



**MONTGOMERY COUNTY MARYLAND
DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION ENGINEERING**

**Competitive Sealed Proposal Procurement
Step 1: Request for Expression of Interest (REOI)**

May 29, 2013

MD 355 CROSSING (BRAC)

South of Jones Bridge Road/Center Drive to North of South Wood Road/ South Drive

**MC CIP PROJECT NUMBER – 501209
COUNTY CONTRACT NUMBER - 1027863
STATE PROJECT NUMBER – MO151ZM1
FAP NUMBER – DAR-247-1(9)N**

AND

**MD 355 AND JONES BRIDGE ROAD/CENTER DRIVE – BRAC
INTERSECTION**

STATE PROJECT NUMBER – MO5935470

DESIGN-BUILD PROJECT

Montgomery County, Maryland

**Minority Business Enterprises are encouraged to respond to this
Solicitation Notice.**

TABLE OF CONTENTS

A.	Introduction and Preliminaries	1
a.	Project Description	1
b.	Rules of Contact	4
c.	Proposer Questions	5
d.	REOI Addenda	5
e.	Cost/Stipend	5
f.	Substitutions	6
g.	Compliance with Applicable Law	6
B.	Design-Build Team Selection and Award Process	6
a.	Organizational Conflicts of Interest	8
b.	Restrictions on Participation in Design-Build Contracts	9
c.	Content for SOQ Submission	10
d.	Requests for Clarifications	13
e.	Determination of the Reduced Candidate List	13
f.	Challenges	13
C.	Contents for SOQ Submission	14
a.	Cover Letter	14
b.	Technical Evaluation Factors	15
I.	Team Experience/Qualifications and Past Performance	15
II.	Team Organization.....	17
D.	SOQ Submission Requirements	18
E.	Protests	19
a.	Time for Filing	19
b.	Content of Written Protest	19
F.	Rights and Disclaimers	20
a.	County Rights	20
b.	County Disclaimers	21
G.	Disadvantaged Business Enterprise (DBE) Program And Equal Employment Opportunity	21
a.	Policy	21
b.	DBE Participation Goal	22
c.	Small Business Enterprise	22
H.	Procurement Schedule	22

Appendices

A. Plans

- a. MD 355 Crossing (BRAC) Plan View
- b. MD 355 Crossing (BRAC) Section View.....
(Plans are contained in a separate file download)

B. Forms

- a. Form Q, Montgomery County Construction Contractor Qualification
Questionnaire
- b. Form A-1, Resumes of Key Staff
- c. Form A-2, Past Project Description
- d. Form A-3, Offeror's Organizational and Business Structure
- e. Form A-4, Acknowledgement

A. INTRODUCTION AND PRELIMINARIES

a. PROJECT DESCRIPTION

This Contract is a FIXED PRICE design-build construction contract procured using the “Best Value” procurement method as defined in Montgomery County Procurement Regulation, 11B.00.01.04. The intent of Montgomery County (the COUNTY) is to award the Contract to the responsible Design-Build (DB) Team whose Proposal is determined to be the best overall value for the COUNTY in the Request for Proposals (RFP).

The “Best Value Method” procurement method is a two-step process. The first step in this process is the response to the Request for Expression of Interest (REOI) through the submittal of Statement of Qualifications (SOQ) by interested DB Teams (PROPOSER). The second step is the Request for Proposals (RFP) by the Reduced Candidate List (RCL) PROPOSERS.

The evaluation of the REOI SOQ’s will be done by the Qualification Selection Committee (QSC).

The PROJECT STAKEHOLDERS, who will facilitate coordination and cooperation of the PROJECT, include;

- Montgomery County (**COUNTY**);
- United States Department of the NAVY, Naval District Washington, Washington , DC (**NAVY**);
- Department of Health and Human Services, National Institute of Health (**NIH**);
- Federal Highway Administration (**FHWA**);
- Maryland State Highway Administration (**SHA**); and,
- Washington Metropolitan Area Transit Authority (**WMATA**).

This PROJECT’S focus is on the South Wood Road/South Drive Metrorail access and is being conducted in conjunction with the 2005 Base Realignment and Closure Act (BRAC) actions. BRAC is the congressionally authorized process that the U.S. Department of Defense (DOD) has used to reorganize and consolidate its base structure to more efficiently and effectively support the military. In November 2005, Congress voted to approve the final recommendations of the BRAC Commission and Maryland benefited by gaining additional military and civilian positions.

The COUNTY is seeking responses to this REOI from PROPOSERS who are qualified and prepared in all respects to undertake the design and construction of an underpass/crossing project that will enhance/improve access to mass transit facilities and improve the mobility and safety of motorists, pedestrians and bicyclists crossing MD 355/Rockville Pike in Bethesda, Maryland.

The Work is generally defined as follows: MD 355 Pedestrian/Bicycle Underpass, Deep Elevators, and Transportation System Management/Transportation Demand Management Improvements and MD 355/Jones Bridge Road intersection improvements. The PROJECT consists of the design, permitting, and construction of the following:

MD 355 Crossing (BRAC)

- Proposed shallow underpass below MD 355, including two (2) new canopies, stairs, one (1) escalator and two (2) elevators (on the NIH side), and one (1) escalator and two (2) elevators (on the NAVY side) for accessing the underpass;
- Three (3) proposed deep high speed elevator and emergency stair (on the NAVY side), to access the existing Medical Center Metrorail station;
- One (1) proposed new deep pedestrian tunnel connection from the NAVY side to accommodate projected transit user volumes between the new deep high speed elevator and the existing Metrorail tunnel;
- Proposed traffic signal, pavement resurfacing, full-depth pavement, sidewalk/bike path, median work, and stormwater management facilities;
- One (1) elevator and one (1) stairway from the existing Medical Center Metrorail station mezzanine to the platform;
- Extension of the southbound MD 355 left turn lane in the existing median of MD 355 to improve queuing for vehicles turning left onto South Wood Road; and

MD 355/Jones Bridge Road Intersection

- Expansion of the existing curb radius at the northwest intersection corner of South Drive/MD 355 to improve geometrics, particularly buses turning right into the Metro rail Station.
- The westbound ramp from MD 355 to Woodmont Avenue will have a radius reduction;
- The intersections and sidewalks within the PROJECT limits will comply with American Disability Act (ADA) using SHA requirements. Green buffer will be provided between sidewalk and curb wherever feasible;
- MD 355 (Rockville Pike) at Jones Bridge Road and Center Drive is to provide a pedestrian crossing at the north, east and west legs of the intersection;
- Right-turn island in westbound Jones Bridge Road to be removed;
- The existing shared-use path will be improved along southbound MD 355 from South Drive to Woodmont Avenue to an eight to ten foot wide shared-use path;
- Reconstruction of traffic signals and drainage improvements;
- Concrete bus pad on MD355 Southbound and Center Drive
- Grind and overlay MD355 from South Wood Road to Woodmont Avenue: and

- Proposed new sidewalk/bike paths along portions of MD 355, Jones Bridge Road, Center Drive, South Drive and South Wood Road, median work and drainage facilities.

The MD 355 Crossing (BRAC) plans are approximately 15% complete and the MD 355/Jones Bridge Road intersection plans are approximately 90% complete. These plans will be included in the RFP. See appendix for an overall site plan, elevation view or other information on the PROJECT. Alternative Technical Concepts (ATC's) will be utilized for this PROJECT.

Existing Conditions – The PROJECT is located from south of the MD 355/Woodmont Avenue intersection to approximately eight hundred feet (800') north of the MD 355/South Wood Road-South Drive intersection in Bethesda, Montgomery County, Maryland. Currently, the existing signalized intersections operate poorly during peak hours. South Drive provides access to the Medical Center Metrorail Station Kiss & Ride lot, the NIH South Drive gate, and a bus loop for Metro buses and Ride On buses. Similarly, South Wood Road provides access to the NAVY and is the only gate that allows entry 24 hours per day.

Project Background – The PROJECT is located in Bethesda, Maryland, a densely populated and developed area inside the Capital Beltway (I-495), and adjacent to NIH and the NAVY. The area is comprised of a vibrant urban district and established residential neighborhoods. The focus of the proposed improvements is on the intersection of MD 355/Rockville Pike and South Wood Road/South Drive. MD 355/Rockville Pike is classified by the SHA's Highway Location Reference as a primary arterial with curbed median, no access control and a posted speed limit of 35 miles per hour (mph).

Project Purpose – The purpose of the PROJECT is to improve the movement of the traveling public between the west and east sides of MD 355/Rockville Pike at its intersection with South Wood Road and South Drive in Bethesda, Maryland. This transportation project is intended to: (1) enhance/improve access to mass transit facilities; and (2) improve the mobility and safety of pedestrians and bicyclists crossing MD 355/Rockville Pike, (3) to improve traffic operations at the signalized intersection of South Wood Road, South Drive, and MD 355 and (4) to improve the capacity and operation of the intersection of MD 355 (Rockville Pike) and Jones Bridge Road/Center Drive..

Project Needs – Currently, transit users, pedestrians, and bicyclists wishing to cross MD 355 to get to the NAVY from the Medical Center Metrorail Station or NIH must compete with very high volumes of traffic traveling between South Wood Road, South Drive, and MD 355. The MD 355 Crossing portion of the PROJECT proposes to improve the mobility, traffic operations, and safety for all facility users within the PROJECT area by reducing the existing conflicts between pedestrians/bicyclists and vehicles. The Jones Bridge Road intersection improvement portion of the PROJECT proposes to improve traffic operations through the MD 355/Jones Bridge Road and the MD355/Woodmont Avenue intersections during peak hours of operation.

b. RULES OF CONTACT

The Procurement Officer's Designee in this REOI, or a representative hereafter designated in writing by the Procurement Officer, is the COUNTY's single contact and source of information for this procurement.

The following rules of contact shall apply during the Contract procurement process, which begins upon the submittal of the SOQ, and will be completed with the execution of the Contract. These rules are designed to promote a fair, unbiased, and legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, electronic-mail (e-mail), or formal written communication.

The specific rules of contact are as follows:

1. Article XII of Chapter 11B, Contracts and Procurement, of the Montgomery County Code, prohibits and penalizes collusion in the COUNTY procurement process.
2. After submission of SOQs, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the PROJECT or the Proposals. However, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that it will not act as a conduit of information between the teams.
3. Unless otherwise specifically authorized by the Procurement Officer, a Proposer may contact the COUNTY only through the Procurement Officer and only in writing by e-mail, not orally. The Proposer's contact with the COUNTY shall be only through a single representative authorized to bind the Proposer.
4. The Procurement Officer normally will contact a Proposer in writing through the Proposer's designated representative.
5. Neither a Proposer nor its agents may contact COUNTY employees, including COUNTY heads, members of the QSC, STAKEHOLDERS, the General Engineering Consultant (GEC) or any other person involved with the SOQ process, regarding the PROJECT, except through the process identified above.
6. Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
7. The COUNTY will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Procurement Officer.

c. PROPOSER QUESTIONS

The COUNTY will consider questions submitted in writing by Proposers regarding the REOI, including requests for clarification and requests to correct errors. Project questions shall be submitted in letter format via e-mail with return confirmation receipt. No oral requests or personal visits will be honored. All written contacts shall be addressed to:

Mr. Todd Collins
Montgomery County Office of Procurement, Procurement Specialist III

Department of General Services
Office of Procurement
255 Rockville Pike, Suite 180
Rockville, Maryland 20850
E-mail address: MD355X@montgomerycountymd.gov

Only e-mailed inquires will be accepted. No requests for additional information or clarification to any other COUNTY office, consultant, or employee will be considered. All responses shall be in writing and will be disseminated only by posting on Montgomery County’s website at http://www6.montgomerycountymd.gov/content/DGS/pro/public_solicitations.asp

All responses to questions on the REOI and addenda to the REOI will be posted on this site. Responses to questions and addenda will not be mailed out.

Only requests received by 12:00 p.m. Eastern Time on the date specified in **Section H** will be addressed. Questions will not be accepted by phone. Questions, which will only be accepted from the Proposer’s primary or secondary contact, must include the requestor’s name, address, telephone number, e-mail address, and the Proposer he/she represents.

A response to requests for clarification or questions of material nature will be issued without attribution and posted sequentially on the COUNTY website. Multiple responses are anticipated. The last response will be posted not later than 14 calendar days prior to the SOQ due date.

d. REQUEST for EXPRESSION OF INTEREST (REOI) ADDENDA

If necessary, the COUNTY will issue addenda to modify conditions or requirements of this REOI. Addenda will be disseminated only by posting on the COUNTY website. Signed Acknowledgement of the Solicitation and any Solicitation Addenda must be submitted and signed by a person authorized to sub the Submission. (Form A-4, Appendix Section B Forms)

e. COSTS/STIPEND

The PROJECT cost is estimated to be in Maryland SHA (MSHA) cost index J. It will be further defined in the RFP. The proposal price shall address all of the above noted needs, goals and objectives and not exceed the FIXED PRICE. The price shall include all engineering, design, construction, labor, equipment and materials and all incidentals necessary to complete the design

and construction of this PROJECT. In addition, costs shall be broken out separately for Jones Bridge Road/ MD 355 intersection and MD 355 Crossing (BRAC) work.

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this REOI, including attending briefing(s) and providing supplemental information. A stipend will be provided, but only to the unsuccessful RCL team(s). The stipend amount will be noted in the RFP.

f. SUBSTITUTIONS

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after it has been placed on the Reduced Candidate List, its organization, including all Principal Participants, Specialty Subcontractors, and key management personnel identified in the SOQ, must remain intact for the duration of the PROJECT. A Proposer may propose substitutions for participants after the SOQ submittal; however, such changes must be of equal or better qualifications and will require written approval by the COUNTY, which approval may be granted or withheld in the COUNTY's sole discretion. Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Proposals. The Proposer should carefully consider the make-up of its team, prior to submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and thereafter throughout the term of the Contract.

g. COMPLIANCE WITH APPLICABLE LAW

In connection with this REOI and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of this PROJECT and in the performance of the Contract.

B. DESIGN-BUILD TEAM SELECTION AND AWARD PROCESS

The Montgomery County Code (2004 as amended) and the Montgomery County Best Value Procurement Regulations (as defined in the Montgomery County Procurement Regulation 11B.00.01.04) are applicable to this Solicitation. The intent of the COUNTY is to award the Contract to the Proposer that submits the Proposal that is determined to be the most advantageous to the COUNTY considering the evaluation factors set forth in the RFP.

Those PROPOSERS that respond to this REOI that meet in all respects the conditions for this request shall be evaluated by a team of employees of the COUNTY and/or others as permitted by Montgomery County Procurement Regulations. The purpose of the evaluation will be to determine past performance, experience and capabilities of PROPOSERS to undertake this PROJECT plus their overall understanding of the PROJECT. The factors which will be used to evaluate the Statement of Qualifications (SOQ) have been described herein (see Section "C" Contents for SOQ Submission, Subsection "b" Technical Evaluation Factors) and shall be listed in descending order of importance.

Once the SOQ evaluations are completed, a Reduced Candidate List (RCL) of up to three (3) PROPOSERS will be selected. The RCL teams will be requested to submit a Request for Proposal (RFP) composed of a Technical and Price Proposal. The RCL will be determined based on an evaluation of the factors set forth herein. In order to be eligible for evaluation, SOQs submitted in response to this REOI must include a response to each pass/fail and technical evaluation factor. If there is sufficient interest by qualified PROPOSERS and the COUNTY is satisfied that there will be an acceptable level of response, and then a Request for Technical and Price Proposal (RFP) shall be made to only the RCL.

Those PROPOSERS who have made the RCL shall be notified in writing and shall be supplied with the RFP Package. This package shall include all materials necessary for PROPOSERS to fully understand the legal, technical and price requirements for this PROJECT.

Those PROPOSERS that do not make the RCL shall be notified in writing.

The purpose of the RFP is to allow the COUNTY to select the Design-Builder. The RFP will provide specific instructions on what to submit, the evaluation factors, the requirements for evaluation, and the evaluation rating guidelines for the RFP step of the procurement. As part of the technical proposal submittal, the PROPOSER will be asked to describe in words, graphic illustrations and drawings, and technical data its approach to the project so that the COUNTY can evaluate the proposal and its proposed project improvements that will be constructed by the PROPOSER.

The Technical Proposal and the Price Proposal responses to the RFP shall be submitted in separate sealed packages on the date and time specified. The proposals shall not be publicly opened but shall be taken to a secure location to be specified at the time and date indicated in the RFP packages. The proposals shall be opened in the presence of at least two of the COUNTY's employees who shall compile a register of received proposals. Responses to the RFP Proposals not delivered at the location, date and time specified shall be returned unopened.

The Technical Proposal and the Price Proposals shall be evaluated by the QSC, and/or others as permitted by Montgomery County Procurement Regulations. The evaluation of the Price Proposal shall be based on the total contract scope and price, and shall include all pay items, engineering, design, construction, labor, equipment and materials. The evaluation of the Technical Proposals shall be based on multiple technical factors listed in the RFP in descending order of importance. For the purpose of the RFP evaluation, when determining which PROPOSER submittal is the most advantageous to the COUNTY, the Technical Proposal is weighted greater than the Price Proposal.

Upon completion of the Technical and Price Proposal evaluation, the COUNTY may elect to conduct discussions with the PROPOSER(s) that makes the RCL. The purpose of these discussions is two-fold; first so that the COUNTY fully understands what is being offered by the PROPOSER and second, so that the COUNTY has an opportunity to identify any critical weakness in a PROPOSERS proposal i.e. (inconsistency with COUNTY's expectation).

The COUNTY reserves the right to award the contract without entering into discussions.

Upon completion of the technical discussions, the PROPOSERS may be asked to submit best and final offers (BAFO) at a time and date to be specified. The notification of the time and date shall be in writing after the completion of all technical discussions. The BAFOs shall be evaluated and will be part of the final determination when recommending a PROPOSER for award. The selected team shall be notified of the recommendation.

The unsuccessful team(s) shall also be notified in writing and provided an opportunity for a debriefing.

NOTE: All materials, conferences, proposals and other matters related to this PROJECT shall remain confidential until the contract is executed with the successful PROPOSER. The RCL Teams will be required by the COUNTY to sign off on the use of all accepted ideas in their proposals in order to be eligible for the stipend.

a. ORGANIZATIONAL CONFLICTS OF INTEREST

The Proposer's attention is directed to 23 CFR Section 636 Subpart A and in particular to Subsection 636.116 regarding organizational conflicts of interest. Section 636.103 defines "organizational conflict of interest" as follows:

Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

The Proposer is prohibited from receiving any advice or discussing any aspect relating to the PROJECT or the procurement of the Contract with any Person with an organizational conflict of interest, including, but not limited to, the Persons identified in Section B. subsection b.

In addition, participation by any of the following Persons on more than one Proposer's team shall be deemed an organizational conflict of interest disqualifying the affected Proposers: a Principal Participant, Designer, subconsultant responsible for performing more than 15% of the design or subcontractor responsible for performing more than 30% of the construction, or an Affiliate of any such Person. All Proposers affected by the conflict of interest will be disqualified, even if a Proposer is unaware of the conflict of interest, or if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above.

By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to the COUNTY that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the COUNTY may, at its discretion, cancel the Contract. If the Proposer was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to the COUNTY, the COUNTY may terminate the Contract for default.

b. RESTRICTIONS ON PARTICIPATION IN DESIGN-BUILD CONTRACTS

An individual or entity that has received monetary compensation as the lead or prime design consultant under a contract with the COUNTY for the MD 355 Crossing (BRAC), or SHA and its Jones Bridge Road/MD 355 Intersection Project, to develop the concept plan and/or have been retained to perform construction phase services on behalf of the COUNTY and/or state, or a person or entity that employs such an individual or entity, may not submit a technical proposal or a price proposal for this procurement and is not a responsible offeror under Montgomery County Procurement Regulation 11B.00.01.02. The technical proposal or price proposal from such an individual or entity will be rejected pursuant to Montgomery County Procurement Regulations 11B.00.01.02 and 11B.00.01.06.

The following is a list of consultants and/or subconsultants that have received monetary compensation under a contract with the COUNTY and/or SHA as the prime consultant to develop the concept plans or planning/design services for this procurement, in excess of \$500,000. Montgomery County makes no representations regarding the completeness of the list:

MD 355 Crossing (BRAC)

- A. URS Corporation

MD 355/Jones Bridge Road Intersection

- A. Century Engineering, Inc.

In addition, Article XII, Ethics in Public Contracting, Chapter 11B, Contracts and Procurement of the Montgomery County Code, contains various restrictions on participating in State procurements. Any questions regarding eligibility must be appealed to Montgomery County.

No official or employee of the COUNTY, as defined under Article III, Chapter 19A of the Montgomery County Code, whose duties as such official or employee include matters relating to or affecting the subject matter of this contract, shall during the pendency and term of this contract and while serving as an official or employee of the COUNTY and/or State, become or be an employee of the Consultant or an entity that is a subcontractor on this contract.

No official or employee of the Montgomery County Department of Transportation (MCDOT) or SHA, during his tenure or for one year thereafter shall have any interest, direct or indirect, in this Contract or the proceeds thereof, regardless of whether they participated in matters relating to this contract while in the employ of the MCDOT or SHA.

c. CONTENT FOR STATEMENT OF QUALIFICATIONS (SOQ) SUBMISSION

Parties interested in being considered for award of this design-build project and entering into a design-build contract with the COUNTY shall submit a SOQ, alone or with others, as the design-build team. The PROPOSER may also include other parties as subconsultants, subcontractors and suppliers in their SOQ submittal that they are committing at this time as part of the PROPOSER.

This Section describes the following items:

- the information to be included in the SOQ,
- evaluation factors to be utilized by the COUNTY with respect to such information, and,
- the selection approach that the COUNTY will utilize for SOQ Submittals.

The objective of the REOI step of the procurement process is to create a Reduced Candidate List of up to three highly qualified Proposers with the general capability (technical, financial, and management), capacity and experience necessary to successfully undertake and complete the work. The Design-Builder will have primary responsibility to plan, design, manage, and control, the PROJECT and to complete the PROJECT on or ahead of schedule. The COUNTY has set high responsibility standards for the Design-Builder that are reflected in the technical evaluation factors of this REOI and will be reflected in the RFP and the Contract.

EVALUATION FACTORS FOR THE STATEMENT OF QUALIFICATIONS (SOQ)

Pass/Fail Factors

Responsiveness to REOI:

The SOQ does not deviate from the REOI requirements in any material respect. Pass/Fail checks will include, but not be limited to:

- Stamped as received prior to the requested date and time;
- Cover letter included; and
- All of the requested Forms have been included.

The COUNTY may allow certain deficiencies in the SOQs relating to the above factor to be corrected through clarifications, as described below, but shall have no obligation to do so.

Technical Evaluation Factors

The evaluation factors will be first rated using an adjectival rating process then converted to a points based system.

Adjectival ratings for each technical evaluation factor and the overall technical rating for the SOQ will be based on the following criteria:

EXCEPTIONAL ~ The Proposer has provided information relative to its qualifications which is considered to significantly exceed stated objectives/requirements in a beneficial way and indicates a consistently outstanding level of quality. There are essentially no weaknesses.

GOOD ~ The Proposer has presented information relative to its qualifications which is considered to exceed stated objectives/requirements and offers a generally better than acceptable level of quality. Weaknesses, if any, are very minor.

ACCEPTABLE ~ The Proposer has presented information relative to its qualifications, which is considered to meet the stated objectives/requirements, and has an acceptable level of quality. Weaknesses are minor and can be corrected.

UNACCEPTABLE ~ The Proposer has presented information relative to its qualifications that contains significant weaknesses and/or deficiencies and/or unacceptable level of quality. The SOQ fails to meet the stated objectives and/or requirements and/or lacks essential information and is conflicting and/or unproductive. Weaknesses/deficiencies are so major and/or extensive that a major revision to the SOQ would be necessary and/or are not correctable.

The evaluators may also use a plus (+) or minus (-) suffix to further differentiate the strengths or limitations within a technical rating.

The adjectival rating to points conversion will be done according to the following table:

Adjectival Rating Conversion to Points				
Factor Point Value				
Adjectival Rating	25	20	15	5
E+	25	20	15	5.0
E	22	18	13	4.5
E-	19	16	11	4.0
G+	16	14	9	3.5
G	13	12	7	3.0
G-	11	10	5	2.5
A+	9	8	3	2.0
A	7	6	2	1.5
A-	5	4	1	1.0
U	0	0	0	0

The technical evaluation factors and maximum points associated with them, in order of importance, are as follows:

**Lead Design Firm and Construction Firm Experience and Qualifications (70 points)
(1 – 8)**

- | | |
|--|-----------|
| 1. Lead Construction Firm Past Performance | 20 points |
| 2. Lead Design Firm Past Performance | 20 points |
| 3. Design-Build Project Coordinator | 5 points |
| 4. Project Manager for Construction | 5 points |
| 5. Project Design Manager | 5 points |
| 6. Tunneling Engineer | 5 points |
| 7. Architect | 5 points |
| 8. Traffic Engineer | 5 points |

Subtotal (1 – 8) 70 points

Team Organization (30 points)

- | | |
|------------------------|-----------|
| Organization Structure | 25 points |
| Organization Chart | 5 points |

Subtotal 30 points

Total Potential Points = 100 points

Any SOQ that receives an overall rating of Unacceptable in one or more technical evaluation factors will receive an overall SOQ rating of Unacceptable and shall not be included in the RCL.

d. REQUESTS FOR CLARIFICATION

The Proposer shall provide accurate and complete information to the COUNTY. If information is not complete, the COUNTY may declare the SOQ non-responsive. Any insufficient statements or incomplete affidavits may be returned directly to the Proposer by the COUNTY with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental or missing documents. If a response is not provided, the SOQ may be declared non-responsive.

The COUNTY may, at its sole discretion, request clarifications and/or supplemental information from a Proposer regarding its SOQ, at any time prior to finalizing the Reduced Candidate List. All clarification requests and responses shall be in letter format in writing by e-mail. Responses shall be limited to answering the specific information requested by the COUNTY. Proposers' e-mail follow-up responses (and confirmed by mail) to inquiries by the COUNTY shall be submitted to the address(es) indicated below or as otherwise specified in writing by the COUNTY. Responses shall be submitted to:

Mr. Todd Collins
Montgomery County Office of Procurement, Procurement Specialist III
Department of General Services
Office of Procurement
255 Rockville Pike, Suite 180
Rockville, Maryland 20850
E-mail address: MD355X@montgomerycountymd.gov

In the event a material error is discovered in the REOI during the SOQ evaluation process, the COUNTY will issue an Addendum to all Proposers that have submitted SOQs, requesting revised SOQs based upon the corrected REOI.

e. DETERMINATION OF THE REDUCED CANDIDATE LIST

The COUNTY, and/or others as permitted by Montgomery County Procurement Regulations, will establish a Reduced Candidate List. Based on evaluation of the SOQs, the RCL will consist of up to the three highest ranked qualified Proposers. The unsuccessful teams shall be notified in writing.

f. CHALLENGES

The decision of the COUNTY, and/or others as permitted by Montgomery County Procurement Regulations, on the Reduced Candidates List and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section E of this REOI. Persons participating in the REOI phase of this procurement shall be deemed to have accepted this condition and the other requirements of this REOI.

C. CONTENTS FOR STATEMENT OF QUALIFICATIONS (SOQ) SUBMISSION

a. COVER LETTER (2 pages maximum)

The cover letter includes mandatory information requirements. The cover letter will not be part of the evaluations.

The cover letter must be addressed to:

Mr. Todd Collins
Montgomery County Office of Procurement, Procurement Specialist III

Department of General Services
Office of Procurement
255 Rockville Pike, Suite 180
Rockville, Maryland 20850

The SOQ submittal cover letter must be signed by individual(s) authorized to represent the Major Participant firm(s) and the lead Constructor firm(s). A Major Participant is defined as the legal entity, firm or company, individually or as a party in a joint venture or limited liability company or some other legal entity, that will be signatory to the Design-Build Contract with the COUNTY. Major Participant(s) will be expected to accept joint and several liability for performance of the Design-Build Contract. Major Participants are not design subconsultants, construction subcontractors or any other subcontractors to the legal entity that signs the Design-Build Contract.

If the design-build contracting entity will be a joint venture, or some other entity involving multiple firms, all Major Participant firms involved must have an authorized representative sign the cover letter.

The cover letter shall include the following:

- a. Names, main role and license or certification information of all Major Participant firms and the lead constructor and design firms if not a Major Participant firm, and other firms that are now being committed to the PROPOSER. As a minimum the lead design firm and the lead constructor firm must be included in the PROPOSER at this time.
- b. The primary and secondary individual contacts for the Major Participant firm(s) with address, phone number, and e-mail address where all communications from the COUNTY should be directed for this REOI phase.
- c. Include an affirmative declaration that indicates to the best knowledge and belief of each Major Participant Firm, including the lead design firm if not a Major Participant firm, the information supplied in the SOQ is true and accurate.

- d. Include a declaration that each Major Participant firm(s) and the lead design and lead constructor firm, if not a Major Participant firm, are prepared to provide the necessary financial, material, equipment, labor and staff resources to perform the PROJECT.
- e. Include a declaration by the Major Participants that signatories are affirming their intent to enter into a legal organization that shall constitute the PROPOSER.
- f. Include a general authorization for the COUNTY to confirm all information contained in the SOQ submittal with third parties, and indicate limitations, if any, to such authorization.

b. TECHNICAL EVALUATION FACTORS

I. Team Experience/Qualifications and Past Performance

Information that is not detailed or relevant will not be considered acceptable. The Lead Contractor Proposer shall complete Form Q, Montgomery County Construction Contractor Qualification Questionnaire. The information for each staff member shall be relevant to the role and function they will perform on this PROJECT. The resumes for key staff must identify the function the staff member will fulfill on this PROJECT and include their role or function on relevant projects. The COUNTY strongly recommends that the primary and secondary contacts are key staff members.

The information required, in order of importance, is described below:

1. Construction Firm Past Project Experience - Lead Construction firm must have a minimum ten (10) years demonstrated heavy underground construction experience. Provide a completely filled out Qualification Questionnaire (see Document Form Q, Appendix B Forms.). Using attached Form A-2, past Project Description provide a listing of three (3) projects that highlight construction experience relevant to this PROJECT, which the lead constructor firm performed over the last ten (10) years. One (1) additional page per project will be allowed to display a plan view of the final design of the overall project. The plan view should be printed on an 11 x 17 size page and should show that the example project is of similar size, type and complexity as the PROJECT. At least one of the three projects included shall be a Design-Build project. Provide detailed information concerning project completion dates or construction costs. Use one (1) form per project.
2. Design Firm Past Project Experience - Lead Design firm must have a minimum ten (10) years demonstrated heavy underground design experience. Using attached Form A-2, past Project Description, provide a listing of three (3) projects that highlight design experience relevant to this PROJECT, which the lead design firm performed over the last ten (10)

years. One (1) additional page per project will be allowed to display a plan view of the final design of the overall project. The plan view should be printed on an 11 x 17 size page and should show that the example project is of similar size, type and complexity as the PROJECT. Provide detailed information concerning design schedules or design budgets. At least one of the three projects included shall be a Design-Build project. Use one (1) form per project.

For 3 – 8 below, resumes shall be a maximum of one (1) page each using Form A-1.

3. Design-Build Project Coordinator - Shall have a minimum of five (5) years demonstrated design-build construction experience in Construction and Design projects of similar size, type of work, and complexity as this PROJECT. Although not required, preference may be given to those with the following certifications, Design Build Institute of America (DBIA). Specific experience should include but not be limited to: transit, transportation, elevators, escalators, underground, intersection/interchange, schedule, cost control, quality, safety, environmental sensitivity, utility coordination, community sensitivity and multijurisdictional complex urban projects. Emphasize Design-Build, underground, and intermodal experience with WMATA.
4. Project Manager for Construction - Shall have a minimum of ten (10) years demonstrated experience in Construction Project Management on intermodal projects of similar size, type of work, and complexity as this PROJECT. Although not required, preference may be given to those with the following certifications, Professional Engineer and Design Build Institute of America (DBIA). Specific experience should include but not be limited to: transit, transportation, elevators, escalators, underground, intersection/interchange, schedule, cost control, quality, safety, environmental sensitivity, utility coordination, community sensitivity and multijurisdictional complex urban projects. Emphasize Design-Build, schedule, cost control, quality and intermodal experience with WMATA.
5. Project Design Manager - Shall be a Maryland registered Professional Engineer who is an owner or employee of the lead design firm and shall have a minimum of ten (10) years demonstrated experience in managing design for projects of similar size, type of work, and complexity as this PROJECT. Specific experiences should include but not be limited to: transit, transportation, elevators, escalators, underground, intersections/interchanges, schedule, cost control, quality, safety and multijurisdictional complex urban projects. Emphasize Design-Build, underground and intermodal experience, as well as work with WMATA.
6. Tunneling Engineer - Shall be a registered Professional Engineer, registered in MD within 6 months of being selected, with a minimum of

ten (10) years demonstrated experience that includes work of similar scope and size. Specific experiences should include but not be limited to: tunneling (open cut, underground, blasting, etc.), geology, ventilation, lighting, life safety and design. Additional emphasis shall be placed on experience with design and permitting of similar scope and size as this PROJECT. Emphasize Design-Build, tunneling (in urban setting and in/around other existing facilities), and intermodal experience, as well as work with WMATA.

7. Architect - Shall be a Maryland licensed Architect with a minimum of ten (10) years of demonstrated experience in architecture that includes work of similar scope and size as this PROJECT. Specific experiences should include but not be limited to: underground facilities, tunnels, elevators, escalators/stairs, lighting, HVAC, fire protection, life safety, security, historic properties and WMATA facilities. Emphasize Design-Build, underground, and intermodal experience, as well as work with WMATA.
8. Traffic Engineer - Shall be a Maryland registered Professional Engineer and a Professional Traffic Operations Engineer (PTOE), with a minimum of ten (10) years demonstrated experience in transportation engineering design that includes work of similar scope and size as this PROJECT. Specific experiences should include but not be limited to: experience in maintenance of traffic, signals, signing and marking, intermodal projects, and road/rail/pedestrian/shared-use path facilities. Emphasize Design-Build, maintenance of traffic (METRO trains, vehicles, buses, and pedestrians), and intermodal experience, as well as work with WMATA.

II. Team Organization (2 pages maximum)

A. Organization structure: Complete attached Form A-3, "Offeror's Organizational and Business Structure". Explain how the Design-Build Team will be structured to function as an integrated entity. Your explanation should include, but not be limited to, discussion on how construction staff will be involved in the design activities and how design staff will be involved in construction activities.

Additionally, describe the approach the Design-Build Coordinator will take in coordinating activities between the Designer and Constructor teams within the DB entity and the DB Coordinator's role in facilitating communication between the DB entity and the COUNTY.

Describe how the DB entity will coordinate with all the Project Stakeholders and comply with the requirements of the Stakeholders.

B. Organization chart: Provide an organizational chart, not to exceed 11" x 17" showing the functional structure of the Design-Builder Team. Indicate on said chart the person's names, position titles, and firm affiliations in various organization functions. The chart shall include the above key staff positions, as well as but not limited to, Structural Engineer, Highway Engineer, Civil Engineer (Utilities), Geotechnical and Pavement Engineer, Environmental Engineer, Mechanical Engineer, Electrical Engineer, Security Engineer, Landscape Architect, Public Outreach, Quality Control Manager – Design, and Quality Control Manager - Construction. The chart shall also reflect field construction functions, including, design discipline leads, construction management and supervision leads, and other key organizational functions.

D. STATEMENT OF QUALIFICATION (SOQ) SUBMISSION REQUIREMENTS

One original and seven (7) copies of the complete SOQ shall be submitted as specified in this Section.

The SOQ shall match the organization as outlined in this REOI to the maximum extent practicable. Each submittal shall conspicuously reference the REOI section number corresponding to the submittal (e.g., I. Team Experience). The DB Proposal shall be on 8½" x 11" pages using a minimum font size of 10 point minimum single spacing, accompanied by finding tools, such as tables of contents and dividers to make the submittals easily usable.

The SOQ may be submitted in container(s) of the Design-Build Team's choice provided the material is neat, orderly, and incapable of inadvertent disassembly. Loose leaf binders are allowable as long as all pages are numbered consecutively. Each container shall be clearly marked as follows:

Design-Build Team's Name
Statement of Qualification
MD 355 CROSSING (BRAC)
South of Jones Bridge Road/Center Drive to North of
South Wood Road/South Drive
Bethesda, MD

**MD 355 CROSSING (BRAC) and MD 355 AND JONES BRIDGE
ROAD/CENTER DRIVE – BRAC INTERSECTION**

The SOQ must be submitted no later than **June 27, 2013 prior to 3:00 p.m.** (prevailing local time). The SOQ must be delivered to the following location:

Mr. Todd Collins
Montgomery County Office of Procurement, Procurement Specialist III
Department of General Services
Office of Procurement
255 Rockville Pike, Suite 180
Rockville, Maryland 20850

E. PROTESTS

This solicitation and any subsequent Contract will be administered in accordance with Montgomery County Procurement Law, including the dispute provisions provided within.

A protest must be in writing and filed with the Procurement Officer. Oral objections, whether or not acted upon, are not protests.

a. TIME FOR FILING

A protest based on alleged improprieties in the solicitation, which are apparent before the closing date for receipt of initial proposals, shall be filed before the closing date for receipt of initial proposals. A protest based on alleged improprieties that did not exist in the initial proposal, but which are incorporated in the solicitation, shall be filed not later than the next closing date for receipt of proposals following the incorporation. For this procurement, the SOQ Due Date is considered the closing date for receipt of initial proposals.

Any other protest shall be filled no later than ten (10) calendar days after the basis for the protest is known or should have been known, whichever is earlier.

b. CONTENT OF WRITTEN PROTEST

- An identification of the solicitation from the COUNTY;
- The protesting offer's name, address and telephone number;
- A statement supporting that the offeror is aggrieved;
- Specification of all grounds for the protest, including:
 - A submission of detailed facts and all relevant documents;
 - A citation to relevant language in the solicitation, regulations or law relied upon; and
 - All other matters which the offeror contends support the protest.
- Factual allegations regarding information not appearing on the face of the solicitation or offer must be supported by affidavit based on personal knowledge
- A protest filing fee in the amount of \$500.00; and,
- If bid or proposal preparation costs are sought, the protesting offeror must provide by affidavit based on personal knowledge evidence supporting the costs claimed.

All offers/proposals shall be irrevocable until final administrative and judicial disposition of a protest. All proposals must comply in all respects with Code of Montgomery County Procurement Regulation 11B.00.01.14.

F. RIGHTS AND DISCLAIMERS

a. COUNTY RIGHTS

The COUNTY may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the work described in this REOI. The COUNTY reserves the right, in its sole and absolute discretion, to:

1. Reject any or all SOQs;
2. Issue a new REOI;
3. Cancel, modify, or withdraw the REOI;
4. Issue addenda, supplements, and modifications to this REOI;
5. Modify the REOI process (with appropriate notice to Proposers);
6. Appoint an Evaluation Committee and evaluation teams to review SOQs;
7. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;
8. Revise and modify, at any time before the SOQ due date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the COUNTY will circulate an addendum to all registered Proposers setting forth the changes to the evaluation criteria or methodology. The COUNTY may extend the SOQ due date if such changes are deemed by the COUNTY, in its sole discretion, to be material and substantive;
9. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
10. Waive weaknesses, informalities, and minor irregularities in SOQs;
11. Disqualify any team that changes its SOQ (following submittal) without COUNTY written approval;
12. Retain ownership of all materials submitted in hard-copy and/or electronic format; and/or,
13. Refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - i. Failure on the part of a Principal Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the COUNTY (or State);
 - ii. Default on the part of a Principal Participant or Designer under previous contracts with the COUNTY (or State);
 - iii. Unsatisfactory performance by the Proposer, a Principal Participant, and/or Designer under previous contracts with the COUNTY (or State);

- iv. Issuance of a notice of debarment or suspension to the Proposer, a Principal Participant and/or Designer;
- v. Submittal by the Proposer of more than one SOQ in response to this REOI under the Proposer's own name or under a different name;
- vi. Existence of an organizational conflict of interest under Section B.a, or evidence of collusion in the preparation of a proposal or bid for any COUNTY design or construction contract by (a) the Proposer, Principal Participant or Designer and (b) other proposers or bidders for that contract; and/or,
- vii. Uncompleted work or default on a contract in another jurisdiction for which the Proposer or a Principal Participant is responsible.

b. COUNTY DISCLAIMERS

The REOI does not commit the COUNTY to enter into a Contract, nor does it obligate the COUNTY to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Montgomery County Council, General Assembly of Maryland, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and the COUNTY.

In no event shall the COUNTY be bound by, or liable for, any obligations with respect to the Work or the PROJECT until such time (if at all) as the Contract, in form and substance satisfactory to the COUNTY, has been executed and authorized by the COUNTY and approved by all required authorities and, then, only to the extent set forth in a written Notice to Proceed. In submitting an SOQ in response to this REOI, the Proposer is specifically acknowledging these disclaimers.

G. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY

a. POLICY

The COUNTY shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT) assisted contract or in the administration of 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this PROJECT.

b. DBE PARTICIPATION GOAL

By submitting a SOQ in response to this REOI, an Offeror agrees that, if included on the Reduced Candidate List, it shall comply with the Disadvantaged Business Enterprise (DBE) provisions of the Contract. These provisions are consistent with the applicable portions of the Minority Business Enterprise (MBE) provisions of the Montgomery County Procurement Regulations. In this REOI, the terms DBE and MBE have the same meaning.

Each Proposer on the RCL will be required to make a good faith effort to achieve the established DBE participation goal and provide evidence of such efforts in the Proposal. Such efforts must continue throughout the evaluation of Proposals, Contract award, and Contract performance.

Only COUNTY and/or Maryland Department of Transportation (MDOT) certified MBEs can be utilized to achieve the Contract's DBE goal. Additionally, because of the COUNTY and MDOT certification requirement for DBE's, firms are encouraged to submit paperwork for certification as soon as possible.

The Design-Builder's shall make a good faith effort to achieve DBE participation in professional services. The desired DBE percentage(s) will be provided in the RFP. The goal shall include efforts to achieve DBE participation in performance of professional services under the Contract (including design, supplemental geotechnical investigations, surveying and other preliminary engineering; quality control as defined in the Contract; environmental compliance activities; utility coordination; permitting; and public information). The DBE professional services participation shall be attributed to the overall contract goal.

c. SMALL BUSINESS ENTERPRISE

There will be no small business enterprise goals for this PROJECT.

H. PROPOSED PROCUREMENT SCHEDULE

Issue REOI	May 29, 2013
REOI Contractor Meeting	June 13, 2013
Final Date for Receipt of Proposer's Questions	June 20, 2013
SOQ Submittal to the COUNTY (3:00 P.M.)	July 8, 2013
Reduced Candidate List (RCL) Notified	September 25, 2013
Issue Draft RFP	October 3, 2013
Selection of Successful Bidder	October 2014

APPENDIX A

Table of Contents

Plans

a MD 355 Crossing (BRAC) Plan View

b MD 355 Crossing (BRAC) Section View.....

NOTE TO PROPOSERS:

The above listed plan views are not presented in this Request for Expressions of Interest but can be found on the Montgomery County Current Solicitations page along with this listing under a separate download file.

APPENDIX B

Table of Contents

Forms

- a Form Q, Montgomery County Construction Contractor Qualification Questionnaire
- b Form A-1, Resumes of Key Staff
- c Form A-2, Past Project Description
- d Form A-3, Offeror's Organizational and Business Structure
- e Form A-4, Acknowledgement

Montgomery County Construction Contractor Qualification Questionnaire

CONTACT INFORMATION

Contractor/Offeror's Name: (Offeror's name as it appears on license)

Check One:

- Corporation
- Limited Liability Company
- Partnership
- Sole Proprietor

Contact Person:

Address:

Phone:

Fax:

Contractor's License Number(s):

APPENDIX B FORMS

PART I. GENERAL REQUIREMENTS FOR QUALIFICATION

1. Does the Offeror have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?

Yes No

If the answer is "No," provide information regarding any liability insurance policy the Offeror does have and the Offeror's ability to secure a liability insurance policy with the stated limits.

2. Has Offeror attached a notarized statement from a surety that is licensed and authorized to issue bonds in the State of Maryland, which states: (a) that Offeror's current bonding capacity is sufficient for the Project and (b) Offeror's current available bonding capacity? The statement must include:

Name of bonding/surety company, address, and telephone number.

Name of surety agent, address, and telephone number.

Power of attorney from the surety for the surety's agent.

How long the surety or sureties have been providing Performance Bonds and Payment bonds on the Offeror's behalf.

Affirmation that the surety has read this REOI and it has evaluated the Offeror's backlog and work-in-progress in determining the Offeror's bonding capacity.

Letters indicating "unlimited" bonding capacity are not acceptable.

NOTE: Notarized statement must be from the surety company, not an agent or broker.

Yes No

If the answer is "No," explain why such statement was not attached.

3. Has any State of Maryland license held by Offeror or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended and/or revoked within the last seven years?

Yes No

If the answer is "Yes," please explain on a separate signed sheet.

4. At the time of submitting this pre-qualification form, is Offeror ineligible to bid on, or be awarded, any public works contract?

Yes No

APPENDIX B FORMS

If the answer is "Yes," state the beginning and ending dates of the period of debarment, and the reasons why Offeror was debarred:

PART II. ORGANIZATION, PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

1. State Offeror's gross revenues for each of the last three years:
2. How many years has Offeror been in business in Maryland (and/or other state or district) as a contractor under Offeror's present business name and license number?
3. Is Offeror currently a debtor in a bankruptcy case?

Yes

No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

4. Has Offeror filed bankruptcy at any time during the last seven years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

Yes

No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed and provide a copy of any Court order that resulted in the disposition of the case.

Licenses

5. **Has Offeror changed name(s) or license number(s) in the past seven years?**

Yes

No

If "yes," explain on a separate signed page, including the reason for the change.

Disputes

6. At any time in the last seven years has Offeror been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

Yes

No

APPENDIX B FORMS

If yes, explain on a separate signed page, identifying all such projects by project, project address, owner, owner's address, project completion date, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

7. In the last seven years has Offeror, or any firm with which any of Offeror's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

If "yes," explain on a separate signed page. State whether the firm involved was the Offeror applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within Offeror who was associated with that firm, the year of the event, the owner of the project, the project and the basis for the action.

8. In the last seven years has Offeror been denied an award of a public works contract based on a finding by a public agency that Offeror was not a responsible bidder?

Yes No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * *

NOTE: The following question refers only to disputes between Offeror and the owner of a project. Offeror need not include information about disputes between Offeror and a supplier, another contractor, or subcontractor. Offeror need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, Offeror may omit reference to all disputes about amounts of less than \$50,000.

9. In the past seven years has any claim against Offeror concerning Offeror's work on a construction project been filed in an administrative proceeding, court or arbitration?

Yes No

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court or forum in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief

APPENDIX B FORMS

description of the resolution).

10a. List all sureties (name and full address) that have written bonds for Offeror during the last seven years, including the dates during which each surety wrote the bonds, the amount of each of the bonds and the premium paid for each of the bonds.

10b. At any time during the past seven years, has any surety company made any payments on Offeror's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on Offeror's behalf, in connection with a construction project, either public or private?

Yes No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

11. In the last seven years has any insurance carrier refused to renew the insurance policy, for any form of insurance, for Offeror?

Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance, and the year of the refusal.

Criminal Matters and Related Civil Suits

12. Has Offeror or any of its owners, officers, partners, or employees ever been found guilty in a criminal action and/or liable in an administrative proceeding or in a civil suit or for making any false claim or material misrepresentation to any public agency or entity?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation, the grounds for the finding and the sentence, sanctions, penalties and fines imposed.

13. Has Offeror or any of its owners, officers, partners or employees ever been convicted of a crime involving any federal, state, or local law related to a public procurement project?

Yes No

APPENDIX B FORMS

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction, the sentence, penalties and fines imposed.

14. Has Offeror or any of its owners, officers, partners or employees ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year, the criminal conduct, the sentence, penalties and fines imposed.

Compliance with Environmental Laws

15. Has the EPA or Maryland Department of the Environment, Montgomery County Department of Environmental Protection or any environmental protection agency cited and assessed penalties against either Offeror or the owner of a project on which Offeror was the contractor, in the past seven years?

Yes No

If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any, and the disposition of the citation, including any appeals.

Prevailing Wage Record

16. During the last seven years, has Offeror been required to pay either back wages or penalties for Offeror’s failure to comply with local, state or federal prevailing wage laws?

Yes No

If “yes,” attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and/or penalties that you were required to pay.

APPENDIX B FORMS

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own personal knowledge and belief, except as to those matters stated on information and belief and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of Maryland, that the foregoing is correct and that this questionnaire is submitted on behalf of and for the benefit of _____ (Insert Firm Name) _____.

(Date)

(Name)

(Title)

APPENDIX B FORMS

Form A-1 Key Personnel Information Form

(attach resume and/or use additional sheets if required)

Submit for Project Manager for Construction, Project Design Manager, Design-Build Project Coordinator, Tunneling Engineer, Traffic Engineer, and Architect, to be assigned to this Project.

Name:

Title:

--	--

EDUCATIONAL BACKGROUND:

WORK EXPERIENCE *(Provide or attach a chronological resume including the following for each employer: company name, address, and telephone number, name of supervisor, description of position, responsibilities and dates of employment):*

EXPERIENCE WORKING WITH OTHER PROPOSED STAFF:

PROJECT EXPERIENCE SIMILAR TO THIS PROJECT:

CURRENT COMMITMENTS/PROJECTS AND DEFINE RESPONSIBILITIES

PERCENTAGE OF TIME EXPECTED TO BE AVAILABLE AT TIME OF NTP

ANTICIPATED DATE WHEN AVAILABILITY WILL BE 100% FOR THIS PROJECT

Provide two contacts for each proposed key personnel:

REFERENCE CONTACT #1

Name:	Company:	Telephone No.:

PREVIOUS ASSOCIATION WITH PROPOSED PERSONNEL:

REFERENCE CONTACT #2

Name:	Company:	Telephone No.:

PREVIOUS ASSOCIATION WITH PROPOSED PERSONNEL:

APPENDIX B FORMS

Form A-2 Similar Project Information Form

(Use additional sheets if required)

Use this form to provide information on projects you name as being representative of the quality of completed construction which your firm is capable of providing for this Project. Offeror may include supplemental information (photos etc.) in a format of the Offeror's choice.

Project Name:	Project Owner:
Project Address:	Owner's Address:
Project Engineer/Architect's Firm Name:	Owner's Current Contact Person and Title:
Telephone No.:	Telephone No.:
Engineer/Architect's Project Manager:	Owner's Representative During Construction:
Value of Contractor's Construction Contract:	Total Value of Construction (in dollars):
\$	\$
Project Start Date:	Project Completion Date:
Project Manager(s) (List all who worked on Project.):	Field Superintendent(s) (List all who worked on Project.):

DESCRIPTION OF PROJECT:

CONSTRUCTION METHODS USED ON THIS PROJECT THAT DEMONSTRATE OFFEROR'S ABILITY TO CONSTRUCT QUALITY PROJECTS:

APPENDIX B FORMS

Form A-3

Offeror's Organizational and Business Structure

A. Current Organization and Structure of the Business

For Offerors That Are Corporations or Limited Liability Companies:

1a. Date incorporated or date when articles of organization were filed:

1b. Incorporated/organized under the laws of what state:

1c. Provide all the following information for each person who is either (a) an officer of the corporation/limited liability company (president, vice president, secretary, and treasurer), or (b) the owner of at least ten per cent of the corporation's stock or interest in the limited liability company.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction firm/company that any person listed above has been associated with (as owner, general partner, limited partner, member or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of 10 per cent or more of the business, or 10 per cent or more of its stock or membership interest, if the business is a corporation or limited liability company.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

For Offerors That Are Partnerships:

1a. Date of formation: _____

1b. Formed under the laws of what state: _____

APPENDIX B FORMS

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction firm/company that any partner has been associated with (as owner, general partner, limited partner, member or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Offerors That Are Sole Proprietorships:

1a. Date of commencement of business.

1b. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Offers That Intend to Bid as Part of a Joint Venture:

1a. Date of commencement of joint venture.

APPENDIX B FORMS

- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

B. History of the Business and Organizational Performance

1. Has there been any change in ownership of the Offeror at any time during the last three years?

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

Yes No

If "yes," explain on a separate signed page.

2. Is the firm a subsidiary, parent, and holding company or affiliate of another construction firm?

NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed page.

APPENDIX B FORMS

Form A-4 Acknowledgement

I. ACKNOWLEDGEMENT:

The Offeror must include this signed acknowledgment that the Offeror has reviewed all the terms and conditions of this Solicitation and that the Offeror has an interest in, and plans to bid on, the future companion IFB solicitation for construction services of the referenced Project. Submissions that do not include such an acknowledgment will be rejected.

The undersigned agrees that all of the information provided in its Submission is true and correct to the best of its knowledge.

(Business Firm's Typed Name)

(Name and Title of Person Authorized to Sign Submission)

(Signature)

(Date)

(Signature)

(Date)

II NAME AND SIGNATURE REQUIREMENTS FOR SUBMISSIONS AND CONTRACTS:

The correct legal business name of the Offeror must be used in all Contracts. A trade name (i.e., a shortened or different name under which the firm does business) should not be used when the legal name is different. Corporations must have names that comply with State Law. The Offeror's signature must conform to the following:

Signatures of Offerors must be in their correct legal form and must not be abbreviated to common usage or trade name form. All signatures must be made by an authorized officer, partner, manager, member, or employee. The signing of an offer or a contract is a representation by the person signing that the person signing is authorized to do so on behalf of the Offeror

III ACKNOWLEDGMENT OF SOLICITATION ADDENDA

The Offeror acknowledges receipt of the following Addenda to the Solicitation

Addenda No.:

Date:
