

**Addendum 1**  
**For**  
**Financial Project Number: 424014-1-52-01; 424014-1-32-01**  
**Contract Number: E5L23**

**3**

**Cocoa-Brevard Operations Center Construction Manager @ Risk Contract**

The Request for Proposal (RFP) is amended as follows:

The RFP in its entirety has been revised adding Section 12.0 Site Visit.

Posted: April 3, 2015, 09:00AM

By: Roger Masten

Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.

Please acknowledge receipt of this Addendum 1 by completing the bottom portion and return to Catrina Wilson at [catrina.wilson2@dot.state.fl.us](mailto:catrina.wilson2@dot.state.fl.us) and Roger Masten at [roger.masten@dot.state.fl.us](mailto:roger.masten@dot.state.fl.us).

**Company Name:** \_\_\_\_\_

**Received by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Please note: Any question should be addressed in the Bid Question and Answer Website.**



ADDENDUM 1  
3April15

REQUEST FOR TECHNICAL PROPOSALS

FOR

**COCOA-BREVARD OPERATIONS CENTER  
CONSTRUCTION MANAGER @ RISK CONTRACT**

FINANCIAL PROJECT NUMBER(S)

424014-1-52-01  
424014-1-32-01

DISTRICT CONTRACT NUMBER

E5L23

FLORIDA DEPARTMENT OF TRANSPORTATION

DISTRICT FIVE

# CONSTRUCTION MANAGER @ RISK CONTRACT

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## **CONSTRUCTION MANAGER @ RISK CONTRACT**

### **ATTACHMENTS**

- 1 AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER
- 2 CONSTRUCTION CONTRACTOR AFFIDAVIT FORMS
- 3 FDOT PROCUREMENT FORMS

## **CONSTRUCTION MANAGER**

### **1.0 PURPOSE**

The Florida Department of Transportation (the "Department") requires Construction Manager @ Risk Contractor services in connection with construction of the Cocoa-Brevard Operations Center in District Five, Brevard County, Florida.

Information is necessary to complete the evaluation of each firm's ability to provide the desired services. As a result, each firm is requested to submit a Technical Proposal and appear for a Question and Answer (Q&A) Session with Department staff for the anticipated work.

### **2.0 CONSTRUCTION MANAGER FIRMS**

The following firms are being considered for this project:

Ajax Building Corporation - Maitland, FL  
Biltmore Construction - Belleaire, FL  
Charles Perry Partners, Inc. - Oviedo, FL  
Ivey's Construction, Inc. - Merritt Island, FL

### **3.0 CONSTRUCTION MANAGER SERVICES**

For a detailed description of the required Construction Manager services, refer to Attachment 1, AGREEMENT ETWEEN OWNER AND CONSTRUCTION MANAGER.

### **4.0 LENGTH OF CONSTRUCTION CONTRACT**

The Construction Manager services for the Pre-Construction and Construction Phases, as outlined in the Base Contract, shall extend for a maximum of nine (9) months for the Pre-Construction Phase and a maximum additional twenty-four (24) months for the Construction Phase. The Construction Phase will commence upon acceptance of a Guaranteed Maximum Price (GMP), as outlined in the Base Contract. The firms shall consider this requirement for their Technical Proposal and Q&A Session.

### **5.0 CONTRACT PROVISIONS AND PROPOSED METHOD OF COMPENSATION**

The following information is furnished to the Construction Manager for consideration:

#### **5.1 BASE CONTRACT**

The AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER is included as Attachment 1.

#### **5.2 CONTRACTOR'S PROTECTIVE PUBLIC LIABILITY AND PROPERTY DAMAGE LIABILITY**

The Construction Manager selected to perform the desired services must have liability insurance as defined by the Base Contract.

### 5.3 **DBE PARTICIPATION**

The Department encourages Disadvantaged Business Enterprise (DBE) companies to compete for Department construction projects, and also encourages non-DBE companies to use DBE contractors.

#### **DBE Utilization**

The Department began its DBE race neutral program January 1, 2000. **Contract specific goals are not placed on federal/state contracts**; however, the Department has an overall 9.91% DBE goal it must achieve. In order to assist contractors in determining their DBE commitment level, the Department has reviewed the estimates for this letting.

As you prepare your bid, please monitor potential or anticipated DBE utilization for contracts. When the low bidder executes the contract with the Department, information will be requested of the contractor's DBE participation for the project. While the utilization is not mandatory in order to be awarded the project, continuing utilization of DBE firms on contracts supports the success of Florida's DBE Program, and supports contractors' Equal Employment Opportunity and DBE Affirmative Action Programs.

Any project listed as 0% DBE availability does not mean that a DBE may not be used on that project. A 0% DBE availability may have been established due to any of the following reasons: limited identified subcontracting opportunities, minimal contract days, and/or small contract dollar amount. Contractors are encouraged to identify any opportunities to subcontract to DBEs.

Please contact the Equal Opportunity Office at (850) 414-4747 if you have any questions regarding this information. Forms may be downloaded at: [Error! Hyperlink reference not valid.](#)

#### **DBE Reporting**

If you are the prime contractor on a project, enter your DBE participation in the Equal Opportunity Compliance system prior to the pre-construction or pre-work conference for all federal and state funded projects. This **will not** become a mandatory part of the contract. It will assist the Department in tracking and reporting planned or estimated DBE utilization. During the contract, the prime contractor is required to report actual payments to DBE and MBE subcontractors through the web-based Equal Opportunity Compliance (EOC) system.

All DBE payments must be reported whether or not you initially planned to utilize the company. In order for our race neutral DBE Program to be successful, your cooperation is imperative. If you have any questions, please contact [EOOHelp@dot.state.fl.us](mailto:EOOHelp@dot.state.fl.us).

## **Bid Opportunity List**

The Federal DBE Program requires states to maintain a database of all firms that are participating or attempting to participate on FDOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both **DBEs and non-DBEs**.

Please complete the Bidders Opportunity List through the Equal Opportunity Compliance system within three (3) business days of submission of the bid or proposal for ALL subcontractors or subconsultants who quoted to you for specific project for this letting. The web address to the Equal Opportunity Compliance system is: <https://www3.dot.state.fl.us/EqualOpportunityCompliance/Account.aspx/Login?ReturnUrl=%2fEqualOpportunityCompliance%2f>.

## **DBE/AA Plans**

Contractors bidding on FDOT contracts are to have an approved DBE Affirmative Action Plan (FDOT Form 275-030-11B) on file with the FDOT Equal Opportunity Office before execution of a contract. DBE/AA Plans must be received with the contractors bid or received by the Equal Opportunity Office prior to the award of the contract.

Plans are approved by the Equal Opportunity Office in accordance with Ch. 14-78, Florida Administrative Code. Plans that do not meet these mandatory requirements may not be approved. Approvals are for a three (3) year period and should be updated at any time there is a change in the company's DBE Liaison Officer and/or President. Contractors may evidence adoption of the DBE/AA Policy and Plan and/or a change in the designated DBE Liaison officer as follows:

- Print the first page of the document on company stationery ("letterhead") that indicates the company's name, mailing address, phone number, etc.
- Print the company's name in the "\_\_\_\_" space; next to "Date" print the month/day/year the policy is being signed; record the signature of the company's Chief Executive Officer, President or Chairperson in the space next to "by" and print the full first and last name and position title of the official signing the policy.
- Print the DBE Liaison's full name, email address, business mailing address, and phone number the bottom of email.

Email the completed and signed DBE AA Plan to: [eeoforms@dot.state.fl.us](mailto:eeoforms@dot.state.fl.us).

The Department will review the policy, update department records, and issue a notification of approval or disapproval; a copy of the submitted plan will not be returned to the contractor.

## **5.4 DBE AND NON-DBE SMALL BUSINESS ASPIRATION GOAL**

It is the policy of the Department to encourage the participation of small businesses and DBEs in all facets of the business activities of the Department, consistent with applicable laws and regulations. The Department has established an aspiration

goal of ten percent (10%) DBE usage and an additional three percent (3%) non-DBE small business usage for the subject project. Firms proposing for this project shall aspire to have ten percent (10%) or more of the total contract costs performed by DBEs, and an additional three percent (3%) or more of the total contract costs performed by non-DBE small businesses. Although not a contract requirement, the Department believes that the aforementioned aspiration goal can realistically be achieved based on current availability of DBEs and small businesses. The Department further believes that the thirteen percent (13%) overall goal can be achieved through race neutral means, using standard competitive procurement processes. Pursuant to the provisions of Section 339.0805, Florida Statutes, and Rule 14.78.005, Florida Administrative Code, the Department has adopted rules to provide certified DBEs opportunities to participate in the business activities of the Department as vendors, contractors, subcontractors, and consultants. The Department has adopted the DBE definition set forth in Code 49 of Federal Regulations Section 26.5. The Department's DBE directory may be found at the following website: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp> Firms agree to apply their best efforts to utilize qualified non-DBE small businesses as vendors, contractors, subcontractors, and consultants for the project. Qualifications for small businesses may be found at the following website: <http://www.dot.state.fl.us/EqualOpportunityOffice/sizeStandards.shtm> Firms will submit the [Aspiration Goal Form for "DBE" and "Non-DBE Small Business" Firms](#) at the Pre-Construction Conference.

## **5.5 METHOD OF COMPENSATION**

The Construction Manager shall be compensated in accordance with terms defined in the Base Contract.

## **6.0 TECHNICAL PROPOSAL**

The Construction Manager being considered for this project is required to submit a Technical Proposal. The Technical Proposal shall include sufficient information to enable the Department to evaluate the technical capability of the Construction Manager to provide the desired services. The proposal shall be significant to the project as detailed in the Basis of Design attached to the Base Contract. The Technical Proposal shall be limited to ten (10) pages.

### **6.1 TECHNICAL PROPOSAL TOPICS AND SCORING VALUE**

#### **6.1.1 PROJECT STAFFING STRATEGY AND RELATED EXPERIENCE**

0-25 Points

The Construction Manager shall explain the organization of its team, functional responsibility of each member, name of the Project Manager, and names and roles of key personnel. The Construction Manager shall discuss the staffing quality and availability along with experience on similar projects. The Construction Manager shall present the staff experience on similar projects and what uniquely qualifies them to successfully perform the work specifically outlined in the Base Contract. This includes discussion of past projects of similar nature that demonstrate this pertinent experience.

**Any individual proposed at the time of the Technical Proposal who is not employed by the Construction Manager (or proposed subcontractor) will not be considered during evaluation or selection as part of the project team.**

**6.1.2 UNDERSTANDING OF THE PROJECT**

0-10 Points

The Construction Manager shall demonstrate their understanding of the scope of services and of any unique issues involved in the project, including knowledge of the site and local conditions.

**6.1.3 PROJECT APPROACH**

0-15 Points

The Construction Manager shall present their approach for the project. The Construction Manager shall discuss unique concepts and cost saving suggestions, their quality control plan, and the reasonableness of the proposed schedule based on the quantity of the personnel available. The Construction Manager shall discuss their proposed method for maintaining coordination between their own staff, subcontractors, the project designer, the Department, and other government or non-government agencies.

**6.1.4 INNOVATIONS**

0-10 Points

The Construction Manager shall discuss innovative ideas and approaches to the project that can enhance the success of the project's quality, cost, and schedule. Concepts may include cost effective ideas such as possible relocation of the Owner's operation to a remote site to facilitate project phasing.

**6.1.5 SCHEDULE**

0-10 Points

The Construction Manager shall present their proposed schedule for both the Pre-Construction and Construction Phases. It is the desire of the Department to minimize the number of construction phases and disruption to the existing facility, which is to remain operational throughout the life of this project.

**6.1.6 DESIGN PLANS REVIEW, EVALUATION, AND RECOMMENDATIONS**

0-15 Points

The Construction Manager shall present their project review and QA/QC approach. The Construction Manager shall discuss their methodology for working in concert with the designer on all project issues. This shall include frequency estimates, reviews, staff requirements (Department and Construction Manager), required meetings, meeting format, and turnaround time.

### **6.1.7 INOVATIVE ENGINEERING, GMP, AND BIDS**

0-15 Points

The Construction Manager shall demonstrate effective innovative engineering concepts used to deliver a GMP that maximizes budget and is in close relation to bid pricing. The Construction Manager shall provide history of budget, GMP, and bid price correlation.

No actual bid or project pricing information may be included in any section of the Technical Proposal.

## **6.2 COPYRIGHTED MATERIAL**

Copyrighted material will be accepted as part of a proposal only if accompanied by a waiver that will allow the Department to make paper and electronic copies necessary for the use of Department staff and agents. It is noted that copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Therefore, such material will be subject to viewing by the public, but copies of the material will not be provided to the public.

## **7.0 QUESTION AND ANSWER (Q&A) SESSION**

Each shortlisted firm will be required to participate in a Q&A Session. The session will not constitute “discussions” or negotiations. The Construction Manager will not be permitted to ask questions of the Department except for clarification purposes. The following is a list of ground rules for the Q&A Session.

### **7.1 QUESTIONS**

Each Construction Manager will be provided a list of questions to review for five (5) minutes just prior to the start of the Q&A Session. The Construction Manager will remain in the same room as the Technical Review Committee (TRC) and Professional Services Unit (PSU) staff when reviewing the questions. The Construction Manager may not leave the room to review the questions. The five (5) minutes for reviewing questions is not counted as part of the Q&A Session time. Introductions of Construction Manager staff and Department staff are also not counted as part of the Q&A Session time.

### **7.2 TIME LIMIT**

Sessions are limited to forty-five (45) minutes total, inclusive of Construction Manager opening statement, Q&A, follow-up clarifying questions, and Construction Manager closing statement (only if time permits). The PSU shall be the timekeeper, and is responsible for ensuring the Construction Manager firm adheres to the forty-five (45)-minute time limit. Each Construction Manager may make an opening statement of approximately five (5) minutes. The opening statement shall not be separately timed. The session may conclude early if less time is actually required. If time permits, the Construction Manager is allowed five (5) minutes for a closing statement. If the forty-five (45) minutes allocated for the session elapses before the closing statement is made, the Construction Manager is not permitted to give a closing statement.

**7.3 FOLLOW-UP QUESTIONS**

Follow-up questions may be asked of a given Construction Manager to clarify a Construction Manager's response to a standard question. Clarifying questions may necessarily vary between Construction Manager firms.

**7.4 ATTENDANCE**

A maximum of six (6) attendees per Construction Manager firm is permitted. The Department has the discretion to specify persons that should attend from the Construction Manager firms. The Construction Manager's Key Persons are encouraged to attend the Q&A Session.

**7.5 PRESENTATION MATERIAL**

Firms may bring in note cards or notepads during the interview. Firms are not permitted to share the note cards and notepads with the TRC. No computer or electronic devices are allowed. No handouts or leave-behinds are allowed. The Construction Manager may bring one (1) unaltered aerial plot, 24"x36" maximum, for use during the session. No other visual aids are allowed.

The order in which the Construction Managers will attend will be determined by random drawing at the Question Development Meeting.

**7.6 SCHEDULE OF SESSIONS**

The Q&A Sessions are scheduled for April 27, 2015, in the Cypress Conference Room of the District Five Office, located at 719 South Woodland Boulevard, Deland, Florida, 32720.

The presentations, drawn randomly by the Procurement Unit, will be in the following order:

Q&A Session No. 1	<u>Ivey's Construction, Inc.</u>	8:30-9:15 am
Debriefing Session No. 1		9:15-10:00 am
Q&A Session No. 2	<u>Charles Perry Partners, Inc.</u>	10:00-10:45 am
Debriefing Session No. 2		10:45-11:30 am
Q&A Session No. 3	<u>Biltmore Construction Co., Inc.</u>	1:00-1:45 pm
Debriefing Session No. 3		1:45-2:30 pm
Q&A Session No. 4	<u>Ajax Building Corporation</u>	2:30-3:15 pm
Debriefing Session No. 4		3:15-4:00 pm

## **8.0 DEADLINE FOR QUESTIONS**

All technical and administrative questions should be directed to the Department's Bidders Question and Answer site located at: <https://www3b.dot.state.fl.us/BidQuestionsAndAnswers/Proposal.aspx/SearchProposal>.

The Department will respond to questions received up to the date shown in the advertisement. Questions posted to the Bidders Question and Answer site after that date will be responded to at the Department's discretion.

All technical and administrative questions shall be submitted to this site only.

## **9.0 CONSTRUCTION MANAGER SELECTION**

Following the Q&A Sessions, the Selection Committee shall meet, as advertised, to discuss the technical scoring, capabilities, and presentations of the Construction Managers. At the discretion of the Committee, other persons may be requested to provide information at the meeting. The Selection Committee will review the scores and adjust the points as it deems appropriate and determine the intended Award. The Award will become final in accordance with Florida Statutes.

In addition to the TRC presentation evaluation, other items, which the Selection Committee and TRC may consider and weigh during the selection process, are as follows:

- A. ADEQUACY OF MANAGEMENT STAFF
- B. ADEQUACY OF TECHNICAL STAFF
- C. CURRENT OR PROJECTED WORK LOAD
- D. RECENT OR CURRENT EXPERIENCE
- E. PROPOSED OFFICE LOCATIONS
- F. QUALITY CONTROL
- G. UNDERSTANDING OF PROJECT
- H. ADEQUACY OF PROPOSED SCHEDULE (MILESTONES)
- I. STAFFING PLAN
- J. PROPOSED USE OF DBE-CERTIFIED CONTRACTORS
- K. UNIQUE CONCEPTS

Immediately after the selection, the Construction Manager shall be notified of the selection ranking. Notification shall also be published on the Department's internet home page: [http://www.dot.state.fl.us/contractsadministrationdistrict5/FCO/FCOContracts\\_CM@Risk.shtm](http://www.dot.state.fl.us/contractsadministrationdistrict5/FCO/FCOContracts_CM@Risk.shtm).

## **10.0 CONTRACT DISCUSSIONS AND NEGOTIATIONS**

Contract discussions shall be initiated with the Construction Manager ranked No. 1 by the Selection Committee. The No. 1 ranked Construction Manager shall attend a Base Contract Clarification Meeting with representatives of the Department to discuss the Base Contract and work effort for the desired services identified herein, and the manpower effort required to accomplish same. The selected Construction Manager's Project Manager will take minutes of the meeting and "red line" the Base Contract in accordance with the discussions. A copy of the minutes will be submitted to the Department's Project Manager and the Department's Contract Administrator. Negotiations will be scheduled upon conclusion of the Base Contract Clarification Meeting. Instructions regarding submittals will be given by the District's Contract Administrator after selection has been made.

Should the Department be unable to successfully negotiate a contract with the No. 1 ranked Construction Manager, the Department shall begin negotiations with the next ranked Construction Manager, who shall then become the No. 1 ranked Construction Manager.

It is anticipated the contract will be executed on or about May 11, 2015.

**ACTUAL COMMITMENT AND FINAL EXECUTION OF THIS CONTRACT IS CONTINGENT UPON AN APPROVED LEGISLATIVE BUDGET AND AVAILABILITY OF FUNDS.**

**11.0 ADDITIONAL REQUIREMENTS**

**11.1 E-VERIFY**

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/ Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

**11.2 REVIEW OF PROPOSER'S FACILITIES AND QUALIFICATIONS**

After the proposal due date and prior to contract execution, the Department reserves the right to perform or have performed an on-site review of the proposer's facilities and qualifications. This review will serve to verify data and representations submitted by the proposer and may be used to determine whether the proposer has an adequate, qualified, and experienced staff, and can provide overall management facilities. The review may also serve to verify whether the proposer has financial capability adequate to meet the contract requirements.

Should the Department determine that the proposal has material misrepresentations or that the size or nature of the proposer's facilities or the number of experienced personnel (including technical staff) are not adequate to ensure satisfactory contract performance, the Department has the right to reject the proposal.

**11.3 SCRUTINIZED COMPANIES LISTS**

Section 287.135, Florida Statutes, requires that at the time a company submits a bid or proposal for a contract for goods or services of \$1 million or more, the company must certify that the company is not on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Both lists are created pursuant to Section 215.473, Florida Statutes.

Request for Technical Proposal responses of \$1 million or more must include the attached **Scrutinized Companies Lists form** to certify the respondent is not on either of those lists. The form should be submitted with the Price Proposal.

#### **11.4 ADDITIONAL TERMS AND CONDITIONS**

No conditions may be applied to any aspect of the Request for Technical Proposal by the proposer. Any conditions placed on any aspect of the proposal documents by the proposer may result in the proposal being rejected as a conditional proposal (see "RESPONSIVENESS OF PROPOSALS"). **DO NOT WRITE IN CHANGES ON ANY REQUEST FOR TECHNICAL PROPOSAL SHEET.** The only recognized changes to the Request for Technical Proposal prior to proposal opening will be a written Addenda issued by the Department.

#### **11.5 RESPONSIVENESS OF PROPOSALS**

##### **11.5.1 RESPONSIVENESS OF PROPOSALS**

Proposals will not be considered if not received by the Department **on or before** the date and time specified as the due date for submission. All proposals must be typed or printed in ink. A responsive proposal is an offer to perform the scope of services called for in this Request for Technical Proposal in accordance with all requirements of this Request for Technical Proposal and receiving seventy (70) points or more on the Technical Proposal. Proposals found to be non-responsive shall not be considered. Proposals may be rejected if found to be irregular or not in conformance with the requirements and instructions herein contained. A proposal may be found to be irregular or non-responsive by reasons that include, but are not limited to, failure to utilize or complete prescribed forms, conditional proposals, incomplete proposals, indefinite or ambiguous proposals, and improper and/or undated signatures.

##### **11.5.2 MULTIPLE PROPOSALS**

Proposals may be rejected if more than one (1) proposal is received from a proposer. Such duplicate interest may cause the rejection of all proposals in which such proposer has participated. Subcontractors may appear in more than one (1) proposal.

##### **11.5.3 OTHER CONDITIONS**

Other conditions which may cause rejection of proposals include, but are not limited to, evidence of collusion among proposers, obvious lack of experience or expertise to perform the required work, failure to perform or meet financial obligations on previous contracts, or in the event an individual, firm, partnership, or corporation is on the General Services Administration Excluded Parties List. Proposers whose proposals, past performance, or current status do not reflect the capability, integrity, or reliability to fully and in good faith perform the requirements of the contract may be rejected as non-responsible. The Department reserves the right to determine which proposals meet the requirements of this solicitation, and which proposers are responsive and responsible.

**11.6 MAIL OR DELIVER PROPOSAL TO: (DO NOT FAX)**

**Florida Department of Transportation  
District Five  
719 South Woodland Boulevard  
Deland, Florida 32720  
Phone: 386-943-5536**

It is the proposer's responsibility to assure that the proposal (Technical and Price Proposal) is delivered to the proper place **on or before** the proposal due date and time. Proposals, which for any reason are not so delivered, will not be considered.

By submitting a proposal, the proposer represents that it understands and accepts the terms and conditions to be met and the character, quality, and scope of services to be provided.

All proposals and associated forms shall be signed and dated in ink by a duly authorized representative of the proposer.

Each proposer shall fully acquaint itself with the conditions relating to the performance of the services under the conditions of this Request for Technical Proposal. This may require an on-site observation.

**11.7 MODIFICATIONS, RESUBMITTAL, AND WITHDRAWAL**

Proposers may modify submitted proposals at any time prior to the proposal due date. Requests for modification of a submitted proposal shall be in writing and must be signed by an authorized signatory of the proposer. Upon receipt and acceptance of such a request, the entire proposal will be returned to the proposer and not considered unless resubmitted by the due date and time. Proposers may also send a change in a sealed envelope to be opened at the same time as the proposal. The Request for Technical Proposal number, due date, and time should appear on the envelope of the modified proposal.

**11.8 POSTING OF INTENDED DECISION/AWARD**

**11.8.1 POSTING DECISION**

The Department's decision will be posted on the Florida Department of Transportation website at: [http://www.dot.state.fl.us/contractsadministration/district5/FCO/FCOContracts\\_CM@Risk.shtm](http://www.dot.state.fl.us/contractsadministration/district5/FCO/FCOContracts_CM@Risk.shtm) under this Request for Technical Proposal number on the date and time in the timeline, and will remain posted for a period of seventy-two (72) hours. Any proposer who is adversely affected by the Department's recommended award or intended decision must file the following with the Department of Transportation, Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0450:

1. A written notice of protest within seventy-two (72) hours after posting of the Intended Award, (the notice of protest may be faxed to 850-414-5264), and

2. A formal written protest and protest bond in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed. At the time of filing the formal written protest, a bond (a cashier's check or money order may be accepted) payable to the Department must also be submitted in an amount equal to one percent (1%) of the estimated contract amount based on the contract price submitted by the protestor.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

#### **11.8.2 INABILITY TO POST**

If the Department is unable to post as defined above, the Department will notify all proposers by electronic notification on the Florida Vendor Bid System (see special condition 11.8.1, above) or by mail, fax, and/or telephone. The Department will provide notification of any future posting in a timely manner.

#### **11.8.3 REQUEST TO WITHDRAW PROPOSAL**

Requests for withdrawal will be considered if received by the Department, in writing, within seventy-two (72) hours after the Price Proposal opening time and date. Requests received in accordance with this provision will be granted by the Department upon proof of the impossibility to perform based upon obvious error on the part of the proposer.

### **11.9 AWARD OF THE CONTRACT**

The contract will be awarded to the responsible and responsive proposer whose proposal is determined to be the most advantageous to the State. The Department will hold a public meeting of the Selection Committee to review the Technical Proposal scores, Price Proposal scores, and total scores of the proposers. The Selection Committee will adjust the Technical Proposal scores as it deems appropriate. After review and adjustment, if any, the Technical Proposal score will be determined for each responsive proposer. The proposer with the highest technical score will be the apparent winner. If the Department is confronted with identical scoring from multiple proposers, the Department shall determine the order of award in accordance with Rule 60A-1.011, Florida Administrative Code. The final decision will be determined by the Selection Committee. A statement will be placed in the procurement file that explains the basis for proposer selection. The Award will become final in accordance with Florida Statutes.

The Department reserves the right to accept or reject any or all Technical Proposals and Price Proposals received. The Department is not obligated to execute a contract and may terminate this solicitation at any time.

## **12.0 EXISTING FACILITY**

### **12.1 SITE VISIT**

The existing facility is not a public venue and therefore no unauthorized visitors are allowed. Proposers wishing to visit the facility will need to schedule an appointment with one of the two FDOT representatives listed below.

Scott Price – 321-634-6112  
Jim Connelly – 321-634-6073  
Main Operator – 321-634-610

Site visits must be conducted prior to deadline for questions.

Proposers will not be permitted to meet with any members of the TRC.

# **ATTACHMENT 1**

## **AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER**

# **ATTACHMENT 2**

## **CONSTRUCTION MANAGER AFFIDAVIT FORMS**

# **ATTACHMENT 3**

## **FDOT PROCUREMENT FORMS**