

**SH 183 Managed Lanes Project
RFQ Q & A MATRIX #2**

(June 4, 2013)

No.	Document	Section and Page	Question/Comment	Response
1	RFQ	Part A, Section 5.1, p. 21	<p>Current language states: "Project experience provided by a parent or sister company of the Lead Engineering Firm, Lead Contractor or Lead Operations & Maintenance Firm shall not be considered responsive to this RFQ,..."</p> <p>Please consider the requested additional language allowing a subsidiary to provide experience from its parent company. Corporate structuring has a broad range of organizational hierarchy and a subsidiary with parent company support and guarantee should be allowed to use that parent company's experience.</p> <p>Add: "unless a letter from the Parent Co. provides Guarantee of obligations required of its subsidiary (bidding entity)."</p>	Please see revisions in Addendum #5 to the RFQ.
2	RFQ	Part A, Section 5.3.1(a), iii.3., p. 25	<p>Current language requires that the O&M Firm has toll experience.</p> <p>Will not NTTA be doing the toll operations for this facility? Why is this experience mandatory for our O&M entity?</p> <p>Please remove toll operations experience</p>	Please see revisions in Addendum #5 to the RFQ. In particular, as stated in Addendum #5, please note that TxDOT reserves the right during the RFP Phase to require that some or all of the toll-related installation, maintenance and related obligations for the Project be performed by the Developer. Such obligations and required qualifications would be set forth in

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			requirement.	the RFP.
3	RFQ	Part A, Section 5.3.3(a) and (b), p. 27	Please consider more flexibility in project financing experience. Consider removing surface transportation experience limitation and broaden to innovative and private financing of public private partnerships.	Please see revisions in Addendum #5 to the RFQ.
4	RFQ	Part A, Section 5.3.4(a), p. 28	Consider rewording this to “innovative financing or private financing”.	TxDOT believes that the current criteria are broad enough to encompass a variety of financing experience. Therefore, no change will be made
5	RFQ	Part A, Section 5.3.1(a)ii.1., p. 24	If the Lead Engineering Firm is a joint venture, are all joint venturers required to have experience on at least one US transportation project in the US with a construction value of \$200 million or more, or may only one of the joint venture partners have such experience?	This requirement would be satisfied if the required experience is from at least one of the joint venture members that will perform at least 30% of the Lead Engineering Firm’s engineering work for the Project. In other words, if the joint venture is comprised of a 70-30 split among two entities, either entity may provide the relevant experience so long as that entity held a minimum thirty percent (30%) of the responsibility for the listed design and engineering experience. For any joint venture member that will perform less than 30% of the engineering work on the Project, no such experience will satisfy this requirement. Thus, in an 80-20 joint venture split, all of the required experience must be from the 80% joint venture member. See clarifying revisions in Addendum #4 to the

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				RFQ.
6	RFQ	Part B, Volume 3, Section A	This section requires the conversion of financial statements to U.S. dollars. Please clarify whether this requirement also applies to the Footnotes. The financial statement information has usually been limited to the Balance Sheet and Income Statement and in some procurements has included the Statement of Changes in Cash Flow.	This requirement applies to footnotes. See clarifying revision in Addendum #4 to the RFQ.
7	RFQ	Part B, Volume 3, Section A	The RFQ requires the conversion of financial statements to U.S. dollars. We request that the RFQ state that this requirement does not apply to the Footnotes. The conversion of financial statement information to U.S. dollars has typically been limited to the Balance Sheet and Income Statement and in some procurements has included the Statement of Changes in Cash Flow.	See response to number 6 above.
8	Webinar	Webinar	When will traffic projections be released?	TxDOT anticipates to releasing traffic projections during the RFP phase.
9	Webinar	Webinar	What are the limits for O&M? When will roles and responsibilities be finalized (e.g., O&M, lifecycle and toll operations)?	Please see Addendum #5 to the RFQ for clarifications regarding the allocation of toll responsibilities. Additional information regarding O&M responsibilities will be provided in the RFP.

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10	Webinar	Webinar	Can ratings agencies be involved earlier on in the RFP process?	TxDOT will take this into consideration.
11	Webinar	Webinar	How is TxDOT handling environmental clearance?	Please see a description of environmental status in Addendum #5 to the RFQ.
12	Webinar	Webinar	Will the per-vehicle rate have to assume inflation?	TxDOT will provide additional information on the per vehicle rate in the RFP.
13	Webinar	Webinar	When will TxDOT finalize the scope of the base project?	TxDOT will provide a full description of the base scope in the RFP.
14	Webinar	Webinar	Will the CDA rules continue to apply to the Project?	The CDA statutes and rules will apply during the RFQ phase. Upon conversion to a Pass-Through Payment (PTP) procurement after shortlisting and prior to issuance of the RFP, subject to adoption of the amendment to the PTP rules by the Commission, the PTP statute and rules will apply to the Project and the PTP procurement. Please see the Project Website (as set forth in the RFQ) for a link to the proposed amendments to the PTP rules.

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15	Webinar	Webinar	Do the primacy rules still apply to this Project?	Yes.
16	Webinar	Webinar	Do the performance evaluation requirements still apply?	The performance evaluations will no longer be incorporated in the RFQ. Please see Addendum #5 to the RFQ.
17	Webinar	Webinar	What will the PTP rule amendments accomplish?	The amendments to the PTP rules make various changes to the PTP rules, including to provide authority for TxDOT to deliver the project under the Pass-Through Payment approach as described in Addendum #4 and 5 to the RFQ. Please see the Project Website (as set forth in the RFQ) for a link to the proposed amendments to the PTP rules.
18	Webinar	Webinar	If traffic volume is higher than anticipated, will there be compensation to the Developer for increased costs of operations and maintenance?	TxDOT does not expect to provide additional compensation to the Developer for increased costs of operations and maintenance related to higher than anticipated traffic volume.
19	General	General	What is the expected stipend amount for this procurement? If the procurement is cancelled prior to the Proposal due date to be set forth in the RFP, will a stipend be paid to shortlisted proposers?	The proposed PTP rules provide authority for the payment of a stipend to unsuccessful, responsive proposers and for partial payment of a stipend in the event the procurement is cancelled. The RFP will set forth the amounts of any stipend and additional guidance on the manner in which a stipend may be provided.

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20	Webinar	Webinar	If this is no longer being delivered as a CDA, will NTTA still be required to provide toll collection services?	Yes. TxDOT will be responsible for back office toll collection services through NTTA. It is anticipated that TxDOT will install, operate, and maintain inlane toll collection equipment.
21	Webinar	Webinar	What metrics beyond the per vehicle fee does TxDOT expect to consider in determining the best value proposer under the PTP approach?	More information on evaluation of the proposals will be set forth in the RFP.
22	Webinar	Webinar	Please explain TxDOT's intent to provide an affordability limit for purposes of proposal submissions?	TxDOT expects to provide shortlisted proposers with a maximum per vehicle fee amount, and the proposals will be evaluated based on which proposer is able to submit the lowest per vehicle fee amount under that maximum.
23	Webinar	Webinar	What is the process for adoption of the PTP rules amendments?	<p>The amendments to the PTP Rules were proposed for adoption at the Commission's May 30, 2013 meeting. Comments on the amendments will be accepted until 5:00 p.m. on July 15, 2013. After receiving comments, the Commission will consider adoption of the final amendments to the Rules. Such amendments would become effective 20 days after final adoption by the Commission.</p> <p>Please see the Project Website (as set forth in the RFQ) for a link to the proposed amendments to the PTP rules.</p>
24	RFQ	Part B, Volume 2, Section B.2.a	The RFQ requires that each of the three individual project references include a reference from the public owner. For other relevant personnel who	Please see Addendum #5 to the RFQ, which removes the reference requirement with respect to other relevant personnel who are

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			<p>are shown in the Organization Chart who are not Key Personnel, we request that the reference requirement be expanded to allow client references (both public and private). On large PPP projects, it is common that consultants will contract directly with a Lead Contractor or Developer and have limited interaction with the public owner. For a project in which the employee's firm had a direct contract with a public owner, a reference from the public owner will be used.</p>	<p>shown in the Organization Chart who are not Key Personnel.</p>
25	RFQ	Part B, Volume 2, Section B.2.a	<p>The RFQ requires the Safety Manager report directly to the Project Manager. The Project Manager is an employee of the Developer and in most cases, the Safety Manager will be an employee of the Lead Contractor. We request the reporting requirements of the Safety Manager is modified to allow direct report to the Superintendent.</p>	<p>No change will be made. Safety issues pertain to more than construction oversight activities, so it is important that the Safety Manager report to the overall Project Manager.</p>
26	RFQ	Part B, Volume 2, Section B(2)(a)(i)	<p>This section states: "...A minimum of three individual projects and references shall be provided for each resume.</p> <p>For each of the three projects listed on a resume the following information shall be included:</p> <p>(i) Name of the project, the public owner's contact information (project manager name, phone number, e-mail address), and project number (if any) and dates of work performed on the project. If the owner's project manager is no longer employed by the owner, provide an alternative contact at the owner / agency that played a</p>	<p>Please see Addendum #5 to the RFQ.</p>

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			<p>leadership role for the owner and is familiar with the project. TxDOT may elect to use the information provided to verify the experience claimed for an individual. ..”</p> <p>How are we to handle a situation where the owner’s project manager is no longer employed by the owner (but where we still have valid contact information for him), and there are no longer any project-cognizant individuals left in the agency? Are we allowed to provide the PM’s current contact information instead?</p>	
27	RFQ	Part A, Sections 2.2 and 5.3.1	<p>The current addendum states that “Developer will not be responsible for back office toll revenue collections”. TXDOT has indicated that the system integrator and toll collection systems would be subcontracted directly to TXDOT and that a tolling agreement would be completed with NTTA for the operation and toll collection functions. This leads to the following questions:</p> <p>a) Is TXDOT going to remove the toll system design requirements from the design-builder’s (or more appropriately, their designer) scope and only require coordination experience and not toll system design experience?</p> <p>b) Is TXDOT going to remove the toll system operations requirements from the maintenance entity’s scope (including O&M Managers experience) and only require coordination experience and not toll system operations experience?</p> <p>c) Will the scope be deleted from section 2.2</p>	Please see revisions in Addendum #5 to the RFQ.

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			referencing the “developer will include the design and installation of an open-road electronic tolling collection system.”	
28	RFQ	Part A, Section 3.3	TxDOT only recently changed the procurement from one with the developer having traffic and revenue risk to TxDOT taking the traffic and revenue risk. These procurement methods are considerably different. In order to allow teams to form properly and submit compliant SOQ’s, we respectfully request that TxDOT consider giving additional time for preparing and submitting SOQ’s. We would request an extension of the SOQ submittal date to July 20, 2013 to enable competitive teams to form and submit SOQs.	The QS Due Date has been extended to July 19, 2013 as set forth in Addendum #5 to the RFQ.
29	RFQ	Part A, Section 5.3.1	TxDOT wishes to maximize competition for the project. The requirement that any applicable project experience for an equity member of the construction experience be instances where the joint venture partner had more than 30% share of the design-build joint venture is excessive compared to the industry standard. Most procurements only require you to demonstrate that you were a joint-and-several partner on the project, because that is the measuring stick of responsibility. Many integrated joint ventures in the market these days commonly have integrated, joint-and-several partners who are 20-25% of the joint venture, but still are jointly-and-severally liable and no less vested in the success of the project. For firms that have successfully	Please see revisions in Addendum #5 to the RFQ changing the 50% requirement for O&M to 30%.

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			<p>completed projects with four-way JV's on design-build projects, it would be difficult to meet TxDOT's requirement for relevant experience, even if the project was an award winning project. A 30% requirement for design-build and a 50% requirement for O&M will therefore seriously limit competitive teams forming. We therefore respectfully request that the following changes be made to the RFQ that are more in line with structures that are occurring in the marketplace today:</p> <ul style="list-style-type: none"> • Change the 30% requirement for design-build to 20%. • Change the 50% requirement for O&M to match the design-build requirement. 	