and project completion, translating into reduced costs and increased profitability. With this project employing Design-Build techniques, ODOT anticipates a reduction in construction-related traffic impediments by minimizing detours, lane closures and narrowing.

3. Net Expected Saving :

While there is some indication that initial contract prices might be reduced, it is difficult to estimate a probable amount. This is also the case with savings related to contract changes. Using the lower of the two figures, a conservative estimate of direct saving described above in Direct Contract Cost (sections 1.1, 1.3, 1.4, and 1.5) indicates a net saving amounting to $595,000.

The greatest saving is not one to ODOT but to the trucking industry and could be several million dollars. It can be expected that some of these savings will result in reduced shipping costs and passed on to Oregon consumers.

4. Evaluation Process

This project will be evaluated in accordance with the requirements of ORS 279.103. This contracting method will be evaluated by comparing the Design-Build contracting costs to estimated costs if ODOT had used a traditional Design-Bid-Build approach.

Evaluations, factors and comparisons of actual cost on this project will be measured against this estimated traditional initial contract price.

V
CONCLUSIONS OF LAW

An exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279.011(5), findings have been developed in compliance with ORS 279.015(2) and 279.015(3), and ODOT will perform the post project evaluation required by ORS 279.103. Based upon the previously listed findings, ODOT concludes that:

A) Following the described selection process, an exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

B) Award of a public contract pursuant to the exemption will result in a substantial net cost savings to ODOT in the approximate amount of $595,000.

ORDER

An exemption from public bidding requirements is hereby granted to **Robert G. Burns, Design-Build Project Leader of the Department of Transportation** to enter into a Design-Build contract for the Lower Perry Interchange (Grande Ronde River) Bridges #08428E and #08428W by using the alternative method of procurement described in the preceding findings. This order is subject to the following conditions:

1. The authority granted Mr. Burns permits ODOT to conduct and administer the contract(s) entered into under the alternative procurement method for the Lower Perry Interchange (Grande Ronde River) Bridges #08428E and #08428W in accordance with this exemption order based on Mr. Burns' capabilities and experience with Design-Build projects.

2. Mr. Burns may delegate procurement activities under this exemption after Mr. Burns finds that the person who will be carrying out the any portion of the procurement or contracting activities has the capability and experience to perform successfully and in accordance with statute, rule, the conditions of this exemption order. **All delegations made in conjunction with this exemption shall be in writing** and ODOT shall furnish the DAS Chief Procurement Officer with a list of individuals with written delegation of authority prior to implementing the delegation. The ODOT list of individuals with written delegation of authority to perform procurement and contracting activities under this exemption shall be updated annually or as changes occur within the agency. ODOT shall clearly identify all documents submitted to DAS by the project name and exemption number.

3. To the extent possible consistent with this Exemption, this procurement shall follow the provisions of ORS Chapter 279 and 291: OAR Chapter 731, Division 5 (ODOT Public Contract Rules) and Division 7 (ODOT Public Improvement Contracts), particularly OAR 731-007-0190 relating to Design-Build contracting.

4. In concert with the Department of Justice, objective standards for evaluating proposals shall be established and standards in making a contract award shall be followed.

5. ODOT shall work with DAS Purchasing and DOJ to adapt standard contract language for the contract and shall incorporate into the contract such additional or substitute terms that DAS, or DOJ determine to be necessary for the protection of the State.

6. ODOT shall provide DAS full access to the records of the project at any time. DAS shall use that access to determine if the terms of this Order have been followed.

This Exemption shall remain in effect from the date of issuance through completion of the Design-Build contract for the Lower Perry Interchange (Grande Ronde River) Bridges #08428E and #08428W.

THE FINDINGS SUBMITTED IN SUPPORT OF THIS REQUEST ARE HEREBY APPROVED

1-16-02
Date

Director, Department of Administrative Services

REVIEWED BY DEPARTMENT OF JUSTICE

1/15/02
Date

Assistant Attorney General

Attachment A–Selection Process Description and Objectives:

The selection process that will be used for the HB 2142 State Bridge Replacement (Initial) Design-Build Program consists of two steps, 1) A Request For Qualifications (RFQ) applicable to up to four specific projects will be advertised industry wide, the same as with current conventional projects. The RFQ will ask for the specific experience of proposers (Design-Build teams), key personnel, and organizational information, which will be compared to standards established for specific key elements of these projects. The Statements of Qualifications (SOQ's) received will be evaluated, and the teams demonstrating that they meet or exceed previously established minimum experience and organization requirements stated in the RFQ, will be selected to advance to the proposal stage. 2) Individual Requests for Proposal (RFP) will be issued for each specific project to those teams. 3) Proposals shall be submitted by the selected teams by a specified date.

The Proposals submitted will be required to contain two components, a price component and a technical component. The price component presents the total cost to ODOT for delivering the specific project. The technical component describes the proposer's understanding of the specific project, key personnel to be committed to that project, and the proposer's approach to delivering project key elements described in each individual project RFP. The Proposal technical component score will be used to adjust the proposed price component, resulting in a final score, or Adjusted Price.

The Statement of Qualifications and the technical component of the Proposal will be evaluated by a Technical Evaluation Committee, consisting of 4-7 people representing at least the following: ODOT Bridge Engineering Section, Construction Contracts Unit, Region or Area Management, Project Management, and Construction Section.

The scoring of the SOQs' and the Proposals' technical component will be completed and signed by committee members. The scores for the Proposal technical component will be completed prior to the date and time set for opening of the price component.

The technical component scores will be read publicly. Then the proposal prices will be opened and read publicly. The 'Adjusted Price' for comparison and award of the contract will be determined using combined technical and price components. The formula for adjustment will be contained in the RFP.

The price will be taken directly as read from the Proposal. The technical component score will be expressed as a percentage of the total available points. The final score will be calculated and will be announced. The responsible proposer with the lowest, responsive Adjusted Price will be selected.

ODOT is intending to simultaneously prequalify contractors for both the Lower Perry and Coast Fork Willamette projects under a single RFQ process. In doing so, and since the qualification requirements being used are the same for both projects, ODOT is addressing the possibility of receiving multiple SOQ's for one project and none for the other project. ODOT reserves the right to invite any respondent to the RFQ's who has achieved the minimum 82% score, but is not one of those selected for the project for which they responded, to submit a firm proposal for the project receiving no qualifying SOQ's.