

**Letter of Clarification No. 7
Design-Build Project**

RFP Reference Document

Date: March 7, 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: In Table DB141.51-2, "Summary of Design-Builder Provided Permits and Approvals, if necessary", lists the NPDES 1200-C permit as a potential item. ODOT currently carries a statewide General 1200-CA permit, will ODOT administer this project under that permit, i.e. will document submitted through the YDO Electronic portal be processed by ODOT staff that are Responsible Officials and approved under that 1200-CA?

Response 1: See DB141.51 "The Agency's NPDES 1200CA Permit is not applicable to the Project such that staging and work areas remain less than 1 acre. The Design-Builder shall obtain a 1200C permit at their cost and schedule impacts if they proposed staging areas are greater than 1 acre."

Questions 2: In conversations with local agencies, was it determined acceptable to provide one permit (for each type) per city/county? Or will it be required per ramp/intersection/corridor be the requirement?

Response 2: Most cities were agreeable to a single permit however that will be dependent on timing as permits are only valid for so long within a city. No city requested permits by intersection, but they might be required by corridor, depending on Design Builders timing.

Question 3: In ODOT pdf document "Potential Local Agency Permits", there is no mention of a floodplain permit but this will be required due to work being performed in the floodplain. If FEMA data is required to complete a no-rise, will the Agency be paying the fee?

Response 3: No.

Question 4: Given that the RFP and NTP dates have been delayed as per Addendum 4, would ODOT consider extending or eliminating the first interim construction completion date? The final construction completion date would remain unchanged.

Response 4: Yes, please see the update to DB180.50(h) in Addendum 5.

Question 5: Typically, the Agency pays for the fees. Fees and number of permits are highly variable per local agency and if assuming one permit for each type per community (for tree removal and LUCS) the total fee would be approximately \$20k. If we need a permit per instance that number will grow exponentially. We would like to request that the language be updated so that the Agency is paying the permit fees and not the Design Builder.

Response 5: ODOT's practice within Design-build is to have the Design-builder pay the fees associated with permits. We will not be changing the requirement outlined in DB170.06.

Question 6: Please confirm that per Beneficial Use Determination (BUD-20181204), Highway shoulder soil throughout Oregon, all soil within ODOT ROW outside of existing hard surfaces but within 30' of the roadway should be considered contaminated and classified as "Shoulder Soil", therefore requiring disposal at a landfill unless otherwise tested and determined "clean fill" by DEQ standards.

Response 6: ODOT is unable to answer this question because we don't see what is being asked for on the BUD. The BUD has tables based on physiographic provinces that indicate more detail that would be useful.

Question 7: Can ODOT clarify the requirement for page numbers? Section 4.04 states that "the Technical Proposal is limited to a maximum of 40 total pages (including forms required by those sections)," except for certain documents listed at the end of the section. However, the same paragraph also states that "Technical Proposal Sections 1 through 7 (including forms required by those sections) shall be numbered consecutively with page numbers centered at the bottom of each page." Does ODOT intend for every page to have a page number, regardless of whether it counts toward the 40-page limit? If so, would it be sufficient to indicate which pages are excluded from the count while still numbering them sequentially?

Response 7: Shortlisted firms should not number cover sheets or indexes, but should number forms, lists, etc. that are excluded from the total page count in their proposal. ODOT understands that the proposal page numbers will exceed "40" because of those items and will review each Proposal individually prior to evaluation and will not count the pages/forms specifically excluded from the total page count during this review.

Question 8: In addendum #4, the Estimated Issuance of Notice of Intent to Award was extended by one month and the anticipated Notice to Proceed was extended by two months. These dates are predecessors to key milestones in the project schedule. Does ODOT intend to adjust the number of required Settlement Curb Ramps in the first interim completion date or adjust the interim completion dates according to the changes made in the above two items?

Response 8: Please see the update to DB180.50(h) in Addendum 5.

Question 9: Form KP's furthest right column requires "# Years Employment with Principal Participant". Principal Participant is the design-builder (according to DB110.20), but this form will include roles across multiple firms including those not employed by the design-builder. We believe the intent for the title of this column is, "# Years Employment with Parent Firm". Please let us know if this is correct.

Response 9: Yes, please enter the number of years employment with the Parent Firm.