



**INDIANA DEPARTMENT OF TRANSPORTATION
REQUEST FOR QUALIFICATIONS
TO DESIGN AND BUILD
the
SAFER DRIVE 65 PROJECT
through a
FIXED-PRICE BEST DESIGN
PUBLIC-PRIVATE AGREEMENT
(DESIGN-BUILD DELIVERY)
PART B**

ISSUED

MAY 8, 2024

May 31, 2024 (Amendment 1)

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STATEMENT OF QUALIFICATIONS

Each Proposer is required to assemble its SOQ in the order prescribed and following the outline contained herein. For the convenience of Proposers, the required forms and an outline of the submittal requirements are contained in Part C.

SOQ CONTENTS

The SOQ shall contain the following:

1. GENERAL

1.1 Form A (Transmittal Letter)

A duly authorized official of Proposer must execute the transmittal letter on behalf of the Proposer using an industry acceptable electronic signature. For Proposers that are joint ventures, partnerships, limited liability companies or other associations, the transmittal shall be appended with letters on the letterhead stationery of each Equity Member, executed by authorized officials of each Equity Member representing such due authorization, stating that representations, statements and commitments made in the SOQ on behalf of the respective Equity Member's firm have been authorized by, are correct, and accurately represent the role of the Equity Member's firm in the Proposer team. For all other Proposers, Proposer shall include evidence of authorization for the signatory (e.g., authorizing resolutions, excerpts from organizational documents, etc.).

1.2 Confidential Contents Index

A page executed by Proposer that confirms that all information that would be considered confidential information and protected by the Public Records Act is contained in the appropriate location in the SOQ. No other information requested as part of the SOQ or provided by Proposer will be considered confidential.

2. PROPOSER AND TEAM STRUCTURE AND EXPERIENCE

Proposers shall provide the following information as outlined below relevant to the identity, roles and qualifications of Proposer, Equity Members, and Major Participants.

The term “Major Participant” shall mean the following team members:

- (a) The Lead Contractor (if not the Proposer or an Equity Member);
- (b) The lead design firm (if not the Proposer or an Equity Member);
- (d) Each subcontractor that will perform work valued at 10% or more of the construction work;
- (e) Each subconsultant (other than the lead design firm) that will perform 30% or more of the design work; and
- (f) Any team members that are required for the Proposer team to satisfy the prequalification requirements for any work types described in Part A, Section 2.1.3. If a Proposer is not yet prequalified in all of such categories and is submitting its SOQ to be conditionally qualified pursuant to Part A, Section 8.4.1, team members that have submitted a prequalification package to INDOT, as of the SOQ Due Date, should be identified.

The term “Lead Contractor” shall mean the Proposer team member, whether a single entity or joint venture, primarily responsible for the construction of the Project. Requirements relating to joint ventures, partnerships, and other associations with respect to the Proposer apply to any multi-member team that comprises the Lead Contractor (e.g., joint and several liability, evidence of authorization, etc.).

2.1 Proposer

Identify the legal name of Proposer. If the name is a “doing business as” (dba) or assumed name, identify underlying names, including all trade names. Identify, in addition to the single point of contact previously identified, the Proposer’s duly authorized official (an individual person) and include the following information: name, title, address, telephone number and e-mail address. Identify the legal name and nature of Proposer and the state of its organization. If the Proposer firm is structured as a consortium, partnership or other form of joint venture, as applicable, it must be structured on a joint and several basis. If Proposer is a consortium, partnership or any other form of a joint venture, the SOQ shall contain an executed teaming

agreement. Executed teaming agreements shall be included in an appendix, and Proposer shall provide evidence of joint and several liability, with conspicuous orientation to the appropriate section within such teaming agreement. If the Proposer, or any part of the Proposer, has branch offices, state which office will be directing the work and which office will be performing the majority of the work. Proposer's response to this Section 2.1 and in the forms provided hereunder shall be consistent.

2.2 Equity Members

Presuming that the Proposer is entering into the DBA, (a) for each Equity Member of Proposer, identify the entity's role, current and planned equity ownership percentage and the entity's legal nature and state of organization; (b) if a Proposer is a single entity, it will be deemed to be the sole "Equity Member" for purposes of this RFQ and the SOQ submittal requirements; (c) if a Proposer is a joint venture, partnership or limited liability company, the Equity Members shall be all joint venturers, partners or members, as applicable; and (d) if Proposer is structured as a consortium, partnership or other form of joint venture, as applicable, it must be structured on a joint and several basis and any joint venture agreement or other agreement must expressly so state.

2.3 Major Participants

Identify all Major Participants. For each Major Participant, identify the entity's role and the entity's legal nature and state of organization. If the lead design firm is a consortium, partnership or any other form of joint venture, the SOQ shall contain an executed teaming agreement. Executed teaming agreements shall be included in an appendix to the SOQ. Proposers shall not include more than one Lead Contractor or lead design firm (provided that the foregoing does not preclude the Lead Contractor or lead design firm from being a consortium, partnership or any other form of joint venture as otherwise contemplated in this RFQ). If the Lead Contractor or lead design firm is structured as a consortium, partnership or other form of joint venture, as applicable, it must be structured on a joint and several basis and any joint venture agreement or other agreement must expressly so state and a copy of the agreement must be included in the appendix. If any Major Participant, or any part of the Major Participant, has branch offices, state which office will be directing the work and which office will be performing a majority of the work.

2.4 Proposer and Team Structure

Describe Proposer's team and management structure, including its teaming arrangements, allocation of roles and responsibilities within Proposer's team and how Proposer will institutionally operate.

2.5 Relevant Experience

2.5.1. Prequalification Requirements

Proposer shall confirm in writing that Proposer, each of its Equity Members, or Major Participants hold or have applied for all prequalifications identified in Part A Section 2.1.3.

2.5.2. Minimum Experience

Proposers shall provide the following information, describing relevant experience held by Proposer and Major Participants, as applicable, with:

- Design and construction of added travel lanes, reconstruction, or rehabilitation of interstate highways and major bridges;
- Experience in delivering highway projects; in particular highlight those design-build projects delivered on schedule or ahead of schedule and those with a total value of \$100 million or more;
- Integration of design, utility relocation, environmental activities, and construction; and
- Design and construction of interstate highways and interstate highway interchanges with significant maintenance of traffic issues and delivery under live traffic conditions, including high volumes of truck traffic and efforts to minimize and mitigate construction impacts to the public through innovative maintenance of traffic and phased construction.

Proposer shall include documentation of the relevant above-mentioned experience for both the construction and design firms that are part of the Proposer team.

FORM E: Proposers shall submit Form E and include up to eight projects in the aggregate for the entire Proposer team with respect to the above categories of this Section 2.5.2 in which the Proposer team member played a significant role during the past 10 years. For each project, include a project description describing the role of the entity on such project, relevance of the project and the entity's experience on such project.

2.6 Form B-1, Organizational Chart and Key Personnel Resumes

Provide **Form B-1**. Append an organizational chart to **Form B-1** that sets forth Proposer's structure, teaming arrangements and reporting requirements. Provide a separate organizational chart setting forth Key Personnel and other material personnel the Proposer wishes to identify and reporting relationships. A separate resume (two pages maximum) for each Key Personnel shall also be provided in an

appendix. Each resume shall state the specific role that each person listed will potentially fulfill for the Project and may describe how the person's prior experience relates to the proposed role in connection with the Project. For each project listed in a resume, include the individual's employer at the time, the name and location of the project, dates of work performed on the project and a description of the work or services provided and role on the project. If more than one role was held, identify the dates and duration of each role. Two references for each individual shall be placed on that individual's respective resume.

The references (no more than one per project) for each of the Key Personnel for projects worked on during the past 10 years must be supplied; provided, however, that where the individual has only worked on one project during the past 10 years, Proposer shall: (i) affirmatively state that such individual has only worked on one project during the past 10 years; (ii) include a reference for such project; and (iii) include an additional reference for projects worked beyond the past 10 years so that the number of references equals two.

References shall be previous owners or agencies with whom the identified personnel have worked within the past 10 years and which appear on the identified Key Personnel's resume. The references information shall include the name of the project the reference is from and the name, position, company or agency, current postal and e-mail addresses and phone numbers of the reference. Proposers are requested to verify that contact information is correct and are advised that if the contact information provided is not current, INDOT may elect to exclude the experience represented in determining the Key Personnel's qualifications.

An express, signed, written statement from each entity employing such individuals, from an authorized individual within such entity, committing that the individuals designated in the SOQ as Key Personnel shall be available to serve the role so identified in connection with the Project.

2.7 Key Personnel

For purposes of this RFQ, the following positions are Key Personnel:

- A. **Project Manager** – The Project Manager is responsible for all aspects of the Project, including overall design, environmental compliance, construction, quality management, and contract administration. The Project Manager shall have a minimum of 10 years of design-build experience managing the design and construction of highway and interstate projects that include major bridge structures, reconstruction and rehabilitation, and interchanges. The Project Manager shall be assigned to the Project full-time and shall be required to be on-site for the duration of the Project.

- B. **Design Manager** – The Design Manager is responsible for ensuring the overall design is completed and all design requirements are met. The design manager shall have a minimum of 10 years’ experience (design-build experience preferred) managing the design of highway and interstate projects that include major bridge structures, reconstruction and rehabilitation, and interchanges. The individual must be a registered professional engineer in the State of Indiana or be able to obtain licensure by award of the DBA. The Design Manager shall be assigned to the Project full time and be readily available on-site when design activities are being performed both during design and construction.
- C. **Roadway Design Lead** - The Roadway Design Lead is responsible for ensuring all roadway elements are completed and all design requirements are met. The Roadway Design Lead shall have a minimum of 10 years’ experience (design-build experience preferred) designing highway and interstate projects that include bridge structures, reconstruction and rehabilitation, and maintenance of traffic. The Individual must be a registered professional engineer in the State of Indiana or be able to obtain licensure by award of the DBA. The Roadway Design Lead shall be available on-site for weekly meetings in the project office.
- D. **Construction Manager** – The Construction Manager is responsible for managing the construction of the Project. The Construction Manager shall have a minimum of 10 years’ experience (design-build experience preferred) managing the construction of highway and interstate projects that include bridge structures, reconstruction and rehabilitation, and complex maintenance of traffic. The Construction Manager shall be assigned to the Project full-time and will be required to be on site for the duration of the Project.
- E. **Safety Manager** – The Safety Manager is responsible for all aspects of safety on the Project, including compliance, training, and development of specific safety requirements. The Safety Manager shall have a minimum of 5 years’ experience managing safety on projects of similar size and complexity.
- F. **Project Controls Lead** – The Project Controls Lead is responsible for quality control, cost control, contract compliance, document control and schedule management. The Project Controls Lead shall have a minimum of 5 years’ experience performing the duties described herein on projects of similar size and complexity.

The experience requirements listed for the Key Personal are the minimum required. Given the nature of the shortlisting procedure, no exceptions will be granted.

2.8 Proposer Legal Information

The following information regarding legal issues affecting Proposer and its team members shall be submitted:

2.8.1 Legal Issues

Identify and explain any significant current or anticipated federal or state legal issues relating to Proposer, any Equity Members and Major Participants that must be resolved in a way favorable to the applicable entity in order to deliver the Project and perform its obligations under a DBA.

2.8.2 Legal Liabilities

Provide a list and a brief description (including the contract value and amount at issue) of all instances during the last ten years involving transportation or other public sector projects, and those projects listed by Proposer in response to the submittal requirements set forth in Section 2.5 in which Proposer, any Equity Member, any Major Participant and any Affiliate of the foregoing was (i) determined, pursuant to a determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract, or (ii) terminated for cause. For each instance, identify an owner's representative with a current telephone number and e-mail address. If there are no such instances, provide an affirmative statement to that effect.

For purposes of this Section 2.8.2 and Section 2.8.3, "Affiliate" means and includes parent companies at any tier, subsidiary companies at any tier, entities under common ownership, joint ventures and partnerships involving such entities (but only as to activities of joint ventures and partnerships involving the Proposer, any Equity Member or any Major Participants as a joint venture or partner and not to activities of other joint ventures or partners not involving the Proposer or Major Participant), and any Financially Responsible Party, that, within the past five years have (i) engaged in business or investment in North America; or (ii) have been involved with any project listed by an entity in Section 2.5. In this context, "common ownership" does not include (a) the holding of stock in a publicly traded company, unless such stock ownership is a majority position or results in control of the affected entity and (b) common ownership with Proposer's parent only, unless Proposer's parent is Financially Responsible Party.

2.8.3 Legal Proceedings

- A. Provide a list and a brief description (including the contract value, amount at issue and resolution) of each arbitration, litigation, dispute review board and other formal dispute resolution proceeding occurring during the last ten years related to a transportation project in North America involving a claim or dispute between the project owner and Proposer, any Equity Member, any Major Participant or any Affiliate of

the foregoing involving an amount in excess of the smaller of (a) 2% of the original contract value or (b) \$200,000 on projects with a contract value in excess of \$10 million. Include items that were subject to arbitration, litigation, dispute review board or other formal dispute resolution proceedings even if settled without completion of the proceeding. State the original amount in dispute and the ultimate resolution and amount recovered or paid, if any. For each instance, identify an owner's representative with a current telephone number and e-mail address.

If there are no such matters to report, provide an affirmative statement to that effect.

- B. Include a similar list and description as in Subsection (A) above for all projects included in Proposer's response to the submittal requirements set forth in Section 2.5 involving an amount in excess of \$1,000,000, regardless of the contract value. For each instance, identify an owner's representative with a current phone number and e-mail address. If an e-mail address is not available, so state.

If there are no such matters to report, provide an affirmative statement to that effect.

With respect to the information solicited in this Sections 2.8.1, 2.8.2 and 2.8.3, failure to fully disclose this information, conditional or qualified submissions (i.e., "to our knowledge", "to the extent of available information", "such information is not readily available", "such information is not maintained in the manner requested", etc.) to requests or questions posed, incomplete or inaccurate submissions or non-responsive submissions, or failure to provide information enabling INDOT to contact owner representatives may, in the sole discretion of INDOT, lead to a "fail" rating in the pass/fail evaluation for the team or disqualification from the procurement process.

3. ADDITIONAL MATERIALS

3.1 Information Regarding Proposer, Equity Members, Major Participants (Form B-2) and Certification (Form C)

Provide a separate executed Form **B-2** and **Form C** for Proposer and each Equity Member, Major Participant and Financially Responsible Party.

3.2 Certificate of Pre-Qualification Materials

Provide Proposer's and each Major Participant's certificate of prequalification for each of the categories set forth in Part A, Sections 2.1.3. If the Proposer team does not possess the required prequalifications and is submitting its SOQ pursuant to Part A, Section 8.4.1, Proposer shall provide a letter from Proposer's chief executive officer, president, managing partner or equivalent, or from such relevant entity of Proposer's team that is seeking prequalification, certifying that Proposer has submitted relevant prequalification documentation and the date such documentation was submitted. Such documentation shall include a complete Form CR-1.

3.3 Entities Prequalified for Contractor Work Types (Form D1)

Provide a completed **Form D1** as appropriate (include bidding capacity in parentheses after the firm name).

3.4 Entities Prequalified for Consultant Work Types (Form D2)

Provide a completed **Form D2** as appropriate.

3.5 Current Contractual Obligations (Form F)

Provide, for Proposer and all Equity Members and Major Participants (other than design firms), a completed **Form F** (irrespective of whether Proposer is prequalified with INDOT).

3.6 Financial Officer Certificate (Form H)

Provide, for Proposer and all Equity Members, a completed **Form H**.

3.7 Opinion Letter (Auditor's Report)

Provide an auditor's report of the financial statements for each Equity Member and, if applicable, the Lead Contractor and each Financially Responsible Party for the most recent, fiscal year end. Include all necessary and customary supporting documentation in an appendix to the SOQ. The appendix title sheet shall be easily identifiable as being supporting documentation for the auditor's report, and the cover and all pages therein, shall be marked confidential.

3.8 Surety Letter

Provide a letter from an Eligible Surety indicating, without conditions or qualifications, that the Proposer team is capable of obtaining a performance bond (or bonds) and a payment bond (or bonds), each in a minimum aggregate stated amount of \$225 million for the Project, in each case, as evidence of Proposer's bonding capacity. Letters can be provided that exceed the \$225 million aggregate, but letters indicating "unlimited" bonding capability are not acceptable.

The letter must specifically state, without qualification, that the surety has: (a) read this RFQ and any addenda and is familiar with the contractual structure described in Part A, Section 4; and (b) evaluated the Proposer's backlog and work-in-progress in determining its bonding capacity.

The Eligible Surety's analysis shall specifically incorporate a review of the factors surrounding any proposed or anticipated material changes in the financial condition of the Proposer and identify any special conditions which may be imposed before issuance of surety bonds for the Project responsibilities.

If a Proposer is a joint venture, partnership, limited liability company or other association, separate letters for one or more of the Equity Members are acceptable, as is a single letter covering all Equity Members of such entity; provided, however, that each separate letter provided must reference the specific portion of the \$225 million amount that the Eligible Surety is indicating it is willing to provide. Statements such as the "entity's share of the work/bond amount" or the like are not acceptable.

The requirement to provide the Surety Letter and the bond amounts referenced above are solely for the purpose of evaluating, in part, the Proposer's financial qualifications are not to be construed as a representation regarding the security requirements that will be included in the RFP.

[END PART B]