



**FINAL REQUEST FOR PROPOSALS  
for The New I-64 Design-Build Project**

**INSTRUCTIONS TO PROPOSERS**

Project Number J6I0978  
Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, MO 63017





**TABLE OF CONTENTS**

**1 INTRODUCTION..... 1**

1.1 Procurement Objectives..... 1

1.2 Project Goals ..... 2

1.3 Draft RFP and Industry Review..... 3

1.4 Final RFP and Technical Concepts Proposal..... 4

1.5 Initial Technical Proposal ..... 5

1.6 Final Technical Proposal and Price Allocation ..... 5

**2 RFP PROCESS ..... 5**

2.1 Draft RFP and Industry Review..... 5

2.2 Final RFP and Technical Concepts Proposal..... 6

2.3 Initial Technical Proposal ..... 7

2.4 Final Technical Proposal and Price Allocation ..... 7

2.5 Contract Award ..... 7

2.6 Procurement Schedule ..... 7

**3 PROPOSAL CONTENTS AND EVALUATION PROCESS ..... 8**

3.1 Organization of Proposal ..... 8

3.2 Evaluation Process ..... 9

3.3 Contents and Evaluation of Part 1 – General Information ..... 9

3.3.1 Major Participants ..... 9

3.3.2 Key Personnel..... 9

3.4 Contents and Evaluation of Part 2 – DBE Performance Plan..... 12

3.5 Contents and Evaluation of Part 3 – Additional Applicable Standards..... 12

3.6 Contents and Evaluation of Part 4 – Technical Elements..... 13

3.6.1 Completion Schedule (15 Points)..... 13

3.6.2 Project Definition (45 Points)..... 14

3.6.3 Maintenance of Traffic (20 Points) ..... 17

3.6.4 Public Information (10 Points) ..... 18

3.6.5 DBE Commitments and Socially/Economically Disadvantaged Workforce Utilization (10 Points) ..... 20

3.7 Contents and Evaluation of Part 5 – Administrative Elements..... 22

3.8 Contents and Evaluation of Part 6 – Price Allocation ..... 24

3.9 Best Value Determination ..... 24

**4 SUBMITTAL REQUIREMENTS ..... 24**

4.1 Format ..... 24

4.2 Due Date and Quantities..... 24

4.3 Technical Concepts Proposal ..... 25

4.4 Initial Technical Proposal ..... 25

4.5 Final Technical Proposal..... 25

4.6 Price Allocation ..... 25

**5 GENERAL INFORMATION..... 25**

5.1 Stipend ..... 25

5.2 Communications ..... 25

5.3 Addenda ..... 26

5.4 Confidentiality ..... 26



---

5.5	Organizational Conflicts of Interest .....	26
5.6	Equal Employment Opportunity .....	26
5.7	Disadvantaged Business Enterprises.....	27
5.8	Major Participant.....	27
5.9	Key Personnel .....	27
<b>6</b>	<b>LEGAL REQUIREMENTS .....</b>	<b>28</b>
6.1	Discussions with Proposers .....	28
6.2	Ownership of Proposals.....	28
6.3	Legal Effect of Stipend.....	28
6.4	Additional Applicable Standards .....	28
6.5	Access Justification Reports .....	29
6.6	Approved FHWA Design Exceptions .....	29
6.7	Proposal Bond .....	29
6.8	Withdrawal of Proposal After Proposal Due Date .....	30
6.9	Responsive Proposal .....	30
6.10	Missouri Open Records (Sunshine) Law .....	30
6.11	Changes in Proposer's Organization .....	30
6.12	Project Rights and Disclaimers .....	30
6.13	Escrowed Proposal Documents .....	31
6.14	Format of Escrowed Proposal Documents.....	31
	6.13.1 Review of Escrowed Proposal Documents.....	31
	6.13.2 Return of Escrowed Proposal Documents.....	32
	6.13.3 MoDOT's Acknowledgment.....	32
<b>7</b>	<b>PROTEST PROCEDURES .....</b>	<b>32</b>
7.1	Protests Regarding Request for Proposal Documents.....	32
7.2	Protests Regarding Responsiveness, Best Value Evaluation, or Award .....	33
<b>8</b>	<b>CONTRACT EXECUTION .....</b>	<b>34</b>



## **FORMS**

- A Major Participant Information
- B Key Personnel Summary
- C Additional Applicable Standards
- D Completion Deadlines Part I
- E Design Exceptions
- F Items to be Used in Place or Rehabilitated
- G Completion Deadlines Part II
- H Commitments to Minimum Notifications
- I Proposal Letter
- J Non-Collusion Affidavit
- K Buy America Certification
- L Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- M Use of Contract Funds for Lobbying
- N Equal Employment Opportunity
- O Escrow Agreement
- P Receipt of Addenda
- Q Price Allocation Form
- R Proposal Bond
- S Opinion of Counsel



## **1 INTRODUCTION**

The Missouri Department of Transportation (MoDOT) issues this Request for Proposals (RFP) to solicit competitive proposals for a design-build contractor (Contractor) to enter into a Contract to provide design-build services for The New I-64 Design-Build Project from west of Spoeede Road in St. Louis County to west of Sarah Street in the city of St. Louis and I-170 from south of Brentwood Boulevard to Eager Road while meeting the commitments of the Final Environmental Impact Statement/Section 4(f) Evaluation and its Record of Decision. The improvements include actions to reconstruct or rehabilitate deteriorated pavement; reconstruct or rehabilitate structurally deficient and functionally obsolete bridges; improve traffic operations, geometrics, and safety; and to add mainline capacity between Spoeede Road and I-170. Major improvements will be made to interchanges along I-64 and its connections to I-170.

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver The New I-64 Project. This Request for Proposals (RFP) is issued as the second phase of the procurement process. Each short listed Submitter that submits a Proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a Design-Build Contract (if any) for the Project to the Proposer offering the best value, to be determined as described in this RFP. Proposals will only be considered from those proposers (Proposers) that were notified in writing by MoDOT that they were short listed under MoDOT's Request for Qualifications issued on November 4, 2005.

This RFP includes the following documents (RFP Documents):

- Instructions to Proposers (ITP)
- Book 1 – Design-Build Contract
- Book 2 – Performance Requirements
- Book 3 – Applicable Standards
- Book 4 – Contract Drawings, Data, and Reports
- Book 5 – Informational Documents

The Contract Documents include Books 1 through 4. The Proposal will also be a Contract Document to the extent set forth in Book 1 Section 1.3.

### **1.1 Procurement Objectives**

MoDOT is committed to partnering with the highway design and construction industry to deliver The New I-64 Project successfully by developing a design-build procurement process that allows Proposers the maximum flexibility to achieve or exceed the Project goals. MoDOT is committed to developing a new model for design-build delivery. The successful Proposer for The New I-64 Project will fully understand the Project goals and the design-build procurement process to deliver a Proposal that provides to MoDOT and the citizens of Missouri outstanding



transportation solutions within the available budget. The procurement process will begin with a very flexible RFP and will rely upon the Proposers and a multi-phased discussion process to develop the majority of technical requirements (Additional Applicable Standards) and innovative solutions including the Project definition, schedule, approach to managing traffic, approach to public information and approach to Disadvantage Business Enterprise and Workforce Utilization. The general phases of the procurement process are:

- Industry Review – MoDOT intends to discuss with the Proposers the big picture items including the procurement process, schedule for the procurement process, process to define Additional Applicable Standards and the Proposal evaluation process. MoDOT encourages the Proposers to propose/discuss as many Additional Applicable Standards and their details as practicable and provide comments as to whether or not the Book 2 Performance Specifications provide the Proposers with adequate detail.
- Technical Concepts Proposal Discussions – MoDOT will hold a series of one-on-one confidential meetings with each Proposer where the Proposer may present Technical Proposal concepts, Additional Applicable Standards and design exceptions, if any, to MoDOT and FHWA. The parties will conduct discussions regarding whether the Proposer's Technical Concepts Proposal is consistent with the desires of MoDOT and the Additional Applicable Standards and design exceptions, if any, are acceptable.
- Initial Technical Proposal Discussions – MoDOT intends to negotiate with each Proposer the details of their Initial Technical Proposal including the proposed innovative solutions and the Additional Applicable Standards (which standards are acceptable, conditions that need to be addressed in order to make the standards acceptable or which standards are unacceptable). MoDOT intends for the Technical Proposals to achieve or exceed the Project goals to the greatest extent possible.
- Final Technical Proposal/Price Allocation Discussions – MoDOT intends to negotiate with the apparent successful Proposer final contractual details including the use of the unsuccessful Proposer's solutions, if any, clean-up of any contractual issues and ensuring the enforceability of the Additional Applicable Standards.

MoDOT encourages confidential discussions with the Proposers throughout the procurement process.

## **1.2 Project Goals**

MoDOT has developed the following prioritized goals for the Project. The goals describe the minimum outcomes that MoDOT desires for the Project.

1. Deliver the project within the program budget of \$535 million
  - MoDOT has established a Fixed Price for the Design-Build Contract to insure that the selected Proposer's Fixed Price will be equal to the available Project budget of \$410 million.



2. Complete the Project no later than October 1, 2010
  - The procurement process provides the Proposers with the flexibility to develop the Project schedule including a Project Completion Deadline as early as practicable, but no later than October 1, 2010.
3. Maximize the mobility and capacity improvements in the corridor when construction is complete
  - The procurement process provides the Proposers with the flexibility to develop the Project definition while meeting the commitments in the Final Environmental Impact Statement/Section 4(f) Evaluation and its Record of Decision. MoDOT's objective is to have the Proposers develop scope solutions that stretch the available Project budget providing the maximum improvements throughout the Project.
4. Minimize and mitigate construction impacts to customers through construction staging and communication efforts
  - The procurement process provides the Proposers with the flexibility to develop the plan to manage traffic during construction that provides the greatest regional traffic mobility while completing the Project in the least amount of time. The procurement process also provides the Proposers the flexibility to develop a public communications plan that describes how the Project communications team will strategically stay ahead of Project communications opportunities with results that exceed public expectation.
5. Provide a quality product that produces a long lasting transportation facility
  - MoDOT has recently begun incorporating practical design into its transportation improvement projects. Practical design challenges traditional standards to develop efficient solutions to solve today's project needs. MoDOT's goal of practical design is to build "good" projects, not "great" projects, to achieve a great system. Innovation and creativity are necessary to accomplish practical design. The procurement process provides the Proposers with the flexibility to determine the technical standards and requirements ("new ways of doing business") to be used for the Project furthering the practical design goal of safer roadways, of great value, in a faster manner.
6. Demonstrate a quality construction and communication effort that creates a new model for doing a design-build project
  - The procurement process challenges the industry to come up with the most creative and innovative approaches to meet or exceed the goals for The New I-64 Project and WOW the public.

### **1.3 Draft RFP and Industry Review**

MoDOT will issue a Draft RFP to the Proposers for their review and shortly after will initiate confidential "one-on-one" meetings with the Proposers. The purpose of the industry review discussions is to improve the Proposers' understanding of the Project goals and RFP and to improve the RFP based upon industry questions and





comments. It is MoDOT's desire that its commitment to confidential discussions will create an atmosphere that encourages open discussions between the Proposers and MoDOT. MoDOT's small core Project team plans on attending the industry review meetings, along with technical experts attending for specific topical discussions. MoDOT intends to request the Proposers to establish the agenda for the industry review meetings. However, for the initial meeting, MoDOT will provide the agenda and review ground rules for the discussions. Items MoDOT desires to discuss during industry review are:

- a) Does the procurement process, as described in the ITP, maximize the opportunities to meet or exceed the Project goals? Do the Proposers have suggestions on how the process could be improved to increase the likelihood of exceeding the Project goals?
- b) Does the schedule for the procurement process provide the appropriate amount of time to maximize the opportunities to meet or exceed the Project goals? Do the Proposers have suggestions on how the procurement schedule could be modified to increase the likelihood of exceeding the Project goals?
- c) The procurement process provides the Proposers with the opportunity to define all Additional Applicable Standards for the Project as long as they comply with the national standards identified in Book 3, Applicable Standards, of the RFP. MoDOT encourages the Proposers to identify and present their proposed technical requirements that increase the opportunities to meet or exceed the Project goals during the industry review discussions including design requirements, construction specifications, special provisions, standard drawings, materials and testing requirements, and maintenance requirements as described in Section 3.5. Industry review discussions will assist MoDOT's understanding of the proposed technical requirements and allow MoDOT to provide feedback to the Proposers on the acceptability of the proposed requirements. **The procurement process provides the opportunity of having two Proposals that have different technical requirements (Additional Applicable Standards). MoDOT's desire is to encourage new ways of doing business to increase the opportunities to meet or exceed the Project goals.**
- d) Do the requirements in Book 2, Performance Requirements, provide the necessary level of definition to support the Project goals or is it beneficial for MoDOT to provide additional detail on what is required? While MoDOT's goal is to encourage flexibility for the Proposers, MoDOT desires to obtain feedback from the Proposers on which performance requirements, if any, the Proposers prefer MoDOT to provide additional definition.

## 1.4 Final RFP and Technical Concepts Proposal

MoDOT will issue a Final RFP as modified by the questions and comments received during industry review. MoDOT will then hold a series of confidential meetings with each Proposer where the Proposer may present technical concepts, Additional Applicable Standards and design exceptions, if any, to MoDOT and FHWA. MoDOT





is requesting a Technical Concepts Proposal and confidential meetings in order to receive, from both Proposers, the highest quality Initial Technical Proposal possible.

**During the discussions, absolutely no information will be shared from one Proposer's Proposal to the other Proposer including technical solutions, Additional Applicable Standards or design exceptions, if any.** The purpose of the confidential meetings will be to:

- a) Provide verbal feedback to the Proposer on whether the Proposer's technical solutions achieve or exceed the Project goals to the greatest extent possible and to discuss possible improvements that can be made by the Proposer including Project definition changes, moving focus from one technical area to another and changes within a technical area.
- b) Provide verbal or written feedback to the Proposer regarding Additional Applicable Standards and design exceptions, if any.. MoDOT's feedback will indicate if the AAS or design exception is acceptable, acceptable with conditions, or unacceptable.

## 1.5 Initial Technical Proposal

After the series of Technical Concepts Proposal meetings have occurred, the Proposers will submit a detailed Initial Technical Proposal, incorporating discussions that occurred during the previous phase. After receipt of the Initial Technical Proposals, MoDOT may hold confidential discussions with each Proposer and will provide comments to each Proposer in writing.

## 1.6 Final Technical Proposal and Price Allocation

MoDOT will request the Proposers to submit their Final Technical Proposal and Price Allocation. MoDOT will evaluate the Proposals and determine the apparent successful Proposer. MoDOT intends to meet with the apparent successful Proposer and to negotiate into its Proposal ideas from the unsuccessful Proposer's Proposal that improve its Proposal, if any, and to clean-up any contractual issues and insure the enforceability of the Additional Applicable Standards.

## 2 RFP PROCESS

### 2.1 Draft RFP and Industry Review

Subsequent to the issuance of the Draft RFP, MoDOT will begin holding industry review meetings at MoDOT's District 6 office. The first meeting will be held one week after the Draft RFP is issued. MoDOT intends to meet bi-weekly with each Proposer, but will discuss meeting frequencies at the first meeting with each Proposer. The opportunities for meeting frequencies and durations will be the same for each Proposer.

- **Initial Industry Review Meeting:** MoDOT will set the agenda for the first



industry review meeting with each Proposer.

- **Subsequent Industry Review Meetings:** After the initial industry review meeting with each Proposer, the Proposers will set the agenda for each meeting.

The Proposers may begin submitting Additional Applicable Standards during the Industry Review phase as they are developed using Form C - Additional Applicable Standards. MoDOT will review the Additional Applicable Standards and verbally communicate with the Proposer if the standards are acceptable, not acceptable, or acceptable with conditions.

## 2.2 Final RFP and Technical Concepts Proposal

MoDOT will make modifications to the RFP based on comments received during industry review as it deems appropriate and will issue the Final RFP. After release of the Final RFP, MoDOT will initiate confidential discussions with each Proposer (Technical Concepts Proposal meetings). The number of technical concept meetings will be determined by MoDOT based upon Proposer input. The meetings will be held at the Proposer's place of business in the St. Louis area. The Proposers will establish the agenda for the meetings. **During the confidential discussions MoDOT will not share any information discussed with one Proposer with the other Proposer.**

The Proposers may request clarifications to the Final RFP informally during the Technical Concepts Proposal meetings, or formally in writing. MoDOT may provide responses to informal requests verbally during the confidential technical concepts meetings or may request that the Proposer's request for clarification be submitted formally in writing. Formal requests for clarification shall be addressed to the Project Director and MoDOT will respond to the formal requests on the Project website and will not identify which Proposer requested the clarification. MoDOT reserves the right to amend the Final RFP via addendum as a result of any request for clarification.

MoDOT will provide verbal feedback regarding the Proposer's Technical Concepts Proposal during the technical concepts meetings. The discussions will include possible weaknesses and deficiencies, and other aspects of the Proposal that could be altered or explained to enhance materially the Proposal's potential for award, including possible Project definition changes, moving scope items from one technical area to another and necessary revisions within technical areas.

MoDOT will also provide feedback regarding the acceptability of the Proposer's proposed Additional Applicable Standards, including construction specifications, special provisions, design requirements (by discipline), standard drawings, materials and testing requirements, and maintenance requirements.

The Proposers may request deviations from the Applicable Standards defined in Book 3 as design exceptions. Design exceptions shall be submitted as early in the procurement process as possible, but no later than the Initial Technical Proposal,



using Form E – Design Exceptions.

## **2.3 Initial Technical Proposal**

The series of discussions held during the Technical Concepts Proposal phase will culminate with the formal submission of the Initial Technical Proposals. The Proposers' Initial Technical Proposals shall not include a Price Allocation.

MoDOT will review the Initial Technical Proposals, but will not formally evaluate the proposals. MoDOT will summarize the review of the Initial Technical Proposals by providing comments to each Proposer in writing. After receipt of the Initial Technical Proposals, MoDOT may request confidential discussions be held with each Proposer.

As part of the Initial Technical Proposals, a compiled package of all Additional Applicable Standards and design exceptions, if any, shall be included. MoDOT will review the standards and design exceptions, if any, and provide written feedback of their acceptability.

## **2.4 Final Technical Proposal and Price Allocation**

Proposers shall submit their Final Technical Proposals and Price Allocation. The Final Technical Proposals shall incorporate changes to their Initial Proposals as a result of MoDOT written comments and possible discussions with MoDOT. The Final Technical Proposals and Price Allocation will be evaluated as described in Section 3.

MoDOT will make the apparent best value selection and pay the Stipend to the unsuccessful Proposer. After payment of the Stipend to the unsuccessful Proposer, MoDOT will provide the unsuccessful Proposer's Final Technical Proposal (excluding Price Allocation and confidential information) to the successful Proposer and will negotiate inclusion of any technical solutions that improve its proposal, if any. MoDOT will also negotiate enforceability of the proposed Additional Applicable Standards and any necessary design-build modifications, details and/or clarifications to the Additional Applicable Standards.

## **2.5 Contract Award**

MoDOT will award the Contract to the Proposer with the apparent best value after the final Contract has been successfully negotiated. If no final agreement is reached between MoDOT and the Proposer with the apparent best value proposal, MoDOT reserves the right to pay the stipend to the apparent successful Proposer and to negotiate a Contract with the unsuccessful Proposer.

## **2.6 Procurement Schedule**

Deadlines for submitting RFP questions and Proposal are shown below. This schedule is subject to revision by addenda to this RFP.



<b>Item</b>	<b>Schedule</b>
Issue Draft RFP	February 27, 2006
Industry Review	March – April 2006
Issue Final RFP	May 15, 2006
Technical Concepts Proposal	mid-May – mid July 2006
Last Day for Proposer Clarifications	June 26, 2006
MoDOT Posts Final Responses to Proposer's Requests for Clarification and Final RFP Addendum	July 10, 2006
Initial Technical Proposals Due	August 11, 2006
Negotiations	mid-August to mid-September 2006
Final Technical Proposal and Price Allocation Due	October 20, 2006
Discussions with Apparent Best Value Proposer	mid-November to mid-December 2006
Commission Approval	December 13, 2006
Execute Contract and Issue NTP1	December 20, 2006

### **3 PROPOSAL CONTENTS AND EVALUATION PROCESS**

#### **3.1 Organization of Proposal**

The Proposal shall be organized as follows:

- Part 1 – General Information
  - Major Participants
  - Key Personnel
- Part 2 – DBE Performance Plan
- Part 3 – Additional Applicable Standards
- Part 4 – Technical Elements
  - Completion Schedule



- Project Definition
- Maintenance of Traffic
- Public Information
- DBE Commitments and Socially/Economically Disadvantaged Workforce Utilization
- Part 5 – Administrative Elements
- Part 6 – Price Allocation

The Initial Technical Proposal shall include Parts 1, 3, and 4. The Final Technical Proposal shall include Parts 2 thru 5, and changes to Part 1 if any. The Price Allocation shall include Part 6 only.

## **3.2 Evaluation Process**

When the Final Technical Proposals and Price Allocations are received, the Price Allocations will be separated from the Technical Proposals and will not be opened until completion of the Technical Proposal evaluations.

The Proposals will be reviewed for the Proposal's conformance to the RFP instructions regarding organization and format, the responsiveness of the Proposer to the requirements set forth in the RFP and compliance with the pass/fail criteria. Those Proposals determined to be non-responsive to this RFP may be excluded from further consideration and the Proposer will be so advised. Proposers submitting non-responsive Proposals are not eligible for payment of the Stipend.

## **3.3 Contents and Evaluation of Part 1 – General Information**

### **3.3.1 Major Participants**

Proposers shall submit any changes to Major Participants from the information provided in their Statements of Qualifications

#### Submittal Requirements:

- Narrative describing the rationale for any changes to Major Participants.
- Form A – Major Participant Information shall be submitted for Major Participants that were not identified in the Statement of Qualifications.
  - If the Proposer has submitted a request to change Major Participants prior to submittal of its Proposal and MoDOT has provided an Approval letter for the requested change, the Proposer is only required to submit the MoDOT Approval letter with its Proposal.

### **3.3.2 Key Personnel**

Each Proposer shall define Key Personnel and a corresponding organizational chart that demonstrates the Proposer's knowledge of the Project and approach to meeting



the Project goals. Each Proposer shall describe the organization style of the team and indicate how the qualifications of each Key Personnel increase the Proposer's ability to meet or exceed the Project goals.

Key Personnel identified in the Proposal shall not be removed, replaced, or added without written Approval of MoDOT. Written request must document the proposed change and demonstrate that the change shall be equal to or better than the Key Personnel submitted in the Proposal.

Proposers shall define the following eight positions as Key Personnel.

- **Project Manager** – The Project Manager is responsible for all aspects of the Project, including, but not limited to, overall design, construction, quality management, contract administration, and public information. The Project Manager shall have at least ten years of recent experience managing the design and construction of major urban freeway systems. The Project Manager shall be assigned to the Project full time and on Site for the duration of the Project.
- **Quality Manager** – The Quality Manager's responsibilities include, but are not limited to, creation and execution of the Submitter's quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including public information, environmental compliance and DBE/labor compliance. The Quality Manager shall report directly to the Proposer's executive management team. The Quality Manager shall have at least ten years of recent experience developing, implementing, and overseeing quality programs.
- **Design Manager** – The Design Manager is responsible for ensuring the Project design is completed and all design requirements are met. The Design Manager shall be assigned to the Project full time, on site, when design activities are being performed. The Design Manager shall have at least ten years of recent experience managing the design of major urban highways and shall be a registered professional engineer in the State of Missouri.
- **Public Information Manager** – The Public Information Manager is responsible for developing and implementing a Public Information Plan. The Public Information Manager shall have at least seven years of recent experience coordinating public information on public projects. At least three years of recent experience is required communicating traffic coping techniques during the construction phase of major public projects. The Public Information Manager shall be assigned to the Project full time, on Site. At a minimum, the Public Information Manager shall have an undergraduate degree in Communications, Journalism, or appropriate field of study.
- **Maintenance of Traffic Manager** – The Maintenance of Traffic Manager is responsible for the management of work zones within the Project limits as



well as any off site areas that may be affected by the Project. The Maintenance of Traffic Manager shall not be assigned any other duties or responsibilities and must be full time, on site. At least seven years of recent experience of managing work zones during construction is required.

- Roadway Design Manager – The Roadway Design Manager is responsible for the development of the roadway plans and other associated roadway features. The Roadway Design Manager shall be on site during roadway design activities and be available during construction activities. The Roadway Design Manager shall have at least five years of recent experience in design of major urban freeways and shall be a registered professional engineer in the State of Missouri.
- Structural Design Manager – The Structural Design Manager is responsible for ensuring that the bridge and Structural design is completed and design requirements are met. The Structural Design Manager shall be on site during structural design activities and be available during construction activities. The Structural Design Manager shall have at least seven years of recent experience in the design of highway structures and shall be a registered professional engineer in the State of Missouri.
- Construction Manager – The Construction Manager shall be responsible for the overall structure and roadway construction for the Project. The Construction Manager shall be on site and shall be assigned to the Project full time. The Construction Manager shall have at least seven years of recent experience in highway construction and testing.

Submittal Requirements:

- Narrative describing any changes to Key Personnel identified in the Statement of Qualifications and a description comparing the qualifications of the new individual(s) to the individual originally submitted.
  - If the Proposer has submitted a request to change Key Personnel prior to submittal of its Proposal and MoDOT has provided an Approval letter for the requested change, the Proposer is only required to submit the MoDOT Approval letter with its Proposal.
- Organizational Chart
- Form B – Key Personnel Summary
- Resumes for new Key Personnel and changed Key Personnel, if any. The Proposers do not need to re-submit resumes that were included in their Statement of Qualifications.

Evaluation Criteria:

All elements in Part 1 will be evaluated on a pass/fail basis.





---

### 3.4 Contents and Evaluation of Part 2 – DBE Performance Plan

The Proposer shall submit a draft DBE Performance Plan that is in conformance with the requirements of Book 1, Exhibit D.

Submittal Requirements:

- Draft DBE Performance Plan

Evaluation Criteria:

Part 2 will be evaluated on a pass/fail basis.

### 3.5 Contents and Evaluation of Part 3 – Additional Applicable Standards

MoDOT understands that, at times, MoDOT manuals, specifications and standards do not allow for maximum flexibility. The Proposers shall meet MoDOT, AASHTO, and FHWA requirements unless alternative requirements are proposed and accepted by MoDOT. The Proposers are encouraged to propose alternative technical requirements and Additional Applicable Standards for the Project that strive to meet or exceed the Project goals. The proposed manuals, specifications and standards, shall be limited to those already reviewed by FHWA, for example, standards from state departments of transportation. All Additional Applicable Standards accepted by MoDOT will be incorporated into Book 3 of the Contract Documents.

The Proposers shall provide the Additional Applicable Standards that include construction specifications, special provisions, design requirements (by discipline), standard drawings, materials and testing requirements, and manuals proposed for the Project.

The Proposers shall also identify their specific approach to the following items:

- For mechanically stabilized earth walls, the Proposer shall define the wall systems to be used and their associated application criteria.
- Describe the corrosion protection measures for structures for reinforcing steel and concrete subject to chloride exposure, such as decks, under joints and within splash zones to be incorporated and shall include the definition of splash zone if utilized.
- The application limits and material requirements for structures for protective coatings such as graffiti protection to be used.
- The specifications for the application of proposed coatings for bridge superstructure, signs, message boards, steel piling and miscellaneous steel.
- A list of structures that will incorporate a bridge approach slab and include the standard details of the approach slabs.
- The types of expansion devices to be used on bridges. If longitudinal joints



are to be utilized, the Proposer shall show how they are located with respect to traffic.

- Describe the conditions that need to occur for bridge traffic barriers to be used. Describe the type and heights of bridge traffic barriers.
- Describe the conditions that need to occur for pedestrian railing to be used on bridges. Describe the type of pedestrian railings to be used including materials, grid spacing, height, and method for corrosion protection.
- The roadway design shall include the Proposer's method used to determine super elevation rates.
- Specify what materials will be used for drainage pipes in various applications (i.e. under mainlines, under local roads, on bridges, etc.).
- For highway signing the Proposer shall define how they will interpret the 'guidance' recommendations in MUTCD.
- For highway lighting, the Proposer shall provide their approach to minimizing light pollution to adjacent properties.
- The Proposer shall provide a draft Urban Design Concept showing how a "streamline moderne" Art Deco style will be incorporated into the Project.

Submittal Requirements:

- Form C – Additional Applicable Standards including identifying the state transportation department where the standards have been used if proposing non-MoDOT standards or rationale for choosing the proposed standards if the standards have not been used by any state transportation department prior to this Project.
- A narrative describing the approach to the specific items listed in this section.
- Draft Urban Design Concept for the Project.

Evaluation Criteria:

Part 3 will be evaluated on a pass/fail basis. The Additional Applicable Standards will be evaluated to insure that the Proposer has adequately defined all technical requirements necessary for successful Project completion. The Additional Applicable Standards will be evaluated for thoroughness of requirements (have all technical areas been addressed), completeness of the requirements (has the necessary detail been provided), enforceability (are the requirements written in enforceable contract language), and acceptability.

## **3.6 Contents and Evaluation of Part 4 – Technical Elements**

### **3.6.1 Completion Schedule (15 Points)**

The Request for Proposals was developed to afford the Proposers the most flexibility in the planning and execution of the Work. The Proposers may define Segment Completion Deadlines for up to six usable sections of the Project. The Project



Completion Date must be identified and can be no later than October 1, 2010.

Submittal Requirements:

- Form D – Completion Deadlines Part I

Evaluation Criteria:

The Completion Deadlines will be evaluated to determine the ability to meet or exceed the Project goals. MoDOT will evaluate the proposed deadlines based upon quantitative and qualitative benefits including:

- Reducing road user costs by minimizing adverse travel.
- MoDOT project management cost savings as a result of a shorter project completion schedule.
- Public goodwill achieved by completing the project quickly and efficiently.
- Minimizing business access disruptions.
- The Proposer's commitment to the completion of useable Project sections that increase regional mobility, provide major regional arterial connectivity and opening them to traffic as soon as practicable.

### **3.6.2 Project Definition (45 Points)**

**Geometrics:** The Proposers shall define the geometric features of the Project. The features defined shall include the termini of the Project, number of mainline lanes, lane widths, ramp widths, shoulder widths, and interchange types with lane configurations. The Proposers shall define the location of the interchanges and crossings including vehicular and non-vehicular traffic.

The Proposers shall determine the capacity and level of service for the lane configurations proposed. The Proposers may request deviations from the Applicable Standards defined in Book 3 as design exceptions.

In the event the Proposer's Project definition requires additional right of way not provided by MoDOT in the RFP or requires approvals including New Environmental Approvals the following will apply:

- The Proposer will have full responsibility for obtaining any approvals including New Environmental Approvals. If any required approval is not subsequently granted with the result that the Proposer must change its design, the Proposer will not be eligible for a Change Order that increases the Contract Price or extends the Completion Deadlines.
- The Proposer will have full responsibility for obtaining and paying for any additional right of way not provided by MoDOT and if any such right of way is purchased by the Contractor after NTP1 the Contractor shall follow all applicable requirements set forth in Book 2 Section 8. If any additional right of way required by the Proposer's Project definition is not subsequently obtained by the Proposer, the Proposer must change its design and the



---

Proposer will not be eligible for a Change Order that increases the Contract Price or extends the Completion Deadlines.

**Pavements:** The Proposers shall identify the anticipated design life of all pavements on the Project, including reconstructed and rehabilitated areas. The Proposers shall provide the pavement design for mainline lanes including auxiliary lanes, shoulders and ramps for both reconstructed areas and rehabilitated areas, and their locations. The Proposers shall describe the pavement design method they used to develop the pavement selections.

**Structures:** The Proposers shall provide a list of all structures to be rehabilitated or reconstructed along with their associated details in the proposal. Additionally, for existing structures to be rehabilitated and used in place, the Proposers shall identify their estimated remaining serviceable life.

Submittal Requirements.

- Provide a graphic plot of the Project's plan view at a 200:1 scale showing the following items:
  - The termini of the Project
  - The number of mainline lanes
  - The lane widths, ramp widths, shoulder widths for mainline lanes
  - The interchange types with lane configurations
  - The location of the Project elements that it proposes to use in place or rehabilitate
  - The location of the proposed pavement types
  - The type and height of median barrier to be used along the mainline
- Provide a traffic analysis based on nationally accepted traffic evaluation methodology using the year 2020 forecasts provided by MoDOT. A graphic or table that shows the estimated maximum capacity (passenger cars/hour), density (passenger cars/hour/lane) and level of service for the mainline and interchanges.
- Form E – Design Exceptions, if needed
- Form F – Items to be Used in Place or Rehabilitated
- For pavements the Proposers shall provide:
  - The pavement design method, including all of the design inputs that were used to arrive at the pavement selections including a narrative on how the inputs were determined.
  - For each proposed pavement type for reconstructed and rehabilitated areas on mainline lanes, including auxiliary lanes, shoulders and ramps, the Proposers shall provide pavement design outputs as follows:
    - Design life



- Rehabilitation cycles for the design life provided
  - Pavement typical sections
  - Pavement and base thickness
  - Distress predictions including rutting and fatigue cracking for asphalt pavements and faulting and slab cracking for concrete pavements
  - Minimum friction number (FN) and the maximum International Roughness Index (IRI) measurement that will be obtained on the final wearing surface.
- For new and rehabilitated bridges, the Proposers shall provide a narrative describing the proposed construction. Include as much information as possible relating to each structure type or rehabilitation proposed. The information to be provided shall, at a minimum, include the following:
    - Deck thickness
    - Superstructure continuity / Integral abutment construction
    - Redundancy / Fracture Critical Members
    - Typical cross sections for each structure type selected
    - Foundation types and bearing materials
    - Proposed wearing surface or the allowance for future wearing surface
    - Provision for future maintenance of traffic during reconstruction
    - Rehabilitation methods

Evaluation Criteria:

The Project definition will be evaluated to determine its ability to meet or exceed the Project goals. MoDOT will evaluate the proposed project definition based upon quantitative and qualitative benefits including:

- Geometrics:
  - A Project definition that stretches the available Project budget by providing the maximum improvements throughout the Project, improving safety to the greatest extent possible.
  - A Project definition that provides maximum mobility and capacity improvements in the corridor when construction is complete by providing the highest level of service and capacity for mainline lanes and ramps.
  - A Project definition that provides improved driver expectancy through efficient accessibility and predictable interchange configurations.
- Pavements:
  - A pavement design proposal that provides for a long pavement life



with minimal rehabilitation cycles. MoDOT will also evaluate the proposal for skid resistance, greater smoothness, and lower structural distresses.

- Structures:
  - MoDOT will evaluate the structure types based upon the predicted least maintenance cost for MoDOT and ease of re-decking, inspection and maintenance.

### **3.6.3 Maintenance of Traffic (20 Points)**

The Proposer shall submit a draft Maintenance of Traffic (MOT) Plan. The draft MOT plan shall include a construction phasing plan with a map and narrative. Within each section identified in the Proposer's schedule, develop phases for the purpose of planning and executing the Work. A phase is a specific sequence of the construction Work within a geographic area; for example, Work where a major traffic movement is redirected and left in place until the Work is complete.

The phasing map shall be color coded for each section and phase. At a minimum for each phase of construction, show on the phasing map the following elements:

- Interstate sections, mainline closures, and planned detour routes if any
- Ramps, access closures, and planned detour routes if any
- Crossroads with interstate access, closures, and planned detour routes if any
- Crossroads without interstate access, closures, and planned detour routes if any
- Major traffic alignment shifts within each phase
- Commitments such as phase durations or completion dates

The narrative portion of the draft MOT Plan shall address the following:

- Regional mobility strategy and description of where motorists will travel region-wide, including all modes of transportation.
- Projected level of service narrative that estimates the traffic impacts on a daily, morning peak hour and evening peak hour basis on the regional roadway system including the traffic analysis methodology, tools and assumptions used.
- Show the minimum lane widths, shoulder widths and design speed to be used on all the types of roadways and ramps during construction.
- Describe your plan to coordinate with cities, counties, and other transportation providers in developing and implementing your MOT Plan.
- The draft MOT Plan should describe an emergency access plan for emergency vehicles and public/semi-public facilities such as hospitals, fire stations, police stations, schools, etc. The Proposer shall provide a description of their emergency access approach and commitments. The



Proposer shall also detail how to maintain access to the ten hospitals in the corridor.

- Describe your approach and commitments to incident management during construction.
- Describe the approach and rationale for using proposed and existing Intelligent Transportation System elements.

Submittal Requirements:

- Draft Maintenance of Traffic Plan
- Construction phasing maps at a scale of 1" = 300' or 1" = 200'
- Form G – Completion Deadlines Part II

Evaluation Criteria:

The Maintenance of Traffic element will be evaluated to determine its ability to meet or exceed the Project goals. MoDOT will evaluate the proposed MOT plan based upon quantitative and qualitative benefits including:

- Safe geometric characteristics of the interstate mainline, interchange ramps and cross roads during the construction period.
- Minimum duration of closures.
- Greatest level of service on regional roads.
- Maintaining emergency access to the greatest extent practicable.
- Minimizing impact to peak demand travel.
- Level of incident management service.

### **3.6.4 Public Information (10 Points)**

MoDOT's mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri. MoDOT is aiming high in this area and is looking for proposals that will provide a WOW effect to the public.

Communication about the Project will be divided between the Contractor and MoDOT. The Contractor will be responsible for communicating the Project's progress, maintenance of traffic issues and daily coping information to the public. MoDOT will be responsible for communicating the big picture and Project vision information. The end result should be a communication effort that has the public amazed at the amount of information, and the timeliness and accuracy of Project information provided to them throughout the duration of the Project.

The Contractor shall be responsive to the public's concerns and make every effort to be proactive in providing information so potential problems can be averted. Advance notice and ongoing communication will ease the public's concerns and garner support for the Project.





A team approach between the Contractor's Public Information Manager and MoDOT's I-64 Community Relations Manager is critical to the success of the Project. MoDOT expects to develop and foster a team environment with ongoing coordination between the two staffs to provide the best information to the public. MoDOT anticipates that the Contractor's Public Information Plan will need to be regularly assessed and adjusted to meet the changes needs and issues of the public.

The Proposers shall submit a draft Public Information Plan (PIP). Within the draft PIP the Proposers shall describe, at a minimum, its approach on the following issues.

- Describe your strategic planning process that will include identification of Stakeholders and the tactics involved.
- Describe your approach to providing construction information, including coping techniques and notification to the public.
  - Describe your communications approach for specific construction issues such as construction noise, business access, hospital access, and the special communication needs of the St. Louis Zoo and Central Institute for the Deaf.
- Describe your approach to be responsive to media requests in general and how you will coordinate that with MoDOT.
  - Describe your approach to crisis communications, including your plan for coordinating this information with MoDOT and your responsiveness to the media.
- The New I-64 Project currently has a web site at the address of [www.thenewi64.org](http://www.thenewi64.org). Describe your approach to how you would use the web site for communication and your approach to who would be responsible for the web site.
- Describe your approach to handling customer inquiries, timely response and your plans to be responsive to customer concerns and needs. How will you ensure callers don't have long wait times? How will you coordinate with MoDOT's Customer Service Center?
- Describe your approach to assessing public opinion and adjusting the PIP accordingly to ensure a WOW response from the public during the Project and upon completion.

Submittal Requirements:

- Draft Public Information Plan
- Form H – Commitments to Minimum Notifications

Evaluation Criteria:

The Public Information elements will be evaluated to determine its ability to meet or



exceed the Project goals. MoDOT will evaluate the proposed PI plan based upon quantitative and qualitative benefits including:

- A strategic approach to Public Information that anticipates issues and proactively communicates key messages to the appropriate audiences.
- A thorough identification of the stakeholders and how effectively the strategies and tactics will keep them informed.
- Commitments to effective advance notices of construction activities.
- A crisis communications approach that includes a commitment to and speed of communication between the Contractor and MoDOT, a thorough plan for solving problems and the speed of communication to the public and media.
- How customers' inquiries and requests will be met in a timely and personable way.
- How flexible the PIP is to the changing needs of the community and the Project.

### **3.6.5 DBE Commitments and Socially/Economically Disadvantaged Workforce Utilization (10 Points)**

**DBE Commitments:** The Proposers shall describe the DBE commitments that have been made as of the Proposal Due Date and shall describe the efforts taken by the Proposer to ensure that the dollars committed to DBEs on the Project are representative of the available design and construction DBEs.

**Workforce Development Plan:** MoDOT has been working with the community and had developed a Workforce Utilization Plan Partnering Agreement. This agreement describes MoDOT's plan to encourage the use of a diverse workforce. Incentives may be available to the Contractor.

The following chart outlines the potential opportunity for minorities, females and economically disadvantaged individuals to be collectively trained, hired, and obtain journey-level status in their respective trade areas. If the number turns out to be greater than 500, the same percentages will apply as the standard for workforce development on this Project:



Type of Incentive	Percent of Workers	Incentive applies to _____ Number of Workers		Incentive per Hour
		If total workers = 300	If total workers = 500	
OJT	20%	60	100	\$3.50
Additional OJT	5%	15	25	\$10.00
Professional Services	5%	15	25	\$10.00
<b>TOTALS:</b>		<b>90</b>	<b>150</b>	

The Proposers shall submit a draft Workforce Development Plan that complies with Book 1, Section 7.1.4. At a minimum, the draft Plan shall include the following items:

- The identified stakeholders and the strategies and tactics to reach workforce utilization
- Strategies for striving to meet the federal standards of 14.7% minorities and 6.9% women goals
- Strategies for striving to meet the 20% On-the-Job (OJT) training goal for individuals who are minorities, women, and economically disadvantaged individuals
- Strategies for striving to obtain an additional 5% incentive for OJT individuals who are minorities, women, and economically disadvantaged individuals over and above the 20% goal
- Strategies for striving to obtain an additional 5% incentive for professional services individuals who are minorities, women, and economically disadvantaged individuals
- Approach to hiring and retaining graduates of pre-apprentice and apprenticeship training programs who are minorities, women, and economically disadvantaged individuals
- Commitment to providing necessary documentation for trainees to be accepted into the apprentice program
- Approach to maximizing relationships with pre-apprenticeship and apprenticeship programs and hiring agencies
- Approach to incorporating diversity and sensitivity training to reduce and eventually eliminate harassment and other barriers

Submittal Requirements:

- DBE commitments as described in Book 1, Exhibit D
- A draft Workforce Development Plan



Evaluation Criteria:

- DBE Commitments:
  - The Proposer's commitment to meeting the DBE goal, as evidenced by contracts and/or Letters of Subcontractor Intent entered into as of the Proposal Due Date.
  - The Proposer's plan to ensure that the dollars committed to DBEs on the Project are proportionately distributed among the available design and construction DBEs.
- Draft Workforce Development Plan:
  - MoDOT will evaluate the effectiveness of the draft Workforce Development Plan based on:
    - The strategies to ensure that the workforce reflects the demographics of the St. Louis metropolitan area.
    - The strategies to ensure the items within The New I-64 Workforce Utilization Plan Partnering Agreement are met.

### **3.7 Contents and Evaluation of Part 5 – Administrative Elements**

Submittal Requirements:

- Form I – Proposal Letter
- Surety Commitment Letter(s). The Proposer shall provide commitment letter(s) signed by a surety meeting the requirements of Book 1, Section 8, irrevocably and unconditionally committing to execute and deliver payment and performance bonds, each in the amount set forth in Book 1, using the exact language in Book 1, Exhibits F and G, subject only to award of the Contract to the Proposer. An original power of attorney, with an affixed seal or signed in blue ink, evidencing the authority of the surety shall be attached to the surety letter. The irrevocable and unconditional commitment shall be effective for 180 days. If the apparent successful Proposer and MoDOT have not negotiated a final Contract within the 180 days, the Proposer shall provide a new Surety Commitment letter that complies with the conditions of this Section.
- Form J – Non-Collusion Affidavit
- Form K – Buy America Certification
- Form L – Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Form M – Use of Contract Funds for Lobbying
- Form N – Equal Employment Opportunity
- Authorization Documents:
  - Organizational Documents. The Proposer shall provide a copy of the articles of incorporation and bylaws, the joint venture agreement,



partnership agreement, limited liability company operating agreement or equivalent organizational documents for the Proposer and each Major Participant, which documents shall be consistent with the responsibilities to be undertaken by the Proposer and Major Participants under the Contract.

- Evidence of Good Standing and Qualification to do Business. If the Proposer is a corporation or limited liability company, the Proposer shall provide evidence that the Proposer is in good standing in the state of its incorporation/organization and of current qualification to do business in the State of Missouri. If the Proposer is a joint venture or partnership, the Proposer shall provide the foregoing evidence for each member of the joint venture or each general partner.
- Authorization to Bind Proposer. The Proposer shall provide evidence in the form of a certified resolution of its governing body and, if the Proposer is a partnership, joint venture or limited liability company, of the governing bodies of the Proposer's general partners, joint venturers or members, evidencing the capacity of the person(s) signing the Proposal to bind the Proposer should MoDOT elect to accept it without negotiations or BAFOs.

The Proposer shall also provide appropriate evidence regarding the authority of any designated individual(s) to sign the certificates required by this RFP on behalf of the Proposer. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.

- Authorization to Negotiate. The Proposer shall provide appropriate evidence regarding authorization of one or more individuals to participate in the negotiation process described herein and make binding commitments to MoDOT in connection with this RFP. Such authorization may take the form of a certified copy of corporate or other resolutions authorizing the same.
  - Joint and Several Liability. If the Proposer is a joint venture, partnership or limited liability company, the Proposer shall provide a letter from each partner or member of the joint venture or limited liability company stating that the respective partner or member of the joint venture or limited liability company agrees to be held jointly and severally liable for any and all duties and obligations of the Proposer under the Proposal and under any Contract or other agreement arising therefrom. For limited liability companies, this requirement may be met with joint and several member company guarantees securing all Proposer's duties and obligations under the Contract or other agreement arising therefrom.
- Form O - Escrow Agreement, submit three signed original documents.
  - Partnering Facilitators. The Proposer shall submit the names and qualifications of three partnering facilitators, in order of preference.
  - Form P – Receipt of Addenda



Evaluation Criteria:

All elements in Part 1 will be evaluated on a pass/fail basis.

### **3.8 Contents and Evaluation of Part 6 – Price Allocation**

Submittal Requirements:

- Form Q – Price Allocation Form
- Form R – Proposal Bond. The Proposer shall submit a Proposal Bond in the sum and in the form set forth in Form R. The Proposal Bond shall be issued by a fully qualified surety company meeting the requirements set forth in Book 1, Section 8.

Evaluation Criteria:

The Price Allocation will be evaluated on a “pass/fail” basis for reasonableness of allocation of prices to the WBS elements. Failure to achieve a “pass” rating on a “pass/fail” element may result in the Proposal being declared non-responsive and the Proposer being disqualified.

### **3.9 Best Value Determination**

Award of the Project shall be based on a best value determination defined by a Fixed Price-Best Design approach. The Proposer that achieves the highest score on Technical Elements will determine the Best Design. Selection will be based upon the highest scored Technical Elements and will represent the best value to MoDOT.

## **4 SUBMITTAL REQUIREMENTS**

### **4.1 Format**

The Proposal must be formatted for 8.5” x 11” paper. Charts and other graphical information may be formatted for 11” x 17” paper. Use of 11” x 17” format shall be limited. Minimum font size is 11 points. However, 10-point text may be used within graphs or tables.

### **4.2 Due Date and Quantities**

Proposals must be submitted by 2:00 pm, Central Standard Time, on the date shown in Section 2.5. One hard copy of the Proposal is to be delivered to the Project Director. Submitters shall also e-mail one electronic copy of the Proposal, each part or subpart in a single file, to [thenewi64@modot.mo.gov](mailto:thenewi64@modot.mo.gov) by the same due date and time.

One copy of the Escrowed Proposal Documents (EPD), which includes all Parts of the Proposal, and one signed original of Form O – Escrow Agreement shall be



---

delivered to the following location by the due date and time for the Final Technical Proposal and Price Allocation:

Bank Name  
Address  
City, State

### **4.3 Technical Concepts Proposal**

The Technical Concepts Proposal will be submitted verbally to MoDOT during confidential meetings with the Proposers.

### **4.4 Initial Technical Proposal**

The Initial Technical Proposal shall include Parts 1, 3 and 4.

### **4.5 Final Technical Proposal**

The Final Technical Proposal shall include Parts 2 thru 5, and any changes to Part 1 since the Initial Technical Proposal.

### **4.6 Price Allocation**

The Price Allocation shall include Part 6. The hard copy of the Price Allocation shall be delivered in a sealed envelope, separate from the Final Technical Proposal. The electronic copy of the Price Allocation shall be sent in a separate e-mail from the Final Technical Proposal or delivered to MoDOT on a compact disc.

## **5 GENERAL INFORMATION**

### **5.1 Stipend**

MoDOT has determined that it is appropriate to award a stipend to the responsible Proposer that provides a fully responsive, but unsuccessful, Proposal. The amount of the stipend shall be \$1.5 million and shall be provided to such Proposer within 15 days after MoDOT determines the apparent successful Proposer.

### **5.2 Communications**

MoDOT's Project Director, Lesley Hoffarth, is MoDOT's sole contact person for receiving all communications regarding the project. Each Proposer is solely responsible for providing a single contact person.

Inquiries and comments regarding the Project and the procurement must be sent to Ms. Hoffarth as shown below. E-mail is the preferred method of communication for the Project.





Lesley Hoffarth, P.E.  
The New I-64 Project Director  
Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, MO 63017  
[thenewi64@modot.mo.gov](mailto:thenewi64@modot.mo.gov)

During the Project procurement process, commencing with issuance of the RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFP. Any Proposer engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities and the general public. The foregoing shall not preclude any Proposer from participating in public meetings, including public meetings of the Commission.

### **5.3 Addenda**

MoDOT reserves the right to revise this RFP at any time before the Final Technical and Price Allocation due date. The Proposer's contact person will be notified via e-mail when addenda are available.

### **5.4 Confidentiality**

Prior to selection of the apparent successful Proposer all documents submitted pursuant to this RFP will be maintained as confidential.

### **5.5 Organizational Conflicts of Interest**

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Proposer's team. Proposer must provide to MoDOT information regarding all potential organizational conflicts of interest in its Proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict.

MoDOT may disqualify a Proposer if any of its Major Participants belong to more than one Proposer organization.

### **5.6 Equal Employment Opportunity**

The Proposer will be required to follow Federal Equal Employment Opportunity (EEO) policies.



MoDOT will affirmatively assure that on any Project constructed pursuant to this advertisement, equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

## **5.7 Disadvantaged Business Enterprises**

It is the policy of MoDOT that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

A DBE goal of 16% has been established for the Project. MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms must be certified with MRCC. The MRCC DBE Directory can be viewed at the following web site:

[http://www.modot.mo.gov/business/contractor\\_resources/External\\_Civil\\_Rights/DBE\\_program.htm](http://www.modot.mo.gov/business/contractor_resources/External_Civil_Rights/DBE_program.htm).

## **5.8 Major Participant**

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Proposer; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding a 15% or greater interest in the Proposer.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 10% or more of the construction work.
- Each subconsultant that will perform 20% or more of the design work.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of MoDOT. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

## **5.9 Key Personnel**

Key Personnel identified in the SOQ may not be removed, replaced, or added without written approval of MoDOT. Written request must document the proposed change and demonstrate that the change(s) will be equal to or better than the Key



---

Personnel submitted in the SOQ.

## **6 LEGAL REQUIREMENTS**

### **6.1 Discussions with Proposers**

After release of the Final RFP, the Proposers will submit their initial technical Proposals. MoDOT will have confidential discussions with each Proposer to provide feedback related whether the Proposer's technical solutions achieve or exceed the Project goals to the greatest extent possible.

**No information will be shared from one Proposer to the other Proposer regarding information received during discussions of each Proposer's technical solutions or Additional Applicable Standards.**

### **6.2 Ownership of Proposals**

All documents submitted by the Proposer in response to this RFP shall become the property of MoDOT and shall not be returned to the Proposer. The concepts and ideas in the information contained in the Proposal and discussed during discussions with each Proposer, including any proprietary, trade secret, or confidential information (exclusive of any patented concepts or trademarks), shall also become the property of MoDOT if: (i) submitted by the successful Proposer, upon award and execution of the Contract; and (ii) if submitted by an unsuccessful Proposer, upon payment of the Stipend.

### **6.3 Legal Effect of Stipend**

MoDOT has received a waiver from FHWA of the prohibition of negotiating ideas from the unsuccessful Proposer with the apparent successful Proposer prior to execution of the Contract.

Acceptance of the stipend by the unsuccessful Proposer entitles MoDOT to use the ideas obtained from the unsuccessful Proposer in its initial and final Proposals and during the discussions with the unsuccessful Proposer. MoDOT will provide to the apparent successful Proposer the unsuccessful Proposer's Initial and Final Technical Proposals. MoDOT will meet with the apparent successful Proposer and negotiate into its Proposal ideas from the unsuccessful Proposer's initial and final Proposal that improve its Proposal, if any.

If a protest is filed pursuant to Section 7 below, MoDOT will not pay a stipend to the unsuccessful Proposer or share the unsuccessful Proposer's ideas until the protest has been resolved, and in accordance with the resolution.

### **6.4 Additional Applicable Standards**

MoDOT has requested the Proposers to identify their Additional Applicable



Standards on Form C. During the discussions with each Proposer, MoDOT will either let the Proposer know that the standard is acceptable, inform the Proposer of conditions that must be addressed in order for the standard to be acceptable, or the standard is unacceptable. In the Final Proposal, inclusion of any Additional Applicable Standard that MoDOT has determined unacceptable may result in the Proposal being non-responsive.

If MoDOT has informed the Proposer that their standard description is incomplete and additional details need to be defined, and the Proposer does not present the additional details necessary for acceptance by MoDOT, it does so at its own risk. MoDOT will have the right to require those additional details be incorporated into the Work throughout the life of the Project at no cost to MoDOT.

If the Additional Applicable Standards listed by the Proposer in Form C have conflicting provisions, MoDOT shall have the right to determine, in its sole discretion, which requirement(s) apply.

For any standards, portions of standards or details that have not been specified by the Proposers, MoDOT's standards, portions of standards and/or details will apply to the Project at no additional cost to MoDOT.

## **6.5 Access Justification Reports**

MoDOT has obtained approvals from FHWA of the access justification report (AJR). The Proposer must obtain, at the Proposer's expense, approval of any modifications or additions to the AJR necessary because of the Proposer's design of the Project.

## **6.6 Approved FHWA Design Exceptions**

MoDOT has obtained approval from FHWA of the design exception. The Proposer must obtain, at the Proposer's expense, approval of any additional design exceptions necessary because of the Proposer's design of the Project.

## **6.7 Proposal Bond**

If the Proposer is awarded the Contract but fails to execute and deliver the Contract to MoDOT, together with all documents required therein and herein, within ten Working Days following the Proposer's receipt of the execution form of the Contract, or if the Proposer is selected for negotiations and fails to negotiate in good faith, then the funds represented by its Proposal Bond shall be released to MoDOT and become and remain the property of MoDOT.

Within five Working Days after delivery to MoDOT of the Contract executed by the Proposer selected by MoDOT, together with all other specified items, or within five Working Days after this RFP has been canceled, MoDOT will return each Proposal Bond, except those which have been forfeited, to the respective Proposer.



---

## 6.8 Withdrawal of Proposal After Proposal Due Date

The Proposer understands and agrees that if the Proposer withdraws all or any part of its Proposal within 120 days after the Proposal Due Date without the written consent of MoDOT, the Proposer shall forfeit its Proposal Bond.

## 6.9 Responsive Proposal

The Proposer shall provide responses to all information requested in this RFP for the Proposal. Failure to provide the requested information may result in MoDOT, at its sole discretion, determining that a Proposal is non-responsive and should be rejected. A Proposal will be considered non-responsive if it seeks to qualify or change any of the terms and conditions of the Contract, to limit or modify the bonds, insurance or warranties required, or if the Proposal Bond is not provided.

## 6.10 Missouri Open Records (Sunshine) Law

During the procurement process, all records, documents, drawings, plans, specifications, and other materials submitted by Proposers will be maintained confidential by MoDOT pursuant to the provisions of the Missouri Open Records (Sunshine) Law.

## 6.11 Changes in Proposer's Organization

If there are any new Major Participants or Key Personnel or other changes (including deletions) in the Proposer's organization from those shown in the Statement of Qualifications (SOQ), the Proposer shall obtain written Approval of the change from MoDOT prior to submitting its Final Technical Proposal. Such requests must be accompanied with the information specified for such entity in the SOQ. If a Major Participant is being deleted, the Proposer must submit such information as may be required by MoDOT to demonstrate that the changed Proposer team, Major Participant, or Key Personnel still meets the SOQ criteria (both pass/fail and qualitative). MoDOT is under no obligation to approve any such changes and may do so in its sole discretion.

## 6.12 Project Rights and Disclaimers

Notwithstanding anything to the contrary contained in this RFP or the Contract, MoDOT reserves the right, in its sole discretion, to:

- Investigate the qualifications of any Proposer.
- Require confirmation of information furnished by a Proposer.
- Require additional evidence of qualifications to perform the Work.
- Reject any or all of the Proposals.
- Issue a new request for proposals.
- Cancel, modify or withdraw the entire RFP, or any part hereof.



- Issue Addenda, supplements and modifications to this RFP.
- Modify this RFP process.
- Solicit BAFOs from the Proposers.
- Appoint evaluation committees to review Proposals, and seek the assistance of outside technical experts and consultants in Proposal evaluation.
- Hold meetings and conduct discussions and correspondence with the Proposers to seek an improved understanding of the responses to this RFP.
- Seek or obtain data from any source that has the potential to improve the understanding of the responses to this RFP.
- Permit corrections or supplements to data submitted with any response to this RFP.
- Approve or disapprove changes in the Proposer team or Proposal (a substitution of any of the Major Participants will be carefully scrutinized and may result in disqualification of the Proposer).
- Require correction of or waive deficiencies, informalities and minor irregularities in Proposals; or seek clarifications or modifications to a Proposal.
- Disqualify any Proposer that changes its submittal without MoDOT Approval.
- Hold the Proposals and Proposal Bonds under consideration for a maximum of 120 days after the Proposal Due Date until the final Award is made.

This RFP does not commit the Commission to enter into the Contract or any other contract. The Commission assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFP. Except for payment of the Stipend to certain Proposers, all of such costs shall be borne solely by each Proposer.

In no event shall the Commission be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as a Contract, in form and substance satisfactory to the Commission, has been executed and authorized by the Commission and, then, only to the extent set forth therein.

## **6.13 Escrowed Proposal Documents**

### **6.14 Format of Escrowed Proposal Documents**

The EPDs shall contain information regarding the Proposer's assumptions made in developing Price Allocation. The Proposer shall submit a hard copy of the EPDs in such format as it used in preparing its Proposal.

#### **6.13.1 Review of Escrowed Proposal Documents**

The Proposer shall deliver with its Proposal three signed originals of the Escrow





Agreement on Form O. The Proposer shall also deliver the Escrowed Proposal Documents (EPDs) and one signed original of the Escrow Agreement to the Escrow Agent at the address specified in the Escrow Agreement within five Business Days of the due date of the Final Technical Proposal and Price Allocation.

MoDOT and the Proposer shall review the EPDs prior to Contract execution (or Contract negotiations, if applicable) to determine whether they are complete. Such representatives shall also organize the EPDs, labeling each page so that it is obvious that the page is a part of the EPDs and so as to enable a person reviewing the page out of context to determine where it can be found within the EPDs, and shall compile an index listing each document included in the EPDs and briefly describing the document and its location in the EPDs. MoDOT shall have a right to retain a copy of the index. If, following the initial organization, MoDOT determines that the EPDs are incomplete, MoDOT may require the Proposer to supply data to make the EPDs complete.

Incomplete EPDs may render the Proposal non-responsive. The EPDs will be available for joint review in conjunction with Book 1, Section 22.

### **6.13.2 Return of Escrowed Proposal Documents**

The EPDs will be returned to each unsuccessful Proposer after the Contract is signed with the successful Proposer or if all Proposals are rejected or withdrawn.

### **6.13.3 MoDOT's Acknowledgment**

MoDOT acknowledges that the EPDs and the information contained therein are being provided to MoDOT only because it is an express prerequisite to entering into the Contract and agrees to notify the Contractor if MoDOT is requested to provide information regarding the EPDs under a Missouri Open Records (Sunshine) Law request.

## **7 PROTEST PROCEDURES**

### **7.1 Protests Regarding Request for Proposal Documents**

Any Proposer that is aggrieved in connection with the RFP may protest the terms of the RFP Documents prior to the time for submission of Proposals on the grounds that: (i) a material provision in the RFP Documents is ambiguous; (ii) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or (iii) the RFP Documents exceed, in whole or in part, the authority of the Commission. Protests regarding the RFP Documents shall be filed only after the Proposer has informally discussed the nature and basis of the protest with The New I-64 Project Director in an effort to remove the grounds for protest. Written protests regarding the RFP Documents shall completely and succinctly state the grounds for protest and shall include, as a minimum, the following:





- a) The name and address of the protester.
- b) Appropriate identification of the procurement by Project Award number.
- c) A statement of the reasons for the protest.
- d) All available exhibits, evidence, or documents substantiating the protest.

Protests regarding the RFP Documents shall be filed by hand delivery to The New I-64 Project Director, Missouri Department of Transportation, 1590 Woodlake Drive, Chesterfield, MO 63017 within seven Working Days after the protester knows or should have known of the facts giving rise to the basis for the protest. The Proposer is responsible for obtaining proof of delivery.

No evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of Transportation, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Proposer or MoDOT. The Director of Transportation or his designee will issue a written decision regarding the protest after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of Transportation or his designee will deliver the written decision to the protesting Proposer, with a copy to the other Proposers.

If necessary to correct any error, omission, or ambiguity identified by the protest, the Commission will make appropriate revisions to the RFP Documents by issuing Addenda. The failure of a Proposer to raise a ground for a protest regarding the RFP Documents shall preclude consideration of that ground in any protest of a selection unless such ground was not and could not have been known to the Proposer in time to protest prior to the final date for such protests. The Commission may extend the Proposal Due Date, if necessary, to include any such protest issues.

## **7.2 Protests Regarding Responsiveness, Best Value Evaluation, or Award**

Protests regarding the Commission's Approval of changes in Proposer's organization or decisions regarding responsiveness, best value evaluation rankings or Award of the Contract must be filed by filing a written notice of protest by hand delivery or courier to the Director of Transportation with a copy to the MoDOT Project Director. The protesting Proposer shall concurrently file a copy of its notice of protest with the other Proposers. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify any Proposal on responsiveness grounds must be filed within five calendar days after notification of non-responsiveness.

If a Notice of Protest is filed, the Commission may proceed with BAFOs or negotiations but shall not Award the Contract until the protest is withdrawn or decided, unless the Commission determines that the public interest requires it to



proceed with the Award prior to a decision on the protest, or that the protest is so wholly lacking in merit that the protestant is unlikely to succeed in the protest. Such a determination shall be in writing and shall state the facts upon which it is based.

Within seven calendar days of the notice of protest, the protesting Proposer must file with the Director of Transportation, with a copy to the MoDOT Project Director, a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. The protesting Proposer shall concurrently deliver a copy of the detailed statement to all other Proposers. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Proposer shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Proposers may file by hand delivery or courier to the Director of Transportation, with a copy to the MoDOT Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Proposer files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Proposer.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of Transportation, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Proposer or MoDOT. The Director of Transportation or his designee will issue a written decision regarding the protest within 30 calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of Transportation or his designee will deliver the written decision to the protesting Proposer and copies to the other Proposers.

If the Director of Transportation or his designee concludes that the entity filing the protest has established a basis for protest, MoDOT may withdraw or revise its decisions, rankings, or Award, or take any other appropriate actions, including issuing a new RFP.

## **8 CONTRACT EXECUTION**

Within ten Working Days after delivery by MoDOT to the successful Proposer of the execution form of Contract, the successful Proposer shall deliver to MoDOT the following:

- Signed Contract (four executed duplicate originals), together with evidence of the signatory authority of the signatories thereto. All original signatures shall



be in blue ink.

- Approvals of each member or partner of the Proposer of the final form of the Contract.
- Performance Bond in the form shown in Book 1, Exhibit F, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section 8, together with evidence of the signatory authority of the signatories thereto.
- Payment Bond in the form shown in Book 1, Exhibit G, issued by the surety listed in the Proposal, or an equivalent surety meeting the requirements stated in Book 1, Section 8, together with evidence of the signatory authority of the signatories thereto.
- Insurance certificates required under Book 1, Section 9.
- Documentation from the Proposer and each Major Participant that clearly depicts entitlement under the laws of the State of Missouri to undertake and perform the Work. Said documentation shall include copies of construction licenses and evidence that the Proposer or its designated design firm is licensed to carry out the design portion of the Work.
- Opinion of counsel for the Contractor, which counsel shall be approved by the Commission (which may be in-house or outside counsel, provided that the enforceability opinion shall be provided by attorneys licensed in the State of Missouri), in substantially the form shown in Form S.



**FORM A  
MAJOR PARTICIPANT INFORMATION**

Proposer:

Company Name:		Year Established:	
Company Address:		Federal Tax ID:	
Company Phone:		Organization:	<input type="checkbox"/> Corporation
Company Fax:			<input type="checkbox"/> Joint Venture
Contact Name:			<input type="checkbox"/> Partnership
Contact Phone:			<input type="checkbox"/> Other
Contact E-mail:		State of Incorporation: (if applicable)	

Under penalty of perjury, I certify that:

- I am the company's Official Representative;
- The company prequalified to perform work as a consultant or contractor for MoDOT;
- To the best of my knowledge and belief, following reasonable inquiry, the information submitted in this Proposal is true and correct.

[To be signed by authorized signatory or signatories of the Proposer and each Major Participant]

[Proposer or Major Participant's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM A**  
**MAJOR PARTICIPANT INFORMATION**

---

Proposer:

**INCUMBENCY CERTIFICATE:**

The undersigned hereby certifies that he/she is the duly elected and acting \_\_\_\_\_ Secretary of \_\_\_\_\_ ("Company"), and that, as such, he/she is authorized to execute this Incumbency Certificate on behalf of the Company, and further certifies that the persons named below are duly elected, qualified, and acting officers of the Company, holding on the date hereof the offices set forth opposite their names.

<u>NAME</u>	<u>OFFICE</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, the undersigned has executed this Incumbency Certificate:

[Proposer or Major Participant's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

**Secretary**  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM B**  
**KEY PERSONNEL SUMMARY**

Proposer:

Key Personnel	Name (Last, First)	Employer's Firm Name	Years of Experience	% Assigned to Project		On Site (yes /no)
				During Design Phase	During Construction Phase	
Project Manager						
Quality Manager						
Design Manager						
Public Information Manager						
Maintenance of Traffic Manager						
Roadway Design Manager						
Structural Design Manager						
Construction Manager						
(Proposer may define additional Key Personnel)						

Attach any resumes not included in the Statement of Qualifications.



**FORM C**  
**ADDITIONAL APPLICABLE STANDARDS**

Proposer:

The Proposers shall propose the Additional Applicable Standards to be used (add rows as needed):

Item	Type of Standard/Manual	Additional Applicable Standard(s) to be Used, Date or Version	Exceptions/Additions/Clarifications			MoDOT Response FOR MODOT USE ONLY
			Section	Attachment	Previously Used by (State)	
1	Construction Specifications and General Provisions			1-1		
				1-2		
				1-3		
2	Special Provisions					
3	Standard Drawings					
4	Roadway Design					
5	Pavement Design					
6	Bridge Design					
7	Geotechnical Design					





**FORM C**  
**ADDITIONAL APPLICABLE STANDARDS**

Proposer:

The Proposers shall propose the Additional Applicable Standards to be used (add rows as needed):

Item	Type of Standard/Manual	Additional Applicable Standard(s) to be Used, Date or Version	Exceptions/Additions/Clarifications			MoDOT Response FOR MODOT USE ONLY
			Section	Attachment	Previously Used by (State)	
8	Lighting Design					
9	Drainage Design					
10	Signal Design					
11	Signing and Marking Design					
12	Temporary Traffic Control Devices					
13	Construction Manual(s)					



**FORM C**  
**ADDITIONAL APPLICABLE STANDARDS**

Proposer:

The Proposers shall propose the Additional Applicable Standards to be used (add rows as needed):

Item	Type of Standard/Manual	Additional Applicable Standard(s) to be Used, Date or Version	Exceptions/Additions/Clarifications			MoDOT Response FOR MODOT USE ONLY
			Section	Attachment	Previously Used by (State)	
14	Materials Manual(s)					
15	Testing Manual(s)					
	(list as many standards as needed)					

The Proposers may use as many sheets as necessary to communicate the information requested in this Form.

The Proposers shall provide copies of all Additional Applicable Standards, except those created by MoDOT. A red-lined version of any exceptions, additions, or clarifications of the Additional Applicable Standards shall be submitted as an attachment.



**FORM D  
COMPLETION DEADLINES**

Proposer:

Number	Useable Segment	Completion Deadline (MM/DD/YYYY)
1	(describe up to 6 Segments)	
2		
3		
4		
5		
6		
<b>Project</b>	<b>Project Completion</b>	
	<b>Final Acceptance</b> (90 Days after Project Completion)	



**FORM E**  
**DESIGN EXCEPTION FORM**

Proposer:

Item	Applicable Standard as listed in Book 3		Existing Standard (verbatim from Applicable Standard)	Proposed Revision	MoDOT Response FOR MODOT USE ONLY	FHWA Response FOR FHWA USE ONLY
	Originator	Title				



**FORM F**  
**ITEMS TO BE USED IN PLACE OR REHABILITATED**

---

Proposer:

All elements of the Work will be new, except for the following specific elements:

Element	Description of rehabilitation Work or rationale for using in place



**FORM G  
COMPLETION DEADLINES PART II**

Proposer:

**A. COMMITMENT TO LANE CLOSURE DURATION DEADLINES:**

The information in the following table shall be consistent with the proposed MOT phasing maps.

Number	Lane Closure Description Location/Limits	Direction	Number of Lanes Open during Closure	Lane Closure Duration Deadline (Maximum Days)
1	(Proposers describe lane closures for any number of segments for mainline, cross streets, and/or ramps)			
2				

**B. COMMITMENT TO NIGHTTIME LANE CLOSURE DEADLINES:**

Work during night hours will begin no earlier than X:XX pm and end no later than X:XX am.

**C. COMMITMENT TO NIGHTTIME LANE CLOSURE DEADLINE WORK ACTIVITIES:**

Excluding construction activities performed within the Lane Closure Duration Deadlines above, only the following specific types of construction activities will be performed at night, during the hours shown in item B above:

1. text
2. text
3. text
4. (Proposers to describe any number of activities)



**FORM H**  
**COMMITMENTS TO MINIMUM NOTIFICATIONS**

Proposer:

Activity	Minimum Notification Time
I-64 mainline closures affecting peak period travel	
Total interchange closures	
Ramp closures affecting peak period travel	
Lane closures on arterials with I-64 access affecting peak period travel	
Lane closures on local streets without I-64 access affecting peak period travel	
Bridge demolitions	
Construction Noise and Vibration Mitigation Plan notification items (specify radius around work area that notification is provided)	
(Proposers may add additional activities)	

NOTE: Peak Period is defined at 5:30 a.m. to 9:30 a.m. and 3:00 p.m. to 6:30 p.m., Monday through Friday, excluding holidays.





**FORM I**  
**PROPOSAL LETTER**

---

Proposer:

[Proposal Date]

Ms. Lesley Hoffarth, P.E.  
The New I-64 Project Director  
Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, MO 63017

The undersigned (“Proposer”) submits this proposal in response to that certain Request for Proposals (the “RFP”) issued jointly by the Missouri Department of Transportation (“MoDOT”), referred to herein as “MoDOT”, dated [Month DD, 2006] to solicit proposals for a Design-Build Contractor (“Contractor”) to enter into a Contract (the “Contract”) to develop The New I-64 Design-Build Project (the “Project”) as more specifically described in the documents provided with the RFP (the “RFP Documents”).

If selected by MoDOT, Proposer agrees: (a) to negotiate the terms of the Contract Documents with MoDOT in good faith and in accordance with the requirements of the RFP, if applicable, and (b) to enter into and perform its obligations as set forth in the Contract Documents, including compliance with all commitments contained in this proposal.

Enclosed herewith, and by this reference incorporated herein and made a part of this proposal, are the following:

- Part 1 – General Information
- Part 2 – DBE Plan
- Part 3 – Applicable Standards
- Part 4 – Technical Elements
- Part 5 – Administrative Elements
- Part 6 – Price Proposal

Proposer acknowledges receipt, understanding, and full consideration of Addenda shown on Form N.

Proposer certifies that it has carefully examined and is fully familiar with all of the provisions of all of the RFP Documents, and is satisfied that such provisions provide sufficient detail regarding the Work (as defined in the RFP) to be performed and do not contain internal inconsistencies; that it has carefully checked all the words, figures and statements in this proposal; that it has conducted such other field investigations and additional design development which are prudent and reasonable in preparing this proposal, including a thorough review of all of the RFP Documents; and that it has notified MoDOT of any deficiencies in or omissions from any RFP Documents or other documents provided by MoDOT and of any unusual site conditions observed prior to the date hereof.

Proposer represents that all statements made in the Statement of Qualifications previously delivered to MoDOT are true and correct as of the date hereof, except as otherwise specified in the enclosed



**FORM I**  
**PROPOSAL LETTER**

---

Proposer:

proposal forms. Proposer agrees that such Statement of Qualifications, except as modified by the enclosed proposal forms, is incorporated in such forms as if fully set forth therein.

Proposer agrees that MoDOT will not be responsible for any errors or omissions in this proposal.

[To be signed by authorized signatory or signatories of the Proposer, use appropriate signature block(s)]

Sample signature block for corporation or limited liability company:

[Proposer's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Sample signature block for partnership or joint venture:

[Proposer's Name]

By: [General Partner or Member's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM I**  
**PROPOSAL LETTER**

---

Proposer:

Sample signature block for attorney in fact:

[Proposer's Name]

For: [Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

**Attorney in Fact**  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Proposer's Business Address:

[Name]  
[Street Address]  
[City, State, ZIP]  
[Country]

Proposer's State or Country of Incorporation: [State or Country]



**FORM J**  
**NON-COLLUSION AFFIDAVIT**

---

Proposer:

Each of the undersigned, being first duly sworn, deposes and says that:

- A. The undersigned, being first duly sworn, deposes and says that (he/she) is the [Title] \_\_\_\_\_ of [Company Name] \_\_\_\_\_, which entity is a [shareholder, partner, joint venture member or other] \_\_\_\_\_ of [Proposer's Name] \_\_\_\_\_, a [corporation, partnership, limited liability company, joint venture, or other] \_\_\_\_\_, the entity making the foregoing Proposal, and that the answers to the foregoing questions and all other statements therein are true and correct.
- B. The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, joint venture, limited liability company or corporation; the proposal is genuine and not collusive or sham; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived or agreed with any Proposer or anyone else to put in a sham proposal or that anyone shall refrain from proposing; the Proposer has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the prices of the Proposer or any other Proposer, or to fix any overhead, profit or cost element included in the proposal, or of that of any other Proposer, or to secure any advantage against MoDOT of anyone interested in the proposed Contract; all statements contained in the proposal are true; and, further, the Proposer has not, directly or indirectly, submitted its prices, any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, joint venture, limited liability company, organization, proposal depository or any member, partner, joint venturer, or agent thereof to effectuate a collusive or sham proposal.
- C. The Proposer will not, directly or indirectly, divulge information or data regarding the price or other terms of its proposal to any other Proposer, or seek to obtain information or data regarding the price or other terms of any other proposal, until after Award of the Contract or rejection of all proposals and cancellation of the RFP.



**FORM J**  
**NON-COLLUSION AFFIDAVIT**

---

Proposer:

[Duplicate or modify this form as necessary so that it accurately describes the entity making the Proposal and so it is signed on behalf of all partners, members, or joint venturers of the Proposer]

[Proposer's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

STATE OF \_\_\_\_\_ S.S

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name of Notary Public  
in and for said County and State

\_\_\_\_\_  
My commission expires



**FORM K**  
**BUY AMERICA CERTIFICATION**

---

Proposer:

The undersigned certifies that only domestic steel and iron will be used for the construction portion of the Project.

To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes, which protect or enhance the value of the material to which the coating is applied. This requirement does not preclude a minimal use of foreign steel and iron materials, provided the cost of such materials does not exceed 0.1 percent of the Contract Price.

[To be signed by authorized signatory or signatories of the Proposer]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM L**  
**DEBARMENT, SUSPENSION, INELIGIBILITY,**  
**AND VOLUNTARY EXCLUSION CERTIFICATION**  
TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

---

Proposer:

The undersigned, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, or manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency.
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.
- Does not have a proposed debarment pending.
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any manner involving fraud or official misconduct within the past 3 years.
- Has not within the past 3 years had one or more public transactions (federal, state or local) terminated for cause or default.

If there are any exceptions to this certification, insert the exceptions in the following space.

[Insert exceptions, if any]

Exceptions will not necessarily result in denial of Award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Note: Providing false information may result in criminal prosecution or administrative sanctions.

[To be signed by authorized signatory or signatories of the Proposer and each Major Participant]

[Proposer or Major Participant's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date





**FORM M**  
**USE OF CONTRACT FUNDS FOR LOBBYING**

---

Proposer:

The undersigned certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned shall require that the language of this certification be included in all lower tier subcontracts which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

[To be signed by authorized signatory or signatories of the Proposer]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM N  
EQUAL EMPLOYMENT OPPORTUNITY  
COMPLIANCE CERTIFICATION**

---

Proposer:

The undersigned certifies that:

- A. (It/He/She) [has/has not]\_\_\_\_\_ developed affirmative action programs on file at each establishment pursuant to 41 CFR § 60-4 and
  
- B. (It/He/She) [has/has not]\_\_\_\_\_ participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, (it/he/she) has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

[To be signed by authorized signatory or signatories of the Proposer and each Major Participant except as excluded below]

[Proposer or Major Participant's Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**NOTE:** The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by Proposers and proposed subcontractors only in connection with contracts and subcontracts, which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.



## FORM O ESCROW AGREEMENT

---

Proposer:

THIS ESCROW AGREEMENT (this "Agreement") is made and entered into as of this [Month DD, 2006] \_\_\_\_\_ by and among the Missouri Department of Transportation ("MoDOT"), [Proposer] \_\_\_\_\_, ("Proposer"), and [Bank Name] ("Escrow Agent") with reference to the following facts:

- A. MoDOT has issued a Request for Proposals (the "RFP") for development of The New I-64 Design-Build Project (the "Project").
- B. Proposer has submitted to MoDOT a proposal (the "Proposal") in response to the RFP.
- C. As part of the Proposal, Proposer is submitting one copy of all information regarding the assumptions made in calculating the prices submitted to MoDOT with the Proposal, as required under Section 6.13 of the ITP of the RFP, in [number] \_\_\_\_\_ separately sealed and labeled boxes ("EPDs").
- D. MoDOT and Proposer wish to employ the services of Escrow Agent to act as the escrow holder with regard to the EPDs for the limited purposes set forth below, and Escrow Agent has agreed to serve as such escrow holder under the terms and conditions provided in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

1. Deposit. Proposer hereby deposits with Escrow Agent the EPDs. Escrow Agent hereby acknowledges receipt of such EPDs, and such EPDs shall be held in escrow under the terms and conditions of this Agreement.
2. Holding of EPDs. Escrow Agent shall hold the EPDs in escrow in a designated area on the premises of Escrow Holder on a confidential basis. The EPDs shall be stored in an area that is locked at all times. No third party, including the employees of Escrow Agent, shall be allowed access to any of the EPDs, provided that employees of Escrow Agent shall have access to the locked area for other purposes.
3. Release of EPDs. Escrow Agent shall release the EPDs as follows:
  - a) Escrow Agent shall release the EPDs to Proposer, and Proposer shall pick up the EPDs at Proposer's expense, upon delivery by MoDOT of a letter from The New I-64 Design-Build Project Director certifying that MoDOT has determined not to enter into a contract with Proposer.
  - b) Escrow Agent shall release the EPDs to MoDOT at such time as MoDOT and the selected Proposer are ready to start Contract negotiations (or upon MoDOT's selection of a Proposer if negotiations are not commenced) upon delivery of mutual instructions to Escrow Agent by MoDOT and Proposer.
4. Representation and Warranty. Proposer represents and warrants to MoDOT that, prior to delivery of the EPDs to Escrow Agent, the EPDs were personally examined by an authorized representative of Proposer and that they meet the requirements of the RFP and are sufficient to



**FORM O**  
**ESCROW AGREEMENT**

---

Proposer:

enable a complete understanding and interpretation of how Proposer arrived at its proposal prices.

5. Rights of Escrow Agent. If conflicting demands are made or notices served upon Escrow Agent with respect to this escrow, the parties hereto expressly agree that Escrow Agent shall have the absolute right at its election to do any of the following:
  - a) withhold and stop all further proceedings in, and performance of this escrow;
  - b) file a suit in interpleader and obtain an order from the court requiring the parties to interplead and litigate in such court their several claims and rights amongst themselves;
  - c) deliver all EPDs with seals intact to another location to be selected by MoDOT within 30 days after Escrow Agent delivers notice thereof to MoDOT.
6. Fees. Proposer shall be responsible for any escrow fees.
7. Notices. All notices, which may be or are required to be given or made by either party hereto to the other, shall be in writing. Such notices shall be either personally delivered or sent by registered mail, postage prepaid, to:

If to the Proposer:

[Proposer Contact]  
[Proposer Name]  
[Proposer Street Address]  
[Proposer City, State ZIP]

If to MoDOT:

Lesley Hoffarth, P.E.  
The New I-64 Project Director  
Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, MO 63017

If to the Escrow Agent:

[Bank Contact, to be determined by the Proposer]  
[Bank Name]  
[Bank Street Address]  
[Bank City, State ZIP]

or to such other addresses and such other places as any party hereto may from time to time designate by written notice to the others.

1. Counterparts. This Agreement may be executed in one or more counterparts, all of which together shall be deemed an original.



**FORM O**  
**ESCROW AGREEMENT**

---

Proposer:

2. Headings. The title headings of the respective paragraphs of this Agreement are inserted for convenience only, and shall not be deemed to be part of this Agreement or considered in construing this Agreement.
3. Governing Law. The laws of the State of Missouri shall govern this Agreement.
4. Attorney's Fees. If either MoDOT or Proposer commences or engages in any action by or against the other party directly or indirectly arising out of or in connection with this Agreement, the prevailing party shall be entitled to have and recover from the losing party reasonable attorneys' fees and other costs incurred in the action and in preparation for said action and any subsequent appeal. All parties agree to indemnify and hold Escrow Agent harmless from and against all costs, expenses, and attorneys' fees in connection with any such action.

IN WITNESS WHEREOF, the parties hereto, each intending to be legally bound by this writing, have caused this Agreement to be executed the date first above written.

[To be signed by authorized signatory or signatories of the Proposer]

[PROPOSER]

MISSOURI HIGHWAY AND  
TRANSPORTATION COMMISSION

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**FORM O**  
**ESCROW AGREEMENT**

---

Proposer:

The Escrow Agent hereby accepts the escrow provided for in this Agreement, only to the extent of the escrow provisions.

[Bank Name]

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM P**  
**RECEIPT OF ADDENDA**

---

Proposer:

Addendum Number:		Dated:	
Addendum Number:		Dated:	
Addendum Number:		Dated:	
Addendum Number:		Dated:	
Addendum Number:		Dated:	

The undersigned acknowledges receipt of the addenda to the RFP as indicated above.

[To be signed by authorized signatory or signatories of the Proposer]

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**FORM Q**  
**PRICE ALLOCATION FORM**

Proposer:

Proposer's WBS ID	ITEM	PRICE		COMMENTS
		Level IV	Level III	
	<b>Project Management</b>		\$ -	
	Project Administration	\$ -		
	DBE and Workforce Diversity	\$ -		
	Partnering	\$ -		
	Mobilization	\$ -		
	Co-Location	\$ -		
	Bonds and Insurance	\$ -		
	<b>Quality Management</b>		\$ -	
	(by Task)	\$ -		
	(by Task)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Public Information</b>		\$ -	
	(by Task)	\$ -		
	(by Task)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Design</b>		\$ -	
	Released for Construction Documents	\$ -		
	Final Design Documents	\$ -		
	Design Services during Construction	\$ -		
	As-Built Documents	\$ -		
	<b>Environmental Management</b>		\$ -	
	Erosion Control	\$ -		
	Construction Noise and Vibration Mitigation	\$ -		
	Other Environmental	\$ -		
	<b>Utilities</b>		\$ -	
	Ameren UE	\$ -		
	Lightcore	\$ -		
	Missouri American Water	\$ -		
	City of St. Louis Water	\$ -		
	Other Utility Work	\$ -		
	<b>Geotechnical and Earthwork</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Signing, Marking, and Lighting</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Drainage and Sewers</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Roadways and Pavement</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Signals and ITS</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		





**FORM Q**  
**PRICE ALLOCATION FORM**

Proposer:

Proposer's WBS ID	ITEM	PRICE		COMMENTS
		Level IV	Level III	
	<b>Bridges and Other Structures</b>		\$ -	
	(list each bridge, west to east)	\$ -		
	(list each bridge, west to east)	\$ -		
	(list each bridge, west to east)	\$ -		
	(list each bridge, west to east)	\$ -		
	(list each bridge, west to east)	\$ -		
	(list each bridge, west to east)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	Other Structures	\$ -		
	<b>Walls</b>		\$ -	
	Retaining Walls	\$ -		
	Sound Walls	\$ -		
	<b>Landscaping</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Maintenance of Traffic</b>		\$ -	
	(by Area)	\$ -		
	(by Area)	\$ -		
	(Proposer to add rows as needed)	\$ -		
	<b>Maintenance during Construction</b>		\$ -	
	2007 Maintenance	\$ -		
	2008 Maintenance	\$ -		
	2009 Maintenance	\$ -		
	2010 Maintenance	\$ -		
<b>TOTAL PRICE:</b>			\$ -	must equal the Fixed Price



**FORM R  
PROPOSAL BOND**

---

Proposer:

BOND NUMBER: \_\_\_\_\_

WHEREAS, [Proposer] \_\_\_\_\_, a [corporation, partnership, limited liability company, joint venture, or other] \_\_\_\_\_, ("Principal") is herewith submitting its proposal to the Missouri Department of Transportation ("MoDOT") referred to herein as "Obligee," in response to Obligee's Request for Proposals ("RFP") for furnishing Work for The New I-64 Design-Build Project (the "Project"); and

WHEREAS, Principal is required to furnish this bond as a condition of Obligee's acceptance of the proposal.

NOW, THEREFORE, Principal and [Name of Surety] \_\_\_\_\_, a \_\_\_\_\_ ("Surety"), an authorized surety insurer in the State of Missouri, are hereby held and firmly bound unto the Obligee in the sum of \$8,000,000 (the "Bonded Sum"), for the payment of which Principal and Surety jointly and severally firmly bind themselves, and their successors, and assigns.

The condition of this obligation is such that, if the Principal satisfies the conditions for release set forth in the RFP, then this obligation shall be null and void; but if the Principal is Awarded the Contract but fails to execute and deliver to MoDOT the Contract together with all required documents, or if the Principal is selected for negotiation and fails to negotiate in good faith as set forth in the RFP, the Principal and the Surety hereby agree to pay to Obligee the Bonded Sum, as liquidated damages and not as a penalty, within ten days after such failure.

If suit is brought on this bond by Obligee and judgment is recovered, Principal and Surety shall pay all costs incurred by Obligee in bringing such suit, including without limitation reasonable attorney's fees as determined by the court.

Surety agrees that its obligations shall not be impaired by any extension(s) of the time for acceptance of the Proposal that Principal may grant to Obligee, in accordance with the RFP or otherwise, and waives any notice of such extension(s).



**FORM R  
PROPOSAL BOND**

---

Proposer:

[To be signed by authorized signatory or signatories of the Proposer and the Surety]

[PROPOSER]

[SURETY]

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**FORM S**  
**OPINION OF COUNSEL**

---

[To be submitted on letterhead of Independent Law Firm or in-house counsel. Counsel must be licensed to practice in Missouri]

[Date]

Ms. Lesley Hoffarth, P.E.  
The New I-64 Project Director  
Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, Missouri 63017

RE: Request for Proposals ("RFP") for The New I-64 Design-Build Project (the "Project")  
Contract No. \_\_\_\_\_ ("Contract")  
\_\_\_\_\_ (the "Proposer")

Ms. Hoffarth:

[Describe relationship to Proposer and its joint venture members, general partners, and any other entities whose approval is required in order to authorize delivery of the proposal.] This letter is provided to you pursuant to Section 6.0 of the Instructions to Proposers contained in the RFP.

In giving this opinion, we have examined \_\_\_\_\_. We have also considered such questions of law and we have examined such documents and instruments and certificates of public officials and individuals who participated in the procurement process, as we have deemed necessary or advisable. [If certificate used/obtained from Proposer, such certificate should also run in favor of MoDOT and should be attached to opinion]

In making this response we have assumed that all items submitted to us or reviewed by us are genuine, accurate and complete, and if not originals, are true and correct copies of originals, and that all signatures on such items are genuine.

Subject to the foregoing, we are of the opinion that:

1. [Opinion regarding organization/formation and existence of Proposer (if partnership/joint venture, add: and each of its joint venture members and general partners) and that Proposer has corporate power to own its properties and assets, to carry on its business, to enter into the Contract and to perform its obligations under the Contract]
2. [Opinion regarding good standing and qualification to do business in State of Missouri for Proposer]
3. [Opinion that Contract has been duly authorized by all necessary corporate action on the part of the Proposer and the Contract has been duly executed and delivered by Proposer]



**FORM S**  
**OPINION OF COUNSEL**

---

4. [Opinion that the Contract constitutes a legal, valid and binding obligation of the Proposer enforceable against the Proposer in accordance with its terms; if partnership/joint venture, add: and its joint venture members/general partners]
5. [Opinion that all required approvals have been obtained with respect to execution, delivery and performance of the Contract; and that the Contract does not conflict with any agreements to which Proposer is a party [if partnership/joint venture, add: and its joint venture members/general partners are a party] or with any orders, judgments or decrees by which Proposer is bound [if partnership/joint venture, add: and its joint venture members/general partners are bound]
6. [Opinion that execution, delivery and performance of all obligations by Proposer under the Contract does not conflict with, and is authorized by, the articles of incorporation and bylaws of Proposer [if partnership, replace articles of incorporation and bylaws with partnership agreement and (if applicable) certificate of limited partnership); if joint venture, replace articles of incorporation and bylaws with joint venture agreement; if limited liability company, replace articles of incorporation and bylaws with operating agreement and certificate of formation]
7. [Opinion that execution and delivery by the Proposer of the Contract do not, and the Proposer's performance of its obligations under the Contract will not, violate any current statute, rule or regulation applicable to the Proposer or to transactions of the type contemplated by the Contract]

[Insert appropriate signature lines]