

**Letter of Clarification No. 5  
Design-Build Project**

**RFP Reference Document**

**Date: February 21, 2025**

**To: Shortlist**

**Prepared By: Megan Saunders**

**Subject: Northwest Oregon 2024-2027, ADA Curb Ramps, Phase 2 Design-Build Project  
Design-Build Project**

RFP and Forms - The following are the Agency's responses to Bidders' questions/requests for clarification

**Question 1:** RFP Section 4.06 b.1: Comprehensive-Wide Organization Chart. The RFP states that 11 x 17 may be used for the schedule. It does not state that 11 x 17 pages may be used for the org chart or other graphics. May we submit the organization chart on 11 x 17 and up to two graphic pages to better demonstrate our innovations and approaches? May the font size be changed to 10pt for graphics?

**Response 1:** Please see updates to the RFP in Addendum 3.

**Question 2:** Page 23 of the RFP outlines the pages excluded from the technical proposal's page limit but does not explicitly mention tabs or section dividers. Would you confirm that tabs/section dividers, as long as they do not include additional text, graphics, charts, or other information intended for scoring, are allowed and not counted within the page limit?

**Response 2:** See update to Section 4.04 in Addendum 3.

**Question 3:** Section 4.06c4 requires a list of all (1,600+) ramps from the Inventory Matrix broken down by design unit. However, this will be difficult to achieve within the page limit requirements. We request allowance for a summarized list in the proposal with a full breakdown available for submittal after selection or contract award.

**Response 3:** See updates to Sections 4.04 and 4.06 in Addendum 3.

**Question 4:** The RFP states that the Quality Management Firm is ineligible to be on multiple teams due to the potential for conflict of interest. It is common practice in the industry for the Quality Management Firm to be allowed to propose on multiple teams because they are independent from the design team and thus, no conflict of interest. Similarly on this project, we

do not see a conflict of interest for the Quality Management Firm to be on more than one team and request that RFP language be revised to clarify that the Quality Management Firm is able to participate on multiple teams in this role.

**Response 4:** ODOT understands and acknowledges the issue of a single Quality Management Firm being on multiple teams. This information was missed during the RFQ/SOQ review phase. For this reason, please see the update in Addendum 3 to the RFP in Section 2.03.

**Question 5:** DB190.10(a)(2) Quality Management Price Items: We do not understand the first bullet. It appears to express the same requirement for 20% payment as 5% payment. Is the intent to pay 5% of the Quality Management price at partial acceptance of the Quality Plan and 20% of the Quality Management Price at full acceptance of the Quality Plan?

**Response 5:** Please see the update to DB190.10(a)(2) in Addendum 3.

**Question 6:** The Inventory Matrix indicates 306 settlement ramp locations with anticipated or potential right-of-way needs. Our analysis of the available data suggests there could be significantly more locations. Please clarify the evaluation methodology used to determine the 306 locations.

**Response 6:** The methodology was focused on potential determination for environmental impacts related to clearances. More locations are acceptable and are not an issue, but consistent with RD21-04(c), ROW takes should be minimized and there are alternative approaches in design to help mitigate these.

**Question 7:** Also to clarify if there are areas of AC pavement that are cracked apart outside of our needed sawcut limits to construct the ADA ramps the Agency will direct and pay for the additional removal and paving of these areas?

**Response 7:** Design-builder is responsible for remediation of settlement curb ramp locations per DB140 and DB141. Paving not associated with the remediation of the settlement curb ramps is outside the scope of this project.

**Question 8:** We would like to clarify the number of constructed ramps compared to the 1,633 settlement curb ramp locations identified in the Evaluation Matrix provided by ODOT. Page 142 of the agreement states that "The Design Builder shall design and construct one Curb Ramp...at each end of a crosswalk unless a Design Exception is approved for a single curb ramp to serve multiple curb ramps. In many instances, this will mean constructing two curb ramps to remediate a single Settlement Curb Ramp." For the purposes of providing accurate pricing information that all teams can utilize, we would like to confirm the number of anticipated constructed ramps relative to the approximately 2,100 total our team has estimated.

**Response 8:** Please see the update to DB141.21 in Addendum 3.

**Question 9:** The SOQ prohibits the use of our Quality Management firm for any other role within our team. As our QM firm is a DBE and the fact that utility coordination and hazardous material analysis information gathering and coordination we are wondering if ODOT would reconsider their stance for a DBE firm in this added capacity?

**Response 9:** No, we will not be making this change. Hazmat and utility coordination are design services and it would cause a conflict. We do not want the Quality Management Firm signing off on production work performed by their own staff.

**Question 10:** Right-of-way acquisition is on the critical path schedule and the design-build team is responsible for the cost to develop descriptions and exhibits for all right-of-way files. Therefore, a reliable file count is essential to determine design unit packaging and delivering on time. The Inventory Matrix contains information about anticipated or potential right-of-way needs, but since it is part of Attachment C, it is not part of the contract. Until right-of-way is resolved, there is insufficient information for our team to adequately conduct our own assessment of the right-of-way files that will be required. Therefore, we would like to confirm the design-build teams can assume the number of right-of-way impacts shown in the Inventory Matrix (or other assumption ODOT can provide by addendum), and that if more impacts are realized, that it would be a basis for adjustment of contract time per DB180.80(d)(1) and cost per DB195.20(b).

**Response 10:** The Agency cannot provide a firm number of right-of-way acquisitions for Proposers to use. Consistent with DB174.20, the "Design-builder is responsible for identifying additional ROW necessary to construct the Project"; Agency will not allow for change orders or cost adjustments if additional ROW, beyond what is outlined in the Inventory Matrix, is identified during the contract. The additional ROW, as identified by the Proposers, will dictate the number of legal descriptions; please see DB141.28 and DB180.41. If the Agency pursues the alternative process in technical bulletin RD21-01(B) then a legal description will not be required.

**Question 11:** DB180.35(a)(1)(i) currently states that the Design Quality Manager cannot be employed by a firm who is doing Work on the project aside from Quality Management activities. Essentially, I am asking if the Design Quality Manager is permitted to be employed by a firm who is doing other Work on the project. Since the Construction Quality Manager role allows for that person to be employed by a firm who is doing other Work on the project, I would think the Design Quality Manager is permitted to be employed by a firm who is doing other Work on the project as well. Does that make sense? Feel free to call my cell # below if you want to discuss it over the phone.

**Response 11:** No, as stated in DB180.35(a)(1)(i), the Design Quality Manager must be employed by an Entity that is not performing any other Work on the Project, other than Quality Management activities. The additional exceptions granted for the Construction Quality Manger's employer in DB180.35(a)(1)(j) are not applicable to the Design Quality Manager.

**Question 12:** Can Linn County be moved from Price Center 3 to Price Center 2?

**Response 12:** No.

**Question 13:** What specification section is the Agency going to require for the aggregate section under the AC pave back section along the curb, under the curbs, and sidewalks 00640 or 00641?

**Response 13:** Agency will defer to the design-builder as to the most appropriate specification to use. However, since the Design-builder has the Quality Team in the field, the Agency will require pictures and clear documentation when visual inspection is used in the daily reports.

**Question 14:** FORM KP - Key Personnel Form provides a pre-populated list of function roles for key personnel. This list of key personnel does not match the required list within the Sample Design-Build Agreement on page 7 and 8, sections 2.3 Design Builders team, 2.4.2. Quality Management Personnel and 2.4.3 Design Professionals. Does the agency prefer prime firms add rows to include the additional roles in the current form or will a new Form KP be issued?

**Response 14:** Form KP was provided in its native format to allow Proposers to update, as applicable for the team they were proposing. Please feel free to edit the form (only for the Function column) as needed prior to submission. Functional titles do need to match what is listed in the DB Agreement though additional positions might also be included, as determined by the Proposer.

**Question 15:** Article 2.4.1.5 of the DB Agreement lists the EEO Officer and DBE Program Admin as a single person/role. We would like to request the option to break these out into two roles (1) DBE Program Admin and (2) EEO Officer. We anticipate the resumes for these positions would not count as pages in the RFP. Please advise if this is acceptable.

**Response 15:** DB Agreement 2.4.1.5. notes to "(Enter name(s)) (Enter firm(s))" meaning that multiple names might be listed for these personnel. There is nothing in the contract that would preclude having multiple people listed for this/these positions. Please also see LOC3, Q4 for information related to resume requirements.

**Question 16:** The Project Principal role was added after the time of SOQ; therefore, ODOT has not seen a resume for this position. Is a resume required for this position as part of the RFP? If so, we anticipate this would not be counted as a page in the Proposal. Please provide expectations for this resume if applicable.

**Response 16:** Please see LOC3, Q4 for information related to resume requirements.

**Question 17:** If the aggregate base under the existing sidewalk is found to be visually acceptable by the Engineer per Specification is the Agency going to require the Contractor to excavate to subgrade to verify subgrade compaction and aggregate section depth?

**Response 17:** Design-Builder can determine the appropriate specification for verification. If the verification is not full excavation with subgrade compaction testing,

provide a plan to document this acceptance process in the geotechnical memo. If the subgrade is to remain, minimize disturbance.