



REQUEST FOR QUALIFICATIONS

**Champ Clark Bridge
Pike County, MO and Pike County, IL**

Project Number: J3P2209B
RFQ Issued: January 6, 2017
SOQs Due: January 25, 2017

Missouri Department of Transportation
Northeast District
1711 South Highway 61
Hannibal, MO 63401





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FORMS

Form DB-101 – Major Participant Information

Form DB-102 – Reference Project Summary

Form DB-103 – Resume Summary

Form DB-104 – Receipt of Addenda

Form DB-105 – Statement of Existence of Organizational Conflicts

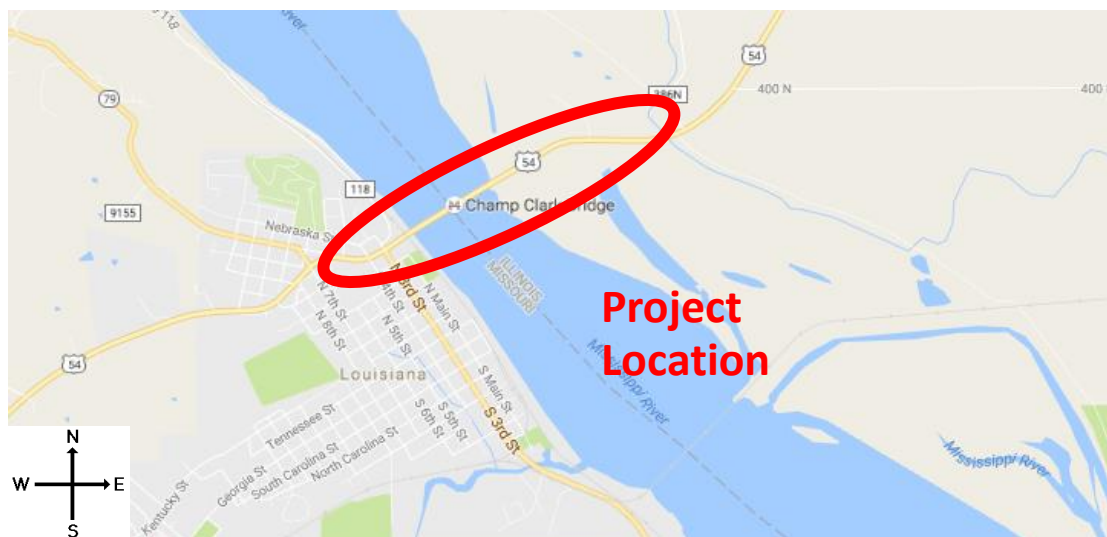


ADDENDA ISSUED

Addendum	Issued	Comments
1		

1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the Champ Clark Bridge Design-Build Project. The Champ Clark Bridge Design-Build Project provides a crossing for US 54 of the Mississippi River and begins at the west junction of US 54 and Missouri Route 79 in Pike County, Missouri and terminates at the junction of US 54 and Township Road 400 North in Pike County, Illinois. This project is designated as Job No. J3P2209B.



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1.1 Project Description

The US 54 Champ Clark Bridge Project (Project) will construct a new Mississippi River Bridge to connect Pike County, Missouri and Pike County, Illinois and remove the existing 1926 built bridge, (K0932). The Project will encompass environmental commitments and mitigation measures set forth in the Environmental Assessment.

The successful Proposer will be responsible for management, design, construction, quality assurance and quality control of the project. It is anticipated that the Proposer will identify and secure a project office within reasonable proximity to the jobsite and co-locate with the MoDOT Design-Build staff.

1.2 Project Goals

The following prioritized goals have been established for the project:

1. Meet or beat the project open to traffic date of November 1, 2019.
2. Deliver a project on budget that supports everyday commuters and freight.

3. Construct a safe, reliable, low maintenance Mississippi River Bridge that will provide at least a century of service.
4. Minimize and mitigate construction impacts and maximize work zone safety to customers and workers.
5. Deliver the project using a diverse workforce by use of innovative techniques.
6. Demonstrate a commitment to quality.

1.3 Estimated Cost and Maximum Time Allowed

The total program budget is \$68.2 million, including the design-build contract, right of way acquisitions, utility reimbursements, stipend payments, and other miscellaneous project management expenses. The estimated fixed cost design-build contract budget is \$60.0 million. The Project must be completed by June 1, 2020.

2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS

2.1 Two-Phased Procurement Process

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of Statement of Qualifications (SOQ), that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will short list at least two (if any) but not more than five most highly qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the short listed Submitters. Only the short-listed Submitters will be eligible to submit proposals for the Project. Each short-listed Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a design-build contract (if any) for the Project to the Proposer offering the apparent best value, to be determined as described in the RFP.

2.2 Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

MoDOT may disqualify a Submitter that violates the DBE exclusivity referred to in Section 6.9.

2.3 Procurement Schedule

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25
29	30	31					26	27	28					26	27	28	29	30	31	

April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6					1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	
30							30													

Item	Date
Issue RFQ	January 6, 2017
Deadline for submitting RFQ questions	January 17, 2017
Final responses to questions posted & Final RFQ Addendum issued	January 18, 2017
SOQ due	January 25, 2017
Oral Presentations	January 30 - January 31, 2017
MoDOT notifies short listed Submitters	February 3, 2017
Issue RFP	March 1, 2017
Technical Discussions	March 9, 2017 – May 12, 2017
Last Day for Additional Applicable Standards (AAS), Design Exception(s), Pre-Submittal General Information submittals, and for Proposer's RFC	May 18, 2017
MoDOT Posts Final Responses to Proposer's RFC and Issues Final RFP Addendum	May 26, 2017
Proposal and Price Allocation Due	June 2, 2017
Selection of Apparent Best Value	June 29, 2017
State Observed Holidays	January 2 nd – New Year's Day January 16 th – Martin Luther King, Jr. Day February 13 th – Lincoln's Birthday February 20 th – Washington's Birthday May 8 th , 2017 – Truman's Birthday May 29 th – Memorial Day

3 STATEMENT OF QUALIFICATIONS (SOQ) CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the Statement of Qualifications (SOQ), and also addresses the evaluation criteria that MoDOT shall utilize.

3.1 Organization of SOQ

The SOQ shall be organized as follows:

1. Cover Letter
2. Title Page
3. Table of Contents
4. Part 1 – Administrative Elements (Pass/Fail)
5. Part 2 – Submitter Experience (100 Points)
6. Part 3 – Key Personnel and Organization (100 Points)
7. Part 4 – Oral Presentation (50 Points)
 - A. No formal written submittal required as part of Part 4

3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the design team and bridge contractor. Name the entity with whom MoDOT will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.

3.3 Part 1 – Administrative Elements (Pass/Fail)

Submittal Requirements:

1. Form DB-104: Receipt of Addenda
2. Form DB-105: Statement of Existence of Organizational Conflicts. A letter is to be included describing such conflicts if they exist.

Evaluation Criteria:

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

3.4 Part 2 – Submitter Experience (100 Points)

Submittal Requirements:

1. An executive summary not to exceed four (4) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas :

- A. **Design and Construction:** The Submitter shall provide specific examples of their relevant experience with the design and construction of major river bridge crossings delivered using design-build, design-bid-build, or other non-traditional procurement methods. The Submitter should demonstrate their ability to generate and incorporate project innovations, commitment to schedule, project cost, and resolution of challenges presented in either design or construction.
 - B. **Approach to Ensuring Safety:** The summary should include the Submitters safety record on major river bridge projects, safety philosophy, and examples of successfully implemented Safety Management Programs including performance metrics on past projects.
 - C. **Quality Management Program:** Identify specific examples of Submitters quality programs for previous projects demonstrating an ability to develop, implement and maintain a Quality Management Program throughout all project phases.
 - D. **Regulatory Agencies, Railroad, Levee, and Utility Interaction:** Describe previous efforts to mitigate impacts to and work successfully with regulatory agencies, railroads, levee districts, and utility companies.
 - E. **DBE and Workforce Diversity Utilization Plan:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 12% for construction activities and 16% for professional services. Provide examples of past performance on major river bridge projects. Demonstrate how the Submitter's strategies will maintain diversity for both the construction and professional services workforce. Provide past performance of both DBE utilization and workforce diversity.
2. Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
 3. Form DB-102: Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two pages. A maximum of eight (8) reference projects can be described for each Submitter. For ease of comparison, this form is not to be modified.

Evaluation Criteria:

Part 2 will be evaluated based on Submitter's demonstrated performance on recent projects and the quality and completeness of the submittal requirements for this section. MoDOT will evaluate the Submitter experience based on:

1. Recent design and construction experience of major river bridges.
2. Recent experience delivering major river projects on schedule or ahead of schedule.
3. Use of innovation to deliver a project within budget. Submitters should illustrate, for example, use of value engineering change proposals, design-

build projects, additional applicable standards, alternative technical concepts, etc.

4. Unexpected challenges encountered during similar projects and the resolution.
5. Recent experience in working with the regulatory authorities associated with major river crossings, specifically the U.S. Coast Guard, U.S. Army Corps of Engineers and levee districts.
6. Approach to developing a Quality Control and Quality Assurance program for the Project. Understanding of the Quality Management Program and how it will be implemented during all phases. Submitters should illustrate previous project experience indicating timeliness and accuracy of quality documentation.
7. Recent safety history for Submitter including information for major river bridges. Submitter should include information on industry standard safety statistics such as DART rates (Days Away, Restricted, and Transfer) and TRIR (Total Recordable Incident Rate).
8. Utility and railroad coordination.
9. Efforts to minimize impacts on environmentally sensitive areas.
10. Implementation of innovative approaches to increase diversity and engage minorities through programs, training, or other outreach efforts.
11. Implementation of innovative approaches to increase diversity for all firms comprising the Submitter's team.

3.5 Part 3 – Key Personnel and Organization (100 Points)

Each Submitter shall identify the experience, responsibilities, and past achievements of the Key Personnel listed below.

Submitters should define the following positions as Key Personnel:

1. Project Manager – The Project Manager is responsible for all aspects of the Project, including but not limited to: overall design, construction, quality management, contract administration, safety, and environmental compliance. The Project Manager should have at least ten years of recent experience managing the design and construction of major river structures. The Project Manager shall have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT's Project Director. The Project Manager must be assigned to the Project full time and shall be required to be on site for the duration of the Project.
2. Construction Manager – The Construction Manager shall be responsible for managing the construction of the Project. The Construction Manager shall have at least ten years of recent management experience in highway

construction and/or major river structures. The Construction Manager shall be on site for the duration of the construction phase.

3. Quality Manager – The Quality Manager’s responsibilities include, but are not limited to: creation and execution of the Submitter’s quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including, design documentation, construction quality and testing, environmental compliance and DBE/labor compliance. The Quality Manager shall report directly to the Submitter’s executive management team. The Quality Manager should have at least five years of recent experience developing, implementing, and overseeing quality programs in civil construction work. The Quality Manager shall be assigned to the Project full time and shall be required to be on site for the duration of the Project.
4. Design Manager – The Design Manager is responsible for ensuring all aspects of the design of the Project are met. The Design Manager should have at least ten years of recent experience managing the design of highways and/or major river bridge structures and has been engineer of record for at least one completed highway bridge similar in scope, budget, schedule and environmental conditions. The Design Manager must be a registered professional engineer in the State of Missouri, State of Illinois, or must have registration pending at the time of SOQ submittal and be registered for the duration of the project. The Design Manager shall be assigned to the Project full time when design activities are being performed. The Design Manager shall be available for weekly meetings at a minimum for the duration of the Project.

Key Personnel identified in the SOQ, including any “Additional Key Personnel” may not be removed, replaced, or added without written approval of the MoDOT Project Director.

Submittal Requirements:

1. An organizational chart and executive summary of Key Personnel, not to exceed three (3) pages describing the Key Personnel’s qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of major river bridge projects, cost-saving innovations, delivering projects on or ahead of schedule, and working with regulatory agencies.
2. Form DB-103: Resume Summary
3. Resumes for the Key Personnel and up to four additional personnel are to be included. Each resume is limited to 1 page and shall include 2 owner references including a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.

Evaluation Criteria:

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter's experience based on:

1. Design and construction of major rivers bridge structures.
2. Relevance of tasks performed by Key Personnel for reference projects.
3. Use of innovative approaches to deliver a project within budget.
4. Experience and approaches to delivering projects on schedule or ahead of schedule.
5. Experience and approach coordinating with applicable regulatory agencies, railroads, levee districts, and utility companies.
6. Experience managing design obstacles during construction.
7. Experience and approach for maximizing and ensuring safety on the project.
8. Experience managing or promoting workforce diversity on reference projects.

3.6 **Part 4 – Oral Presentation (50 Points)**

An oral presentation provided by the Submitter's Key Personnel will be conducted in an informal interview format on the dates shown in Section 2.3. The oral presentation questions will be provided at the time the Submitters sign up for an appointment to allow the Submitters time to prepare for the oral presentation. The oral presentation will be 60 to 75 minutes in length; 15 minutes for introductions and brief discussion driven by the Key Personnel, 40 to 55 minutes for questions and answers, and 5 minutes for the Key Personnel to address any additional topics not previously covered. The oral presentation will be audio recorded in accordance with 7 CSR 10-24.030.

Any of the Key Personnel defined in Section 3.5, Part 3 – Key Personnel and Organization, may participate in the oral presentation. **Only Key Personnel will be allowed in the oral presentation.**

The Submitter is instructed to bring no additional documentation to be shared with MoDOT at the oral presentation. Submitters may bring notes to the oral presentation. The Submitter's hardcopy of their SOQ will be available for reference. Points will be deducted from Submitter's Part 4 scores if additional documentation is shared with MoDOT at the oral presentation.

The Submitter's will be required to sign up for an oral presentation appointment as directed in Section 4.2.

Evaluation Criteria:

Key Personnel's responses to the questions based on the following topics:

1. Ability to demonstrate problem solving skills in construction and design as a team.
2. Ability to demonstrate working as a team on complex issues in construction and design.

3. Approach to staying on schedule and budget as a team.
4. Approach to quality control as a team.
5. Approach to safety as a team.

4 SUBMITTAL REQUIREMENTS

4.1 Format

The Statement of Qualifications (SOQ) must be formatted for 8.5" x 11" paper. Charts and other graphical information may be formatted for 11" x 17" paper. Use of 11" x 17" format shall be limited to a maximum of two pages. Minimum font size is 11-point. However, 10-point text may be used within graphs or tables.

4.2 Due Date and Quantities

SOQ must be submitted by 12:00 pm, Central Standard Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. Two printed and bound copies and one (1) electronic copy in PDF format of the SOQ is to be submitted to the Project Director as shown in Section 6.3.

The Submitters will be required to sign up for an oral presentation appointment to satisfy the requirements of Part 4 at the time they submit the bound copies of the SOQ. Appointments will be available on the dates listed in Section 2.3.

4.3 Page Limits

The maximum number of pages is shown in the following table:

	No. of Pages
Cover Letter	1
Title Page	1
Table of Contents	1
Part 1 – Administrative Elements	
-- Form DB-104: Receipt of Addenda	1
-- Form DB-105: Organizational Conflicts	As needed
Part 2 – Submitter Experience	
-- Executive Summary	4
-- Form DB-101 Major Participant Information	As needed
-- Form DB-102 Reference Project Summary	16
Part 3 – Key Personnel Experience	
-- Executive Summary	3
-- Form DB-103 Resume Summary	1
-- Resumes	8

Dividers between sections of the SOQ are not counted.

5 EVALUATION PROCESS

All responses will be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 100 points.

Part 3 will be evaluated based on a possible 100 points.

Part 4 will be evaluated based on a possible 50 points.

MoDOT is restricted to short-listing no more than five (5) teams. The scoring outlined is intentionally crafted to differentiate between many highly qualified teams. MoDOT will use the ratings below to determine a maximum of five most highly qualified teams and/or demonstrate a significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the short-listing process are as follows:

Rating	Description
Exceptional +/- (100 – 85%)	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/- (84 – 60%)	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/- (59 – 20%)	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable (19 – 0%)	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.

6 GENERAL INFORMATION

6.1 Major Participant Definition

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

1. All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding a 15% or greater interest in the Submitter.
2. The lead engineering/design firm(s).
3. Each subcontractor that will perform work valued at 20% or more of the construction work.
4. Each subconsultant that will perform 30% or more of the professional services.

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

6.2 Stipend

No stipends will be paid for submitting a SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$200,000 and shall be provided to such Proposer(s) as early as 15 days after MoDOT determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their stipend within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to MoDOT.

6.3 Communications

MoDOT's Project Director, Keith Killen, is MoDOT's sole contact person for receiving all communications regarding the project and procurement thereof. Each Submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.

Keith Killen, P.E.
Champ Clark Bridge Project Director
Missouri Department of Transportation
1711 South Highway 61
Hannibal, MO 63401
nechampclarkbridge@modot.mo.gov

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of IDOT, MoDOT, or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities, utility companies, railroads, regulatory agencies, and the general public.

6.4 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted to MoDOT's Project Director. To be considered, all questions and requests must be received by 2:00 pm, CST on the date indicated in Section 2.3. Questions, requests for clarifications, and responses will be posted on the Project SharePoint site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project SharePoint site.

6.5 Ineligible Firms

Burns and McDonnell and Millennia Professional Services are acting as the owner's engineer and therefore are ineligible. A firm is ineligible to submit a proposal, in either a prime or subconsultants' role, if it assists in the development of the scope of work, the RFQ, or the RFP.

6.6 Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

6.7 Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Submitter's

team. Submitters must provide to MoDOT, via DB-105 form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

6.8 Equal Employment Opportunity

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

MoDOT will ensure that in any contract entered into pursuant to this advertisement, business owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

The Commission has set workforce goals of 3.1% minority and 6.9% female per craft.

6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:

12% construction activities 16% professional services

In an effort to ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1 or with written permission from MoDOT's Project Director.

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

Both Missouri and Illinois desire to maximize the opportunity for DBE firms certified in their States to participate in this Project funded by both States. The States also desire to make it easier for Contractors bidding on the Project to locate and provide sufficient certified DBE firms to achieve the DBE goal set by MoDOT.

The Contractor shall be entitled to use the DBE firms certified by either or both the Illinois Unified Certification Program (IL UCP) or the Missouri Regional Certification Committee (MRCC) to fulfill the DBE goals established by MoDOT.



MoDOT has implemented the Unified Certification Program and has formed the MRCC. It is the Contractor's responsibility to ensure firms identified for participation are approved certified DBE firms. The MRCC DBE Directory is at the following web site:

http://www.modot.org/business/contractor_resources/External_Civil_Rights/mrcc.htm

MoDOT will also accept DBE firms that are certified with the IL UCP. The IL UCP DBE Directory is at the following web site:

<http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index>

7 PROTEST PROCEDURES

A Submitter may protest the results of the above described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT with a copy to the MoDOT Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the public announcement of short listing. Notice of protest of the decision on short listing must be filed within five calendar days after the public announcement of short listing.

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

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

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

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

If a notice of protest regarding responsiveness is filed prior to release of the draft RFP, MoDOT may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Director of MoDOT or his designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or his designee concludes that the Submitter filing the protest has established a basis for protest, the Director or his designee will determine what remedial steps, if any, are necessary or appropriate to address the

issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications, or taking other appropriate actions.

7.1 Costs and Damages

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.