

NEBRASKA DEPARTMENT OF TRANSPORTATION

**CONSTRUCTION MANAGER / GENERAL CONTRACTOR
(CM/GC)**

REQUEST FOR PROPOSALS

FOR THE

SADDLE CREEK ROAD BRIDGE PROJECT



INSTRUCTIONS TO PROPOSERS

Project Number: NH-6-7(187)

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TABLE OF CONTENTS

1	GENERAL	1
1.1	General Information	1
1.2	RFP Documents.....	1
1.3	GM/GC Delivery Method	1
1.4	Project Goals	2
1.5	General Project Description	2
1.6	Project Status	3
1.7	Project Funding.....	3
1.8	Federal Requirements	3
1.9	Required Percentage of Work.....	4
1.10	Acronyms and Definitions	4
2	PROCUREMENT PROCESS	5
2.1	Procurement Method	5
2.2	Authorized Representatives	5
2.3	Procurement Schedule	5
2.4	Rules of Contact	6
2.5	Questions and Responses Regarding the RFP.....	6
2.6	Letters of Interest.....	7
2.7	Pre-Proposal Meeting	7
2.8	Confidentiality of Submitted Proposals.....	8
2.8.1	Release of Information and Open Records.....	8
2.8.2	Observers During Evaluation.....	8
2.9	Protest Procedures	9
2.9.1	Applicability	9
2.9.2	Deadlines for Protests	9
2.9.3	Content of Protest	9
2.9.4	Filing of Protest	9
2.9.5	Burden of Proof	9
2.9.6	Decision on the Protest	10
2.9.7	Protestor's Payment of Costs	10
2.10	Organizational Conflicts of Interest	10
2.11	Ineligible Individuals and Firms	11
2.12	Key Personnel Changes	11
2.13	Qualification to Do Business	11
2.14	Non-collusion	12
3	PROPOSAL SUBMITTAL REQUIREMENTS	13
3.1	General Submittal and Format Requirements	13
3.2	Contents of Proposal	13
3.2.1	General Organization and Approach	14
3.2.2	Firm Experience	14
3.2.3	Key Personnel Experience	14
3.2.4	Preconstruction Services Approach.....	16
3.3	Forms	16
3.3.1	Surety Letter.....	17
3.3.2	Major Participants.....	17

	3.3.3	Key Personnel Experience	17
4		PROPOSER EVALUATION AND SELECTION PROCESS	19
	4.1	Proposal Responsiveness and Pass/Fail Evaluation	19
	4.2	Proposal Evaluation Factors	19
	4.3	Proposal Evaluation Subfactors	19
	4.3.1	Experience of the Firms	19
	4.3.2	Key Personnel Experience	20
	4.3.3	Preconstruction Services Approach	20
	4.4	Requests for Proposal Clarification	20
	4.5	Interview Evaluation	21
	4.5.1	General Requirements	21
	4.5.2	Presentation Contents	21
	4.5.3	Question and Answer Session	22
	4.5.4	Interview Evaluation Factors	22
	4.5.5	Interview Evaluation Subfactors	22
	4.6	Highest Ranked Proposer Selection	23
5		MISCELLANEOUS PROVISIONS	24
	5.1	Proposer Debrief	24
	5.2	Reserved Rights	24

EXHIBITS

Exhibit A Project Status and Schedule

FORMS

Form A Proposal Letter

Form B Major Participants

Form C Proposer and Major Participants Certification

Form D Surety Letter

Form E Personnel Work Assignment Commitment of Availability

Form F Firm Experience

Form G Key Personnel Experience

Form G-1 Key Personnel Résumé Instructions

Form H Proposer Questions

Form I Affidavit of Authorizations and Representations

1 GENERAL

1.1 General Information

The Nebraska Department of Transportation (**NDOT**) is issuing these Instructions to Proposers (**ITP**) to solicit competitive proposals (**Proposal**) from interested parties (**Proposer**) to perform Preconstruction Services and potentially Construction Services for the Saddle Creek Road Bridge Project (**Project**) pursuant to a Construction Manager/General Contractor Contract (**Contract**).

The selected Proposer, after entering into a Contract with NDOT for this Work, is hereinafter referred to as the Construction Manager/General Contractor (CM/GC Contractor, or **Contractor**).

By submitting a Proposal, Proposer agrees to comply with the requirements outlined in this ITP. Failure to meet these requirements may result in the rejection of the Proposal and disqualification of the Proposer.

The Project will comply with all pertinent federal, state and local requirements as described in the RFP.

1.2 RFP Documents

The RFP consists of the following documents and any other documents that may be issued by Addendum or supplemented:

- These Instructions to Proposers
- The Contract, consisting of:
 - Master CM/GC Contract
 - Form of Preconstruction Services Amendment
 - Form of Construction Services Amendment
 - Construction Manager/General Contractor Division 100 General Requirements and Covenants (Specifications)
- Reference Information Documents (See Exhibit A)

1.3 GM/GC Delivery Method

CM/GC project delivery generally consists of a Contractor performing both Preconstruction Services and Construction Services. During the Preconstruction Phase, the Contractor works closely with NDOT, the Engineer of Record (**EOR** or **Designer**), and an Independent Cost Estimator (**ICE**). The EOR and ICE are procured separately by NDOT. The Contractor will, working with the aforementioned parties, provide input on the Project design to assist in the development of the design and in support of Pricing Milestones used for establishing an Opinion of Probable Construction Cost (**OPCC**) and eventually a Guaranteed Maximum Price (**GMP**) to construct the Project.

The Preconstruction Phase is divided into three Pricing Milestones. The three Pricing Milestones are Baseline Design, Intermediate Design, and Final Design. The Contractor will provide constructability reviews, develop OPCCs, and provide other construction input into the design development at each of the milestones in addition to providing input on the Concept Design. See Attachment 1 to the Preconstruction Services Amendment (Scope of Services) for a description of the anticipated scope of services for the Preconstruction Services.

Subject to a successful negotiation of a GMP with NDOT, the Contractor will be awarded the construction portion of the Project and the Designer will prepare a set of final Released for Construction plans and specifications.

1.4 Project Goals

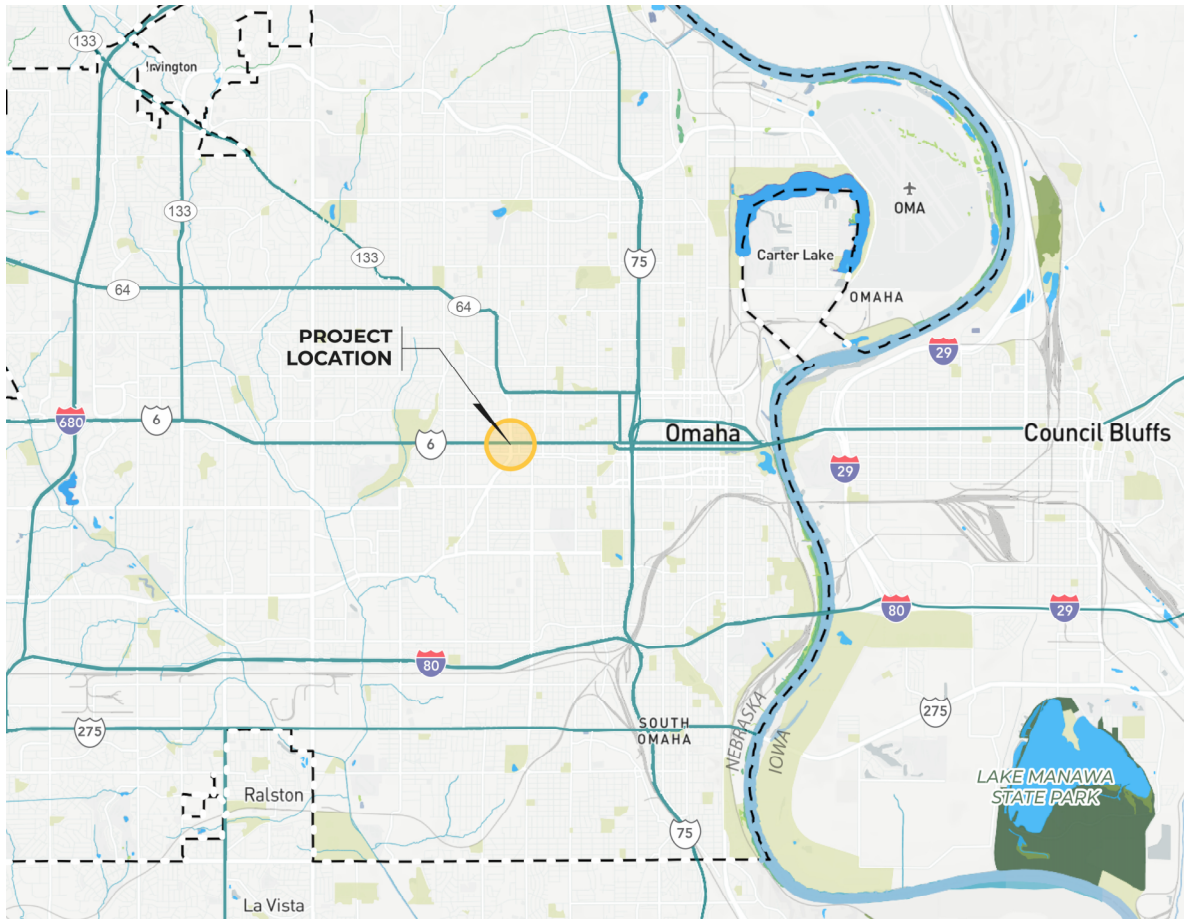
NDOT has identified the following goals, in no particular order of importance, for the Project:

- Realize the benefits of CM/GC project delivery
- Prioritize the safety of the workers and the public during construction while minimizing delays and disruptions to the traveling public
- Provide schedule and budget certainty while meeting quality design and construction standards
- Minimize impacts to the human, natural, and built environment

1.5 General Project Description

The Project includes the replacement of an existing bridge, Structure Number S006 37025, located in Douglas County on Highway US-6, at the grade separation of US-6 (Dodge St) & Saddle Creek in Omaha, Nebraska, as shown on the Project location map below. A Project site map showing the immediate vicinity of the Dodge Street overpass at Saddle Creek Road is in Exhibit A. The project footprint has not been determined; however, it is anticipated to be on alignment with no grade raise of the structure. It is the desire of NDOT that this Project will preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public.

Project Location Map



1.6 Project Status

A detailed description of the Project's status and anticipated schedule is provided in Exhibit A. Note that the information in Exhibit A remains under further development by NDOT and may be modified, reduced, or expanded during this procurement.

1.7 Project Funding

The Project is programmed in the NDOT Transportation Construction Program for \$4.51 million for the 2028 fiscal year. The preliminary estimate is based on historical data for preliminary engineering, Preconstruction Services, utilities, right-of-way, mitigation, construction, and construction engineering. The final budget for the Project will be determined in cooperation with the selected Contractor during the Preconstruction Phase.

1.8 Federal Requirements

Proposer acknowledges that the procurement process and the Contract must comply with applicable federal laws and regulations to preserve the ability of NDOT to use federal

funding for the Project. The federal laws and regulations applicable to the Project are described in Exhibit E to the CM/GC Master Contract (*Federal Rider*).

1.9 Required Percentage of Work

The Contractor will not be allowed to sublet, assign, or otherwise dispose of any portion of the Preconstruction Services Work, except as identified in the Proposer's Proposal, without consent of NDOT.

The Contractor will not be allowed to sublet, assign, or otherwise dispose of any portion of the Construction Services Work without consent of NDOT. NDOT will not allow the Contractor to sublet more than seventy percent (70%) of the Work under the Construction Services Amendment, excluding specialty items. Specialty items are those services or items that are not usually furnished by a contractor performing the particular type of service contained in this RFP and will be defined in the Construction Services Amendment.

1.10 Acronyms and Definitions

Capitalized terms and acronyms have the meaning as defined herein, or in the Specifications included in the RFP.

2 PROCUREMENT PROCESS

2.1 Procurement Method

The Contractor is being procured using a single step RFP process with interview consistent with the CM/GC contract procurement requirements in CFR 635.504, Nebraska Revised Statute 39-2817 through 39-2819, and the Guidelines for Alternative Project Delivery, dated February 16, 2024:

<https://dot.nebraska.gov/media/pbmd4eiv/ndot-final-alternative-delivery-guidelines-2024-signed.pdf>

2.2 Authorized Representatives

NDOT has designated the following individual to be its authorized representative for the procurement (**Authorized Representative**) who will provide all official Project communications:

Kyle Keller
Project Development Engineer
1500 Nebraska Parkway, Lincoln, NE 68502
402-479-4798
kyle.keller@nebraska.gov

2.3 Procurement Schedule

The following represents the current anticipated schedule for the procurement.

Procurement Schedule

Activity	Anticipated Date
Issue Draft RFP	June 27, 2025
Deadline to Submit Questions on Draft RFP	July 9, 2025 (12:00 p.m. CT)
Issue Responses to Questions on Draft RFP	July 17, 2025
RSVP for Pre-Proposal Meeting	July 21, 2025 (12:00 p.m. CT)
Pre-Proposal Meeting (optional attendance)	July 29, 2025 (10:00 a.m. CT)
Issue Final RFP	August 6, 2025
Letters of Interest Due	August 12, 2025 (12:00 p.m. CT)
Deadline to Submit Questions on Final RFP	August 12, 2025 (12:00 p.m. CT)
Issue Responses to Questions and Addendum 1 (if required)	August 19, 2025
Proposal Due Date	September 5, 2025 (12:00 p.m. CT)
Proposer Interviews	October 1-2, 2025
Highest Ranked Proposer Announced	October 10, 2025

Activity	Anticipated Date
CM/GC Master Contract Executed	October 24, 2025

All dates set forth above and elsewhere in this RFP are subject to change, in NDOT's sole discretion. Changes to dates will be communicated to Proposers.

2.4 Rules of Contact

The rules of contact remain in effect until the identification of the Highest Ranked Proposer or until the formal cancellation of the procurement by NDOT. The Proposer shall comply with all applicable Laws and refrain from lobbying any governmental authority in connection with the procurement process.

Contact includes face-to-face, telephone, facsimile, electronic mail (e-mail), social media, instant messages, texts, or formal written communication.

No employee, member, agent, advisor, or consultant of any Proposer, or Major Participants may undertake any ex-parte communications, directly or indirectly, regarding this procurement with any other Proposer or representative of NDOT, or FHWA, including staff, advisors, contractors, or consultants, except for communications expressly permitted by this ITP.

Proposers may contact stakeholders regarding the Project, including employees, representatives, members and consultants of stakeholders only after receiving prior written approval from NDOT. Requests for such contact shall be submitted in writing to NDOT's Authorized Representative.

The list of stakeholders for this Project includes the following:

- Environmental regulatory and permitting agencies
- Utility owners along the project corridor
- City of Omaha, NE

Any official information regarding the Project will be in writing and signed by NDOT's Authorized Representative.

2.5 Questions and Responses Regarding the RFP

The Proposer may submit questions and request written clarifications using Form H (Proposer Questions) prior to the dates specified in Section 2.3. In completing Form H, the Proposer shall specify the relevant document (e.g., the ITP, Master Contract, Form of Preconstruction Services Amendment, etc.), including the relevant page and section number, for reference. The Proposer is encouraged to submit all questions at one time and in one submission.

The Proposer shall submit any questions or requests for clarification regarding the terms of the RFP that Proposer considers ambiguous, contrary to legal requirements applicable

to the procurement, and items which appear to exceed NDOT's authority. Failure to identify such terms and items during the question-and-answer period shall signify a waiver of the Proposer's rights to protest such terms that the Proposer considers ambiguous, contrary to legal requirements applicable to the procurement, and items which appear to exceed NDOT's authority.

NDOT will only consider questions submitted using Form H via email to the NDOT Authorized Representative in accordance with the requirements described below. All communication with respect to questions regarding the RFP between NDOT and the Proposer shall be in writing.

NDOT will consider questions in issuing the final RFP and, if required, Addendum 1. NDOT evaluates all questions or requests submitted and may elect, at its discretion, to respond to questions through written responses. Responses to questions will be issued on the date specified in the Procurement Schedule. NDOT will post any or all answers to Proposer questions for all Proposers without any Proposer identification.

Any written responses to questions given by NDOT will be for the information of the Proposer only and will not become part of the Contract except to the extent that NDOT, in its discretion, may incorporate the substance of a response into, as appropriate, the RFP, whether in the final RFP issuance or by means of an Addendum to the RFP.

2.6 Letters of Interest

All interested parties shall, on or before the date listed in the Procurement Schedule, submit a Letter of Interest, attention Kyle.Keller@nebraska.gov, identifying, at a minimum, the name of the firm representing the Proposer and a Point of Contact (POC). The Letter of Interest is not intended to be a proposal or statement of qualifications, but simply a vehicle to communicate interest in the Project. The Letter of Interest shall not exceed one page in length. The email shall include "Saddle Creek Road Bridge Letter of Interest" in the subject line.

The POC is responsible for initiating and receiving all communication with NDOT and shall delegate the full authority of the Proposer to communicate with NDOT throughout the procurement process. The POC may be changed upon request.

Proposers not submitting a Letter of Interest by the due date are prohibited from participating in the procurement process.

2.7 Pre-Proposal Meeting

A Pre-Proposal Meeting will be held at the following location at the date and time listed in the Procurement Schedule. Attendance at the Pre-Proposal Meeting is not mandatory but highly encouraged. **Attendance is limited to two representatives per Proposer team.** Please RSVP via email to the Project's Authorized Representative.

NDOT Headquarters
1500 Nebraska Parkway
Lincoln, NE 68502

This meeting introduces all potential Proposers to the CM/GC delivery method, provides an overall Project introduction, and enables the potential Proposers to ask and receive answer questions about the Project, the procurement process, and the CM/GC delivery method.

NDOT plans to respond, orally or in writing, to all Proposer's questions raised at the meeting. In the event NDOT determines that formal answers or a change to the RFP, specifications, or contract terms are needed, NDOT will issue formal written clarifications or an addendum in accordance with the terms of this RFP.

2.8 Confidentiality of Submitted Proposals

2.8.1 Release of Information and Open Records

All Proposals will be deemed, once submitted, to be the property of NDOT. NDOT will not disclose any portion of any Proposal prior to award to anyone outside NDOT, other than representatives of FHWA, if required.

Upon the execution of the Contract, NDOT will have the right to duplicate, use, or disclose all Proposal data, except proprietary data, submitted by Proposers in response to this solicitation as a matter of public record. Although NDOT recognizes each Proposer's possible interest in preserving selected data in a Proposal, NDOT will treat such information as provided by the Proposer pursuant to Nebraska's Open Records Act. If the Proposal contains information that the Proposer declares proprietary in nature, each sheet containing such information shall be clearly designated as proprietary at the top and bottom of the page and shall be watermarked "CONFIDENTIAL". Blanket designations that do not identify the specific information shall not be acceptable and may be cause for NDOT to treat the entire Proposal as public information.

NDOT will have the right to use all ideas, or adaptations of those ideas, contained in any received response to the solicitation. Selection or rejection of the Proposal shall not affect this right.

2.8.2 Observers During Evaluation

The Proposer is advised that observers from federal or other agencies including FHWA, as well as NDOT consultants, may observe the Proposal evaluation process and will be permitted to review the Proposals. All persons provided with access to the Proposals will maintain confidentiality of the information contained therein in accordance with NDOT policy. All scoring members will be employees of NDOT.

2.9 Protest Procedures

2.9.1 Applicability

Protests in connection with this RFP are limited to:

- A determination as to whether the Proposer's own Proposal is responsive to the requirements of this RFP, or as to whether it passes the pass/fail criteria in this RFP, as applicable. An individual Proposer cannot protest determinations made on Proposals from other Proposers.
- Selection of Highest Ranked Proposer.

2.9.2 Deadlines for Protests

Such a protest by any actual or prospective Proposer shall be filed promptly, and in any event no later than **5 business days** after receipt of the notification of either (i) non-responsiveness or failure to pass all pass/fail criteria set forth in the RFP for matters related to pass/fail and responsiveness, and (ii) selection of the Highest Ranked Proposer for selection of the Highest Ranked Proposer.

2.9.3 Content of Protest

A protest shall completely and succinctly state the grounds for protest, its legal authority, and its factual basis, and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. The protest shall also include the name and address of the protestor and the Project number. Statements shall be sworn and submitted under penalty of perjury.

2.9.4 Filing of Protest

The Proposer shall promptly notify the Authorized Representative via email of the intent to protest. Protests shall be filed by hand delivery, as soon as the basis for protest is known to the Proposer or before the deadline for protest to:

Nebraska Department of Transportation
Director's Office
1500 HWY 2
Lincoln, NE 68502

2.9.5 Burden of Proof

The protestor has the burden of proving its protest by clear and convincing evidence. Any Proposer submitting a protest shall respond to reasonable information requests from NDOT relating to the protest and applicable subject matter. The protest shall be decided on the basis of written submissions and no Proposer shall have any right to a hearing or oral presentation regarding the applicable protest.

2.9.6 Decision on the Protest

NDOT will promptly issue a decision in writing. A copy of that decision will be mailed or otherwise furnished to the aggrieved party and will state the reason for the decision. The decision by the Director of the Nebraska Department of Transportation shall be final.

2.9.7 Protestor's Payment of Costs

If a protest is denied or otherwise unsuccessful, the Proposer filing the protest shall be liable for, and shall indemnify, defend and hold NDOT harmless from and against, all costs reasonably incurred to defend against or resolve the protest, including attorneys' fees and other legal and consultant fees and costs, and any unavoidable damages sustained by NDOT as a consequence of the protest.

2.10 Organizational Conflicts of Interest

An organizational conflict of interest for this Project shall be understood as the participation by a Major Participant, or an affiliate of any Major Participant, on more than one Proposer team. Major Participants include the Lead Contractor firm, Key Personnel firms, and the firms of any other contractors named in the Proposal. With respect to the Proposer, the term "affiliate" shall mean any other organization that is under common ownership with the Proposer.

The Proposer shall include a full disclosure of all potential organizational conflicts of interest, 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 (the Rules).

The Proposer is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement process with anyone with an organizational conflict of interest.

The Proposer and each Major Participant identified on Form B (Major Participants) shall disclose all conflicts of interest, including all present or planned contractual arrangements with NDOT's project management team in Form C (Proposer and Major Participants Certification).

By submitting a Proposal, each Proposer agrees that, if an organizational conflict of interest (as defined in the Rules) is thereafter discovered, the Proposer must make an immediate and full written disclosure to NDOT 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, NDOT may, at its discretion, cancel the procurement, disqualify any Proposer with a conflict or take other action as necessary to mitigate the conflict. 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 NDOT, NDOT may pursue remedies under the Contract including termination of the Contract for default.

2.11 Ineligible Individuals and Firms

No entity that has been disbarred or suspended from bidding or is otherwise ineligible for state or federal contracts may participate on any Proposer team.

At the time of submitting its Proposal, the Proposer and each Major Participant identified on Form B (Major Participants) shall certify on Form C (Proposer and Major Participants Certification) that it is not presently debarred, suspended, proposed for debarment, voluntary excluded, or disqualified from bidding by any federal or state agency.

The following firms are not allowed to participate on any Proposer Team due to a conflict of interest:

- American Structurepoint, Inc.
- Garver, LLC
- Olsson, Inc.
- HDR, Inc.

2.12 Key Personnel Changes

By listing Key Personnel in the Proposal on Form G (Key Personnel Experience), the Proposer agrees to make the listed personnel available to complete the Work under this Contract for both the Preconstruction Services and Construction Services.

The Proposer acknowledges that NDOT is relying on Key Personnel for completing the Work under this Contract. Modifications to the Proposer's team or the Key Personnel and other personnel listed in the Proposal shall require a written request to NDOT. The written request shall provide, for any new or substitute entity or personnel, the same information required under this RFP to establish that the Proposer remains qualified to participate in the RFP or for the selection determination made under this RFP. NDOT may revoke the Contract if any Key Personnel is removed, replaced, or added to without NDOT's written approval.

2.13 Qualification to Do Business

As of the Effective Date of the Contract, the Contractor and all Major Participants must be authorized to do business in the State of Nebraska.

Each Proposer, including any Proposer submitting a Proposal as a joint venture, and all Major Participants must be authorized to do business in Nebraska and prequalified with the Construction Division (as provided in Nebraska Revised Statutes §§39-1351 and 1352 and NDOT Rules and Regulations Title 49 Section 002) in an amount deemed by NDOT to be sufficient to carry all Preconstruction Services Work and the Construction Services Work anticipated in this Project.

Any Proposer and Major Participant that is currently prequalified with the Construction Division must certify, in a letter, signed by the President, Chief Executive Officer, Chief Financial Officer, Treasurer, or equivalent position, in each case authorized and empowered to certify on behalf of its company, dated no earlier than **14 days** prior to the deadline for submission of the Proposal, as described on the website, certifying that:

- No material change has occurred in the respective entity's financial position since the date of its most recent prequalification by NDOT.
- No voluntary or involuntary bankruptcy, insolvency, liquidation, restructuring, suspension of payments, scheme or arrangement, appointment of provisional liquidated, receiver, or administrative receiver, resolution or petition for winding-up or similar proceeding, under any applicable law, in any jurisdiction, is imminent or threatened.
- Its financial position does not reflect any material contingent liabilities (including off-balance sheet liabilities), unusual forward or long-term commitments, and that, if a Proposer is ultimately selected as the "Highest Ranked Proposer" (with its then-identified CM/GC team), the entity has sufficient financial capacity, strength, and ability to carry out the Project responsibilities for the Project.

Any Proposer that is not currently prequalified must submit an application and be prequalified at the time of submission of the Proposal. NDOT requests the Proposer submit the application at least **14 days** prior to the date for submission of the Proposal.

Additional information for prequalification requirements can be found using the link below:

<https://dot.nebraska.gov/business-center/business-opp/hwy-bridge-lp/prequal/>

2.14 Non-collusion

The Proposer agrees upon submitting a Proposal that its agents, officers and employees have not directly or indirectly entered into any agreements, participated in any collusion, or otherwise taken any actions in restraint of free competitive bidding in connection with its Proposal for the Project.

3 PROPOSAL SUBMITTAL REQUIREMENTS

3.1 General Submittal and Format Requirements

NDOT must receive Proposal submittals no later than the time and day specified in Section 2.3 (Procurement Schedule). Late submittals will not be considered.

NDOT has established a SharePoint site for the purpose of receiving Proposals and will provide access instructions in separate communication.

The Proposer shall submit only PDF files of the Proposal. The PDF files shall be searchable and include bookmarks aligned with the organization described in Section 3.2 to facilitate navigation of the document.

All pages of the Proposal (with the exception of the organization chart described in Section 3.2.1 (General Organization and Approach) shall be 8.5-inch by 11-inch, with a margin of no less than one inch provided on all pages (excluding header/footer text). Margins on forms provided by NDOT shall not be modified. Font shall be Arial. Minimum font size shall be 11-point; however, 10-point text is permissible on charts, graphs, and tables. Use of section dividers is allowed and dividers will not count against the total page count.

The Proposer acknowledges that uploaded Proposals cannot be modified; however, prior to the date and time specified in Section 2.3, revised versions of the Proposal may be uploaded to SharePoint. Revised versions, if required, shall be clearly identifiable as resubmissions, and Proposers shall notify the Authorized Representative, via email, of the appropriate version to use.

NDOT will not accept any unsolicited addenda, revisions, or alterations to any Proposal after the Proposal Due Date. Proposer may withdraw its Proposal at any time prior to execution of the Contract by providing written notice to the Authorized Representative.

3.2 Contents of Proposal

The contents of the Proposal shall consist of two parts and organized into the order set forth in this Section 3.2 and Section 3.3.

Part 1 shall consist of responses to the requirements in Section 3.2 and **Part 2** shall consist of the required forms listed in Section 3.3. **Part 1 shall not exceed 15 pages. Part 2 is not included in the page count.**

The Proposer shall provide one electronic copy of the Proposal to NDOT by uploading to the SharePoint site that has been established for receipt of Proposals.

The parts of the Proposal shall be named using the following naming convention:

[Proposer Name]_[Saddle Creek]_Part 1

[Proposer Name]_[Saddle Creek]_Part 2

The requirements and information to be submitted are described below.

3.2.1 General Organization and Approach

The Proposer shall provide an organizational chart showing the organization and communication structure of the Lead Contractor firm, Key Personnel firms, and the firms of any other contractors named in the Proposal (collectively, Major Participants). The organizational structure must show and briefly describe how the Contractor's team will interface with NDOT, the EOR and ICE during the Preconstruction Phase of the Project. This information shall be submitted in a one-page organization chart in 11-inch by 17-inch format (**not included in the page count**).

3.2.2 Firm Experience

The Proposer shall provide a narrative detailing capacity and the project experience of the Major Participants and how that experience can be leveraged on the Project to help achieve NDOT's Project goals listed in Section 1.4 (5 pages).

For each project, the Proposer shall describe how a collaborative environment was maintained between project team members to deliver the project successfully and provide examples where the Lead Contractor or other team members added value either through the introduction of innovative strategies, use of effective risk management, or contract management strategies, such as cost and schedule controls.

In addition, using Form F (Firm Experience), following the instructions provided, list the project experience for the Major Participants. Experience shall include projects of similar size, scope and complexity to the Project.

3.2.3 Key Personnel Experience

The Proposer shall provide a narrative describing the project experience of the Key Personnel listed below and how that experience can be leveraged on the Project to help achieve NDOT's Project goals listed in Section 1.4. The narrative shall not exceed **4 pages**, which is limited to **1 page** for each of the four identified Key Personnel. The same individual may fill more than one Key Personnel position; however, a separate form and résumé (Forms G and G-1) is required for each position.

Key Personnel requirements and responsibilities:

- **Project Manager:**
 - Minimum of 10 years' experience in construction and management of construction of highway or bridge projects. This individual must have experience working on similar bridge projects and the ability to manage and work closely with team partners, including subcontractors.

- Must hold a full-time position within the Contractor's organization with authority to make decisions affecting every aspect of the Project.
- Responsible for managing and coordinating the Contractor's involvement during the Preconstruction Phase.
- Responsible for overall construction, contract administration, safety, quality, and environmental compliance on behalf of the Contractor during the construction phase.
- Shall act as the single point of contact on all matters on behalf of the Contractor.
- **Construction Manager:**
 - Minimum of 10 years' experience in construction and construction management on highway and bridge projects. This individual must have experience working on similar bridge projects.
 - Responsible for managing constructability reviews and collaborating constructability inputs with the project team, including subcontractors, during the pricing process to develop OPCC at each of the pricing milestones. This individual must demonstrate the ability to forge and maintain successful partnerships and relationships with subcontractors.
 - Responsible for ensuring that the Project is constructed in accordance with the Contract Documents.
 - Responsible for coordinating with the NDOT PM to resolve any construction-related issues that occur during the Construction Phase.
- **Lead Estimator:**
 - Minimum of 5 years' experience preparing production-based construction costs estimates, managing risk, and managing construction schedules for projects with similar scope and complexity.
 - Responsible for developing the Contractor's OPCC at each of the Pricing Milestones and for complying with the open-book process, as well as coordinating with NDOT and the ICE to help reach agreement on pricing assumptions.
 - Shall assist NDOT in managing the Risk Register, providing input on the Project Schedule, and coordinate with the Contractor and Designer in regard to managing and mitigating risks.
- **Project Controls Manager:**
 - Minimum of 5 years' experience performing duties described below on projects of similar size and complexity.

- Responsible for quality control, cost control, contract compliance, document control, and scheduling.

3.2.4 Preconstruction Services Approach

The Proposer shall develop a narrative that describes how it intends to work with all individuals involved in the project to collaboratively achieve NDOT's Project goals listed in Section 1.4. The description of the Proposer's Preconstruction Services approach shall be limited to **6 pages**. The Proposer shall describe how it intends to:

- Capitalize upon the benefits of CM/GC delivery through collaboration with NDOT and the EOR early in the project development process.
- Organize its team to foster partnerships and relationships between team members and subcontractors for the successful delivery of the Project.
- Coordinate with NDOT, its representative, and the EOR to assist in development of a Project design that incorporates innovative and alternative designs to optimize project delivery.
- Provide open and transparent pricing, including its approach for competitively soliciting subcontractor quotes. List anticipated major cost components for the Project and the approach to obtaining optimal pricing for the identified major cost components.
- Employ the risk management process with NDOT and the ICE to effectively mitigate impacts of potential risks and allocate cost contingency to the remaining risk items in the Risk Register.
- Implement project control measures for schedule management to optimize the construction schedule as a part of the materials provided at each Pricing Milestone. Describe potential schedule risks and events that may control the overall Project schedule.

3.3 Forms

The Proposer shall include the following forms in **Part 2** of the Proposal.

- Form A (*Proposal Letter*)
- Form B (*Major Participants*), as further described in Section 3.3.2 (*Major Participants*)
- Form C (*Proposer and Major Participants Certification*)
- Form D (*Surety Letter*) as further described in Section 3.3.1 (*Surety Letter*)
- Form E (*Personnel Work Assignment Commitment of Availability*)
- Form F (*Firm Experience*)
- Form G (*Key Personnel*)

- Form G-1 (*Key Personnel Résumé Instructions*), as further described in Section 3.3.3 (Key Personnel Experience)
- Form H (*Proposer Questions*)
- Form I (*Affidavit of Authorizations and Representations*)

All required attachments relevant to each form.

3.3.1 Surety Letter

The Proposer shall include in Part 2 of the Proposal a letter from a Surety or insurance company in the form of Form D (Surety Letter). The surety letter shall indicate that the Surety has reviewed the Proposer's and relevant entities' financial statements, works in progress, and other applicable information, and is of the opinion that the Proposer could obtain a Contract Bond in an amount of **\$10 million**.

If the Contractor is to be a joint venture, partnership, limited liability company, or other association, then a separate Form D shall be submitted for each member or partner with respect to which the Surety is certifying to the entity's bonding capacity.

The surety letter shall indicate that, based on the information reviewed, the Surety has reasonable assurance that the Proposer understands the bonding requirements of CM/GC delivery. Furthermore, the Surety shall expressly agree and acknowledge that if the Proposer is selected as the Highest Ranked Proposer, the Surety shall perform further diligence about whether they can offer the payment and performance bonds required to be provided by the Contractor under the Contract. Letters indicating "unlimited" bonding capability are not acceptable.

The Contract Bond, which guarantees payment and performance for all Construction Services in accordance with Section 6 of the Construction Services Amendment (Payment and Performance Security), shall be in place for the Highest Ranked Proposer at the time the Construction Services Amendment GMP is executed.

3.3.2 Major Participants

The Proposer shall provide a list of Major Participants in the form of Form B (Major Participants). Major Participants include the Lead Contractor firm, Key Personnel firms, and the firms of any other contractors named in the Proposal. All Major Participants identified on Form B shall be subject to the requirements of the Contract, including being subject to Open Book Basis pricing requirements. Pursuant to the Contract, engagement and selection of subcontractors after execution of the Contract is subject to competitive selection and NDOT approval.

3.3.3 Key Personnel Experience

The Proposer shall provide the information for each Key Personnel requested on Form G and include a résumé for each Key Personnel using the instructions in Form G-1. It is the responsibility of the Proposer to verify the accuracy of the contact information provided

on Form G-1. If experience cannot be validated by the NDOT due to inaccurate contact information, the experience will not be considered in the evaluation of Proposals. Project representatives shall be owners or clients for whom the Key Personnel performed the work on the respective project.

4 PROPOSER EVALUATION AND SELECTION PROCESS

NDOT will evaluate each Proposer based on its responses to the Proposal and Interview factors and subfactors listed in this Section 4.

4.1 Proposal Responsiveness and Pass/Fail Evaluation

NDOT will review each Proposal to confirm that it is responsive. A responsive Proposal shall be complete and shall not deviate from the ITP requirements listed in Section 3 (Proposal Submittal Requirements) in any material respect.

Following NDOT's determination of responsiveness, NDOT will evaluate each Proposal based upon each of the following pass/fail criteria:

- The Proposer has presented evidence showing the makeup of its organization and evidence that its organization has the legal ability to enter into and perform the Contract Work.
- The Proposer and Major Participants identified on Form B (Major Participants) are not currently suspended, debarred, voluntarily excluded, or disqualified from performing or bidding on work for any federal or state agency.
- The information disclosed in Form C (Proposer and Major Participants Certification) does not, in NDOT's sole determination, materially adversely affect the Proposer's ability to carry out its contractual responsibilities related to the Project.
- The Proposer demonstrates, in NDOT's sole determination, that it is capable of obtaining a Contract Bond in the amount set forth in Section 3.3.1 (Surety Letter).

A Proposal that does not achieve a "pass" rating on any pass/fail element will be deemed unacceptable and will not progress to further evaluation and scoring.

4.2 Proposal Evaluation Factors

The Proposal evaluation factors are as follows:

- Experience of the Firms
- Key Personnel Experience
- Preconstruction Services Approach

4.3 Proposal Evaluation Subfactors

4.3.1 Experience of the Firms

Firm experience will be evaluated based on the extent to which the Proposer's documented experience for the firms demonstrates:

- Alignment with the goals of the Project.

- Relevance to the size, complexity, and composition of the Project.
- Implementation of schedule, cost and quality controls to improve the likelihood of successful Project delivery.
- Collaboration with owners to develop and implement cost-saving and value-added concepts, innovative designs, methods, or materials.

CM/GC experience is not required, and preference will not be given in the evaluation to such experience. NDOT will consider all relevant firm experience that demonstrates the likelihood of successful project delivery in its evaluation and scoring.

4.3.2 Key Personnel Experience

Key Personnel Experience will be evaluated based on the extent to which the Proposer's documented experience for the Key Personnel demonstrates:

- How the Key Personnel meet or exceed requirements for qualifications and experience.
- How the experience of each Key Personnel includes work of a similar scope, nature, and complexity as the Project.
- A history of commitment to collaboration among all parties.

4.3.3 Preconstruction Services Approach

The evaluation of the Proposer's Preconstruction Services approach will be based on the extent to which the Proposer demonstrates:

- An understanding of the Project and alignment of the approach with the Project goals listed in Section 1.4.
- An understanding of key aspects of CM/GC delivery including the Contractor's role in advancing the Project design at each pricing milestone, likely Project cost and schedule risks at each pricing milestone, and understanding of the GMP process and open book pricing transparency.
- An understanding or experience communicating pricing assumptions and working through pricing differences with an owner (and its ICE, if applicable).
- An understanding of the importance of establishing and maintaining an organizational team structure that facilitates coordination and collaboration among the parties involved in the Project in a manner that is aligned with CM/GC delivery.
- An understanding of the technical expertise and management approaches that will increase the likelihood of Project success.

4.4 Requests for Proposal Clarification

NDOT may issue one or more proposal clarification requests to Proposers requesting additional information or clarification related to information presented in the Proposal. The

request will include a timeframe within which the Proposer shall respond. If a response in the time allotted is not possible, the Proposer shall immediately request additional time and include a reason why the timeframe is inadequate and propose an alternative deadline. Failure to communicate may result in exclusion from further consideration.

4.5 Interview Evaluation

4.5.1 General Requirements

As part of the evaluation and scoring process, NDOT will conduct a mandatory interview with each of the Proposers that submit a Proposal. Failure of a Proposer to appear at the interview is considered non-responsive, and the Proposer will be eliminated from any further consideration.

The Proposer's Key Personnel shall attend and participate in the interview. Attendance at the interview is limited to six individuals.

The purpose of the interview is to provide an opportunity for the Proposer to demonstrate the Proposer's willingness and ability to partner with NDOT to successfully deliver NDOT's first CM/GC projects and effectively demonstrate and communicate why NDOT should select the Proposer as the Contractor for the Project.

NDOT plans to arrange the specific interview times and location, notifying the Proposer in advance of its time to interview. NDOT will schedule interview times on a random basis based on the number of Proposals received.

The interviews are anticipated to be held in-person at NDOT's Headquarters in Lincoln, Nebraska. The interview will last 55 minutes and will consist of a 30-minute presentation from the Proposer followed by a 25-minute question and answer period. All Proposers will be asked the same questions. Questions will be asked either to specific Key Personnel or to the team as a whole.

4.5.2 Presentation Contents

The Proposer shall develop a presentation describing the overall construction management approach for the Project including:

- How the management approach will be tailored to achieve the Project goals listed in Section 1.4.
- The Proposer's approach to managing the construction phasing of the bridge work.
- How the Proposer intends to structure its team to promote partnering and collaboration with NDOT and its subcontractors to deliver the Project on time, within budget, and to the highest quality standards.
- The Proposer's subcontracting approach, including:
 - Approach to openness and transparency in the subcontracting solicitation and selection process.

- The scope of work the Proposer intends to subcontract.
- Procedure to manage subcontracting and subcontractor performance.
- Approach to tracking, documenting, and ensuring compliance with DBE, OJT, and other equal employment opportunities requirements. Please note that, at the time of the Proposal due date, the DBE percentage and OJT hour requirements might not be available.
- The Proposer's approach to cost, schedule, and quality management.

4.5.3 Question and Answer Session

The Proposer will be asked to answer questions related to its construction management approach, such as:

- How your team's skills and resources and lessons from other bridge projects of similar scope, size and complexity can be leveraged to successfully deliver the Project.
- How your construction management approach intends to meet the Project's goals and mitigate Project risks encountered during construction.
- What process or best practices the Proposer intends to implement for effective collaboration and partnering with NDOT and other project team members, including subcontractors.
- How you intend to manage construction phasing and minimize impacts to traffic and the environment.

4.5.4 Interview Evaluation Factors

The Interview evaluation factors are as follows:

- Construction Services Approach

4.5.5 Interview Evaluation Subfactors

The evaluation of the interview presentation and responses to questions will be based on the extent to which the Proposer demonstrates:

- An understanding of the Project and alignment of the construction management approach with Project goals.
- An understanding of how the organizational team structure and approach to managing subcontractors will facilitate coordination and collaboration among the parties to successfully deliver the project.
- An understanding of the expertise and management approaches that will increase the likelihood of Project success including implementation of proposed traffic

management approaches to minimize project impacts on the travelling public and the environment.

- Communication skills.

4.6 Highest Ranked Proposer Selection

NDOT intends to identify the Proposer with the highest overall score as the Highest Ranked Proposer. NDOT will then engage with the Highest Ranked Proposer to negotiate and award the Contract. The Proposer's score is the sum of the Proposal score and the interview score. The table below shows the maximum points allocated to each category.

Distribution of Points

Evaluation Factors		Maximum Score
Proposal	Experience of the Firms	15 points
	Key Personnel Experience	35 points
	Preconstruction Services Approach	25 points
Interview	Construction Services Approach	25 points
Total		100 points

5 MISCELLANEOUS PROVISIONS

5.1 Proposer Debrief

Each Proposer that submits a responsive but unsuccessful Proposal may, within 30 days after NTP, request a debriefing. NDOT will not discuss the details of other Proposer's Proposals but will discuss the:

- Strengths and weaknesses of the unsuccessful Proposer's Proposal.
- Breakdown in scoring of the unsuccessful Proposer's Proposal.

The unsuccessful Proposer may ask questions at the debrief, but NDOT reserves the right, in its sole discretion, to not respond to any such questions. Debrief requests shall be made to NDOT's Authorized Representative.

5.2 Reserved Rights

NDOT reserves to itself all rights (which rights shall be exercised by NDOT in its sole discretion) described herein and available to it by law, including, without limitation, with or without cause, and with or without notice, the right to:

- Modify, withdraw, or cancel this solicitation in whole or in part at any time prior to the execution of the Contract by NDOT, without incurring any costs, obligations, or liabilities.
- If NDOT is unable to negotiate a satisfactory contract for Preconstruction Services with any of the ranked Proposers, NDOT may either revise the RFP and solicit new Proposals or cancel the Procurement.
- If for any reason the selected Proposer is unable or unwilling to execute the Contract, including the failure of the Proposer and NDOT to successfully complete negotiations, NDOT may then undertake negotiations with the second highest ranked Proposer and may enter into a Contract for Preconstruction Services after negotiations. If NDOT is unable to negotiate a satisfactory Contract with the second highest ranked Proposer, NDOT may undertake negotiations with the third highest ranked Proposer, if any, and may enter into a Contract for Preconstruction Services after negotiations.
- Issue a new RFP after withdrawal of this RFP.
- Accept or reject any and all submittals, responses, and Proposals received at any time, at no cost to NDOT.
- Modify the RFP process (with appropriate notice to Proposers).
- Issue addenda, supplements, and modifications to the RFP.
- Add or delete Proposer responsibilities from the information contained in the RFP.

- Require confirmation of information furnished by a Proposer, require additional information from a Proposer concerning its Proposal, and require additional evidence of qualifications to perform the Work.
- Waive any informalities, irregularities, or omissions in a Proposal, permit corrections, and seek and receive clarifications to a Proposal.
- Terminate evaluation of any Proposal, submittal, response, or proposal at any time.
- Negotiate with a Proposer without being bound by any provision in its Proposal.
- Suspend, discontinue, or terminate negotiations with any Proposer at any time, or elect not to commence negotiations with any responding Proposer and engage in negotiations with other than the highest ranked Proposer, prior to the actual authorized execution of an agreement by all parties.

NDOT assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties responding to this RFP. All such costs shall be borne solely by the Proposer.