

# **Alabama Department of Transportation**

## **Request for Qualifications and Proposals**

### **Roadside Tolling for the I-10 Mobile River Bridge and Bayway Project**

**RFQ/RFP issued April 13, 2023**

**TABLE OF CONTENTS**

**Page**

**Contents**

SECTION 1.0 INTRODUCTION AND GENERAL PROVISIONS..... 1

    1.1 Introduction..... 1

    1.2 RFQ/RFP Documents ..... 3

        1.2.1 Documents Comprising the RFQ/RFP..... 3

        1.2.2 Addenda ..... 3

        1.2.3 Errors..... 3

    1.3 Project Goals ..... 3

    1.4 Project Description and Status..... 4

    1.5 Procurement Schedule..... 6

    1.6 Funding Sources ..... 6

SECTION 2.0 PROCUREMENT PROCESS ..... 7

    2.1 Procurement Method ..... 7

    2.2 ALDOT Authorized Representative..... 7

    2.3 Improper Communications and Contacts ..... 8

    2.4 Requests for Clarification Regarding the RFQ/RFP..... 9

    2.5 Confidentiality/Open Records Act Disclosure Requests..... 10

        2.5.1 Confidentiality Rules ..... 10

        2.5.2 Observers During Evaluation..... 10

SECTION 3.0 PROPOSER TEAM ORGANIZATION ..... 11

    3.1 Organizational Conflicts of Interest ..... 11

    3.2 Debarment or Suspension..... 12

    3.3 Business Integrity ..... 12

    3.4 ALDOT Prequalification..... 12

    3.5 Other Legal Considerations for Teaming..... 13

    3.6 Proposer Organization and Subsequent Changes..... 13

    3.7 Requests for Information ..... 13

SECTION 4.0 PROPOSAL REQUIREMENTS..... 13

    4.1 General Provisions Regarding Proposals ..... 13

## TABLE OF CONTENTS

	<b>Page</b>
4.2	General Submittal Requirements ..... 14
4.2.1	Proposal Due Date ..... 14
4.2.2	Signatures Required ..... 14
4.2.3	Requirement to Submit Compliant Proposal ..... 14
4.2.4	Format..... 14
4.2.5	Additional Requirements for Proposal Delivery..... 14
4.3	Proposal Contents and Organization..... 15
4.4	Withdrawals and Late Submittals ..... 15
4.5	Ownership of Proposal..... 15
4.6	Proposal Costs Not Reimbursable..... 15
SECTION 5.0	EVALUATION PROCESS ..... 16
5.1	Evaluation Method ..... 16
5.2	Pass/Fail Evaluation ..... 16
5.3	Evaluation of Technical Proposals..... 17
5.3.1	Organization..... 17
5.3.2	Proposer Experience..... 17
5.3.3	Proposed Key Personnel Experience..... 18
5.3.4	Project Approach..... 19
5.3.5	Safety Qualifications..... 19
5.4	Shortlist..... 19
5.5	Oral Clarifications/Presentations..... 19
5.6	Evaluation Criteria ..... 21
5.7	Selection ..... 21
5.8	Requests for Clarification on Proposals ..... 21
SECTION 6.0	POST-EVALUATION PROCESS AND EXECUTION ..... 21
6.1	Design-Operate-Maintain Agreement Negotiations..... 21
6.2	Post-Selection Deliverables ..... 22
6.3	Debriefings ..... 22
SECTION 7.0	PROTESTS ..... 23
7.1	Applicability..... 23
7.2	Required Early Communication for Certain Protests ..... 23

**TABLE OF CONTENTS**

	<b>Page</b>
7.3	Deadlines for Protests .....24
7.4	Content of Protest.....24
7.5	Filing of Protest.....24
7.6	Comment from Other Proposers .....24
7.7	Burden of Proof.....24
7.8	Decision on Protest .....25
7.9	Protestant’s Payment of Costs.....25
7.10	Rights and Obligations of Proposers .....25
SECTION 8.0	ALDOT RIGHTS AND DISCLAIMERS.....25

## **EXHIBITS**

Exhibit A Definitions and Acronyms

Exhibit B Technical Proposal Instructions

Exhibit C Required Forms

Form A Proposal Letter

Form B Identification of Proposer and Principal Participants

Form C Information about Proposer Organization

Form D-1 Proposer Experience

Form D-2 Key Personnel Experience

Form E Request for Clarification Form

Form F Alabama Disclosure Statement

## INSTRUCTIONS TO PROPOSERS

### Request for Qualifications and Proposals

Roadside Tolling for the I-10 Mobile River Bridge and Bayway Project

#### SECTION 1.0 INTRODUCTION AND GENERAL PROVISIONS

##### 1.1 Introduction

This Request for Qualifications and Proposals (“**RFQ/RFP**”), as it may be amended, is issued by the Alabama Department of Transportation (“**ALDOT**”), on behalf of the Alabama Toll Road, Tunnel and Bridge Authority (“**Authority**”), to seek competitive proposals (individually, a “**Proposal**” and collectively, “**Proposals**”) for a Design-Operate-Maintain contract that will consist of a Design-Operate-Maintain Agreement and related documents (the “**Design Operate Maintain Agreement**” or “**DOMA**”). The Design-Operate-Maintain Agreement will provide that the successful Proposer (“**Design-Operator**”) shall develop, design, install, and operate (including maintenance) (subject to the terms of the DOMA) a tolling infrastructure system on the I-10 Design-Build Mobile River Bridge and I-10 Design-Build Bayway Projects, which comprises the Roadside Tolling for the I-10 Mobile River Bridge and Bayway Project (“**Project**”).

This project will require coordination with the two separate and concurrent design-build projects. The first project is the design and construction of a new six lane bridge with a minimum of 215 feet of air draft clearance across the Mobile River channel (the “**Mobile River Bridge Project**”). The second project is the design and construction of the new Bayway bridges (“**Bayway Project**”). These two projects will address acute and growing congestion issues by increasing the capacity of I-10, providing a direct interstate route for hazardous material transport, and minimizing adverse impacts to the maritime industries. The limits of the Mobile River Bridge project and the Bayway project are depicted below in Figures 1 and 2.

Figure 1: I-10 Mobile River Bridge Project



Figure 2: I-10 Bayway Project



The Design-Operator shall coordinate with the design-builders of the Mobile River Bridge project and Bayway project as required for infrastructure needs of this Project.

The Project's location makes it susceptible to extreme coastal weather conditions, and accordingly a governing criterion for the reconstruction of the Bayway is to reduce its vulnerability to storm surge and climate-related risks. The I-10 corridor, in addition to being one of the most significant commercial transportation corridors in the Southeast, is also a designated hurricane evacuation route.

The Project site occasionally experiences heavy downpours and fog, both of which can severely limit visibility and clear sight distance. The Project site also experiences significant wind velocities and is a high-

chloride environment, which has implications for long term durability of infrastructure elements. Responders are encouraged to familiarize themselves with weather and environmental conditions in the Project area.

Additional information can be found on the project website [www.mobileriverbridge.com](http://www.mobileriverbridge.com).

ALDOT is issuing this RFQ/RFP to procure the Project and will enter into the Design-Operate-Maintain Agreement, in accordance with Section 23-1-40 of the Code of Alabama (1975), as amended by Act 2016-257, Section 23-2-144(a)(12)a of the Code of Alabama (1975), and other applicable provisions of Alabama law. All firms or teams of firms desiring to enter into the Design-Operate-Maintain Agreement (individually, a “**Proposer**” and collectively, “**Proposers**”) are invited to submit Proposals pursuant to this RFQ/RFP. Proposers must comply with these Instructions to Proposers (“**ITP**”) during the procurement and in their responses to the RFQ/RFP. Proposers shall also take into consideration the Project goals identified in [Section 1.3](#) below in drafting their Proposals.

Commencement of toll collection is anticipated to begin in early 2029.

The RFQ/RFP requires each Proposer to be prepared to act as the Design-Operator for the Project if the Proposer is selected.

All forms identified in this ITP are found in [Exhibit C](#). Capitalized terms and acronyms not otherwise defined herein are defined in [Exhibit A](#) hereto.

## **1.2 RFQ/RFP Documents**

### **1.2.1 Documents Comprising the RFQ/RFP**

The RFQ/RFP consists of this ITP (including exhibits and forms), and any other documents that may be issued by Addendum, as such documents may be amended and supplemented (collectively, the “RFQ/RFP Documents”).

### **1.2.2 Addenda**

ALDOT reserves the right, in its sole discretion, to revise, modify, or change the RFQ/RFP and/or Procurement Process at any time. Any such revisions will be implemented through issuance of Addenda to the RFQ/RFP.

### **1.2.3 Errors**

If any mistake, discrepancy, deficiency, ambiguity, error, or omission is identified by a Proposer at any time during the Procurement Process in any of the documents supplied by ALDOT, Proposer shall notify ALDOT’s Authorized Representative at the email address provided [Section 2.2](#).

## **1.3 Project Goals**

ALDOT’s goals for the Project are identified below:

- Design, install, operate, and maintain toll facilities and support equipment;
- Uphold the trust of Stakeholders and the public in delivering the Project;
- Coordinate with the Design-Builder(s) of the Mobile River Bridge Project and the Bayway Project;



- Coordinate with the Back-Office Services vendor;
- Deliver the Project within ALDOT’s budget; and
- Complete all aspects of the Project that can be performed prior to completion of the Bayway Project.

**1.4 Project Description and Status**

RFQ/RFPs for the Mobile River Bridge Project and Bayway Project have been advertised by ALDOT. The Design-Operator will coordinate with the Design-Builders of those projects as needed to ensure the proposed infrastructure is built to support the Toll System. A summary of the responsibilities is shown in the table below. Note that this table is not an exhaustive list of responsibilities.

**Table 1.4 – Responsibilities**

	<b>Activity</b>	<b>Responsibility</b>
1.	Designs tolls sites, static signs, toll rate DMS, toll gantry facilities, power, and fiber optic communication network for AET system.	Designer Operator Maintainer (Phase 1)
2.	Installs/constructs toll gantries, signs (static only with AET responder installing and integrating toll rate DMS), maintenance areas with access for roadside tolling devices, cabinets, lightning protection, grounding, conduits, junction/pull boxes, power cables, and fiber optic communications cables from source to cabinets	Design-Builder
3.	Installs/constructs power and communications conduits from cabinets to devices	Design-Builder
4.	Installs/constructs power and communications cables from cabinets to devices	Designer Operator Maintainer (Phase 2)
5.	Installs AET system devices	Designer Operator Maintainer (Phase 2)
6.	Installs AET system cabinets	Design-Builder
7.	Integrates roadside technology for AET system	Designer Operator Maintainer (Phase 2)
8.	Integrates AET system to back office.	Designer Operator Maintainer (Phase 2)
9.	Tests the AET system	Designer Operator Maintainer (Phase 2)
10.	Operates roadside technology for AET system	Designer Operator Maintainer (Phase 3)
11.	Maintains roadside technology for AET system	Designer Operator Maintainer (Phase 3)
12.	Operates and maintains back office services for AET system	Procured Separately
13.	Operates and maintains violation enforcement for AET system	Procured Separately
14.	Provides customer service functions and staffing including education/marketing	Procured Separately

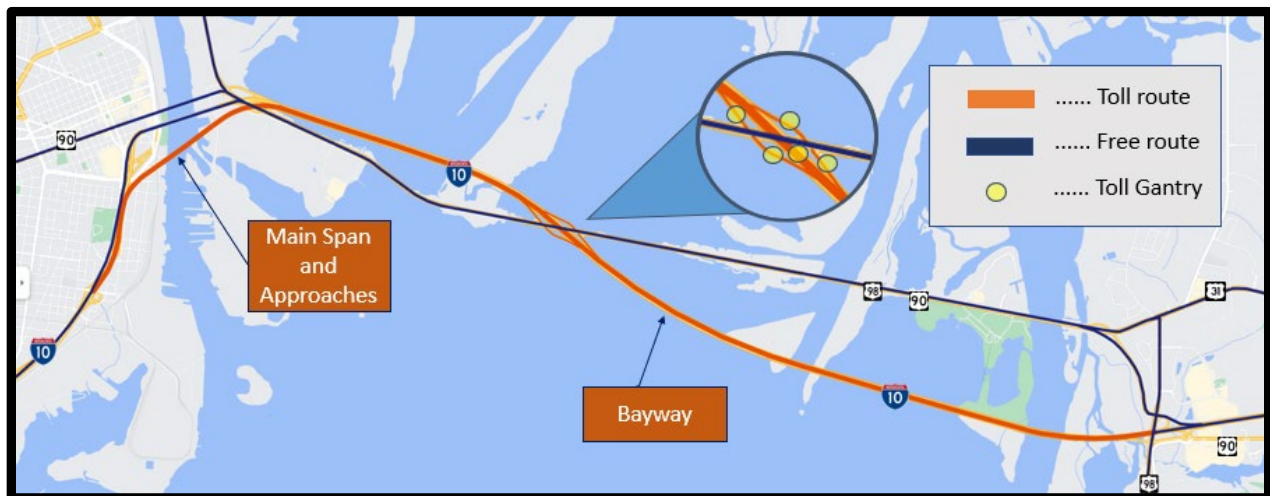
Under this Design-Operate-Maintain procurement, the DOMA is responsible for items noted above as responsibility of Designer Operator Maintainer, and the implementation of back-office services and collection are the responsibility of ALDOT and the Alabama Toll Road, Bridge and Tunnel Authority.

ALDOT is currently performing an Environmental Re-evaluation and update to the environmental documentation to reflect changes to the project since the 2019 FEIS/ROD. This re-evaluation will be completed prior to commencement of construction in 2024. ALDOT will also, in cooperation with the Design-Builders, obtain all necessary permits with involved agencies to enable construction to begin in 2024.

The Project will include tolling of the newly constructed facilities. Figure 3 illustrates the planned tolled route, which will consist of the new I-10 Main Span Bridge and Approaches, as well as the newly reconstructed I-10 Bayway. The US 90/98 Battleship Parkway (“Causeway”) and the Wallace and Bankhead Tunnels will remain as a toll-free local route.

Currently, ALDOT envisions toll collection to take place at the Mid-Bay Interchange, as shown in Figure 3 below.

Figure 3: Proposed Toll Gantry Locations at Mid-Bay Interchange



ALDOT’s current tolling plan identifies two classes of tolled vehicles – low height and tall height. The low height vehicle class will encompass all vehicles with heights under 7.5 ft., including passenger cars, SUVs, pickup trucks, minivans, and motorcycles. Vehicles in this class will pay a base toll rate for two axles, and a higher rate for 1- through 4-axle trailers. The tall height vehicle class includes all vehicles with heights greater than 7.5 ft. These vehicles will pay a base toll rate for two axles, with the rate increasing for each additional axle. The tolling system shall have the capability to scan ALDOT transponders and capture license plate images for payment by mail or other electronic methods.

ALDOT is also exploring opportunities for interoperability with other states and agencies and will solicit input from responders on effective strategies for enabling interoperability. At this time, it is anticipated that ALDOT will join either the Central United States Interoperability Hub (CUSIOP) or the Southeast Interoperability Hub (SEIOP).

A detailed draft scope of work for the Design-Operator is depicted above in the ITP and will be provided on ALDOT’s Mobile River Bridge website at <https://mobileriverbridge.com/documents>.

## 1.5 Procurement Schedule

The following represents the current anticipated schedule for the procurement. Further key dates, including dates otherwise referenced in this RFQ/RFP, will be provided in subsequent iterations of the procurement schedule.

**Table 1.5 – Procurement Schedule**

ACTIVITY	DATE	TIME
Request for Proposal Issued	April 13, 2023	N/A
Deadline to submit written questions for the Pre-Proposal Conference	April 26, 2023	2 P.M.
Mandatory Virtual Pre-Proposal Conference	May 4, 2023	10 A.M.
Final Questions	May 12, 2023	2 P.M.
Last Day for Addenda	May 22, 2023	2 P.M.
Due Date for Proposals	June 1, 2023	2 P.M.
Short-list	Week of June 20, 2023 Or Week of June 26, 2023	2 P.M.
Oral Clarifications/Presentations	July 11-12, 2023	TBD
Anticipated Selection	July 21, 2023	TBD
Anticipated Notice to Proceed with Design	August 31, 2023	N/A
Anticipated Notice to Proceed with Install	TBD	
Anticipated Notice to Proceed with Operate and Maintain	TBD	

Where the RFQ/RFP provides a deadline or due date for submission of documents, correspondence, or other materials to ALDOT, the submission will only be considered timely if ALDOT receives the submission by 2:00 pm Central Daylight Time on the date identified. Except as otherwise noted herein, all submissions to ALDOT required or permitted by this RFQ/RFP must be made by email to ALDOT’s Authorized Representative, using the appropriate forms provided in this RFQ/RFP.

## 1.6 Funding Sources

The funding for the Mobile River Bridge and Bayway projects will be repaid, in part, by tolling revenue.

**SECTION 2.0 In order to preserve the ability of ALDOT to use federal funding for the Project, the Procurement Process and the Design-Operate-Maintain Agreement must comply with applicable federal laws. PROCUREMENT PROCESS**

**2.1 Procurement Method**

The Procurement Process intended to be used by ALDOT is described below; *provided* that ALDOT reserves the right, in its sole discretion, to modify the Procurement Process to comply with applicable law and/or to address the best interests of ALDOT and the State, including canceling the procurement. This procurement is intended to result in a multiphase contract. A multiphase contract is where the solicited services are divided into phases whereby the specific scope of work and associated costs may be negotiated and authorized by phase as the project progresses. ALDOT envisions the first phase (Phase 1) to be design, and the second phase (Phase 2) to be installation, and testing, and the third phase (Phase 3) operation, and maintenance.

ALDOT will hold a Mandatory Virtual Pre-Proposal Conference as shown in the procurement schedule in Section 1.5. ALDOT will not answer questions during the Pre-Proposal Conference.

ALDOT may issue one or more Addenda to this RFQ/RFP at its discretion or in response to receipt of Proposers' RFCs within the procurement schedule in Section 1.5, as amended. Following receipt and evaluation of Proposals, ALDOT intends to shortlist Proposers for presentations. After ALDOT's receipt and review of Proposals and evaluation of presentations, ALDOT may select a Proposer based on ALDOT's determination of the best qualified Proposer to finalize a Design-Operate-Maintain Agreement for award and execution. If ALDOT and the selected Proposer do not execute a Design-Operate-Maintain Agreement, ALDOT may award the Project to the next highest rated Proposer. Alternatively, ALDOT may modify and re-issue the RFQ/RFP, or terminate the procurement.

If an award is made, ALDOT will execute a Design-Operate-Maintain Agreement with the responsible Proposer offering a Proposal that meets the standards set by ALDOT and that is determined by ALDOT to provide the best qualifications.

**2.2 ALDOT Authorized Representative**

ALDOT has designated the following individual to be its authorized representative for the Procurement Process (the "**Authorized Representative**"):

Edwin Perry III  
Alabama Department of Transportation Southwest Region  
1701 I-65 West Service Rd. N.  
Mobile, Alabama 36618  
Email: MRBBProcurement@dot.state.al.us

All official Project communications from ALDOT shall be provided in writing by ALDOT's Authorized Representative.

ALDOT will not be responsible for any oral communication or any other information or contact that occurs outside the official communication process specified in this ITP.

## 2.3 Improper Communications and Contacts

The following rules of contact shall apply during the procurement for the Project beginning with the date of issuance of this RFQ/RFP and ending upon the execution of the Design-Operate-Maintain Agreement. These rules are designed to promote a fair and unbiased Procurement Process. Contact includes face-to-face, telephone, facsimile, electronic mail (email), or formal written communication.

The specific rules of contact are as follows:

(a) Each responder must comply with all applicable Laws and refrain from lobbying any Governmental Authority in connection with the Procurement Process.

(b) The Proposers shall correspond with ALDOT regarding the RFQ/RFP only through the PPC as identified in [Section 2.2](#). Commencing with the issuance of this RFQ/RFP and continuing until the earliest of (i) award and execution of the Design-Operate-Maintain Agreement, (ii) rejection of all Proposals by ALDOT, or (iii) cancellation of the procurement, no Proposer or representative thereof shall have any ex parte communications regarding the RFQ/RFP or the procurement described herein with any ALDOT staff, advisors, contractors, or consultants involved with the procurement, except for communications expressly permitted by the RFQ/RFP. The foregoing restriction shall not, however, preclude or restrict Proposers from communicating about matters unrelated to the RFQ/RFP or the procurement or from participating in ALDOT public meetings or any public or Proposer workshop related to this RFQ/RFP or the Project. Any Proposer engaging in any prohibited communications may be disqualified at the sole discretion of ALDOT.

(c) The Proposers shall not contact the following identified stakeholders regarding the Project, including employees, representatives, and members of the entities listed below, except as may be specifically approved in advance by ALDOT in writing:

- Federal Highway Administration (“**FHWA**”);
- United States Department of Transportation (“**USDOT**”), including but not limited to the Office of the Secretary;
- Build America Bureau Credit Programs Office;
- Environmental, regulatory or permitting agencies, including but not limited to:
  - US Army Corps of Engineers (“**USACE**”);
  - US Environmental Protection Agency;
  - US Coast Guard (“**USCG**”);
- ALDOT;
- Alabama Toll Road, Bridge and Tunnel Authority;
- The State of Alabama (including Governor’s Office, State Legislators, and any State Court Judges);
- Firms and affiliates thereof listed in [Section 3.1](#);
- Alabama Historical Commission;

- USS Alabama Battleship Commission;
- Baldwin County and Mobile County;
- Municipalities/Cities of Daphne, Mobile, Prichard, and Spanish Fort;
- All utility providers in the Project area;
- Africatown Historic District;
- Mobile Metropolitan Planning Organization;
- Eastern Shore Metropolitan Planning Organization; and
- Austal USA.

(d) Any communications determined to be improper, at the sole discretion of ALDOT, may result in disqualification.

(e) ALDOT will not be responsible for any oral exchange or any other information or exchange that occurs outside the official process specified herein.

(f) For the avoidance of doubt, Proposers shall not contact any FHWA project or program office, representative, or FHWA consultant regarding any issues relating to the Project, including the TIFIA application process, other matter relating to ALDOT's potential application for TIFIA credit assistance for the Project, or any environmental, grant, approval, or other application that may be submitted to FHWA or USDOT.

## **2.4 Requests for Clarification Regarding the RFQ/RFP**

Proposers shall be responsible for reviewing the RFQ/RFP and any Addenda issued by ALDOT prior to the Proposal Due Date, and for requesting written clarification or interpretation of any perceived mistake, discrepancy, deficiency, ambiguity, error, or omission contained therein, or of any provision which Proposer fails to understand. Proposers shall submit Requests for Clarification (RFCs) using Form E. ALDOT will consider RFCs in issuing any Addenda to the RFQ/RFP. ALDOT also may elect, at its discretion, to respond to RFCs through written responses. Any written responses to RFCs given by ALDOT will be for the information of the Proposers only and will not become part of the Design-Operate-Maintain Agreement, except to the extent that ALDOT, in its discretion, may incorporate the substance of a response into, as appropriate, the ITP documents, and/or the Design-Operate-Maintain Agreement, whether in the RFQ/RFP or by means of an Addendum to the RFQ/RFP.

ALDOT will only consider if an RFC will be afforded confidential treatment in accordance with the penultimate paragraph in this Section 2.4 if the Proposer has attended the Pre-Proposal Conference and if submitted prior to the deadline for Final Questions noted in Section 1.5. After confirming a proposer's attendance of the Pre-proposal Conference, ALDOT will respond to confidential RFCs.

All RFCs shall be submitted prior to the dates specified in Section 1.5.

No RFCs will be considered confidential unless ALDOT, in its discretion, determines otherwise. If any question is determined by ALDOT to be confidential, the response will be transmitted exclusively to the applicable Proposer; *provided, however*, that if ALDOT determines that it is appropriate to provide a

general response, ALDOT will modify the question to remove any information that ALDOT determines is confidential before issuing the general response.

ALDOT reserves the right to not respond to an RFC.

Except during Oral Clarifications/Presentations, no telephone or oral requests will be considered.

## **2.5 Confidentiality/Open Records Act Disclosure Requests**

### **2.5.1 Confidentiality Rules**

Subject to the requirements of Section 36-12-40 of the Code of Alabama (1975) (the "**Alabama Open Records Act**" or the "**Act**"), ALDOT Guidelines for Operation, and the terms of this RFQ/RFP, Proposals will not be publicly opened or evaluated.

All written correspondence, exhibits, reports, printed material, photographs, tapes, electronic disks, and other graphic and visual aids submitted to ALDOT during the Procurement Process, including as part of the response to this RFQ/RFP, become the property of the State upon their receipt by ALDOT and will not be returned to the submitting parties. Except as provided by the Open Records Act and any other applicable law, rule, or regulation, these materials are subject to the Act. Proposers shall familiarize themselves with the provisions of the Act and other applicable law.

If ALDOT receives a request for public disclosure of all or any portion of a Proposal, ALDOT will use reasonable efforts to notify the applicable Proposer of the request and give such Proposer an opportunity to assert, in writing and at its sole expense, a claimed exception under the Act or other applicable law within the time period specified in the notice issued by ALDOT and allowed under the Act. In no event shall the State, ALDOT, or any of their agents, representatives, consultants, directors, officers, or employees be liable to a Proposer for the disclosure of all or a portion of a Proposal submitted under this RFQ/RFP.

If a Proposer has special concerns about information that it desires to make available to ALDOT but that it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such Proposer shall specifically and conspicuously designate that information **by placing "CONFIDENTIAL" in the header or footer of each such page affected.** Nothing contained in this provision shall modify or amend requirements and obligations imposed on ALDOT by the Act or other applicable law. The provisions of the Act or other laws shall control in the event of a conflict between the procedures described above, and the applicable law and may still obligate ALDOT to disclose information a Proposer designates as "CONFIDENTIAL."

All prospective Proposers should obtain and thoroughly familiarize themselves with the Act and other applicable law.

### **2.5.2 Observers During Evaluation**

Proposers are advised that officials or employees from federal or other State agencies and ALDOT consultants may observe and participate in the Proposal evaluation process and will be permitted to review the Proposals after the Proposal Due Date. ALDOT has agreed to allow FHWA officials, and their outside advisors, access to the Proposals. Observers (other than FHWA officials) and participants in the evaluation process will be required to sign ALDOT's project confidentiality agreement. While ALDOT

consultants may participate in pass/fail evaluation of Proposals, only ALDOT staff will participate in all other aspects of the evaluation, scoring, and selection.

## **SECTION 3.0 PROPOSER TEAM ORGANIZATION**

### **3.1 Organizational Conflicts of Interest**

The regulations contained in 23 CFR Part 636, Subpart A, and, in particular, Subsection 636.116 regarding organizational conflicts of interest and the Alabama Ethics Act, codified at Chapter 25 of Title 36 of the Code of Alabama (1975) (the "**Alabama Ethics Act**"), (which may be found on the Alabama Ethics Commission's website at [www.ethics.alabama.gov](http://www.ethics.alabama.gov)) apply to this Project and this RFQ/RFP. In addition to the Alabama Ethics Act, provisions of Alabama's Toll Road, Bridge and Tunnel Act and other provisions of Alabama law applicable to ALDOT have language governing conflicts of interest; these provisions can be found in Sections 23-1-58, 23-2-144(a)(12), and 23-2-159 of the Code of Alabama (1975). Proposers are advised that the laws provided in this [Section 3.1](#) may preclude certain firms and their subsidiaries and affiliates from participating as a Component Firm for a Proposer for this Project.

ALDOT will not be liable for any consequence, financial or otherwise, to a Proposer because of any ethics violation under the laws provided in this [Section 3.1](#) due to teaming arrangements.

The following firms and their affiliates and successors have known organizational conflicts of interests and are restricted from proposing or joining a Proposer (each a "**Conflicted Firm**"):

- Ames & Gough
- Armeni Consulting Services
- Barry A. Vittor & Associates, Inc.
- CDM Smith, Inc.
- Dan Brown and Associates, P.C.
- Direct Communications
- HDR Engineering, Inc.
- HNTB
- ICA
- Innovative Contracting & Engineering
- KPMG LLP
- Mayer Brown LLP
- Maynard Cooper & Gale, P.C.
- Michael Baker International
- Mott MacDonald
- MTN Resources , LLC
- Public Resources Advisory Group
- Shumer Consulting, LLC
- Tam Consulting Services, LLC



- Thompson Engineering, Inc.

Any firm that is neither a Conflicted Firm nor precluded under law may participate in this solicitation as a Component Firm, regardless of having provided prior services that are directly or indirectly associated with the Project.

By submitting its Proposal, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to ALDOT 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 that the Proposer knew or should have known about but did not disclose is determined to exist during the Procurement Process, ALDOT may, at its discretion, disqualify the Proposer. If an organizational conflict of interest that the Proposer knew or should have known about but did not disclose exists and the Proposer has entered into the Design-Operate-Maintain Agreement, ALDOT may, at its discretion, terminate the Design-Operate-Maintain Agreement, without penalty. In either case, ALDOT shall have the right to avail itself of any remedies it may have at law.

Proposers are also advised that ALDOT's policy is intended to augment applicable federal and state law, including federal laws and rules related to organizational conflicts of interest and the National Environmental Policy Act ("**NEPA**"). Such applicable law will also apply to Proposers and teaming and may preclude certain firms and their related entities from participating on a Proposer team.

### **3.2 Debarment or Suspension**

No firm may participate on any Proposer team as a Component Firm to the extent that such firm (A) is currently debarred, suspended, disqualified, or removed from bidding (including having been removed from bidding by ALDOT on account of pending liquidated damages on other projects or other violation of ALDOT specifications or procedures) or performing work for the State, the federal government, or more than three state governments; (B) is subject to any proposed or pending debarment, suspension, or similar actions; or (C) has been subject past debarment, suspension, or similar actions during the past three years prior to the Proposal Due Date. Each Proposer will be required to acknowledge and certify that all Component Firms meet the requirements of this section at the time of Proposal submission.

### **3.3 Business Integrity**

ALDOT considers the integrity of all firms and personnel involved in the Project to be of high importance. No owner, officer, partner, director, or financial controller of responding firms, or respective employee involved in the Project, may participate as a part of a Proposer team if such firm or person cannot meet the requirements of Section 5.2.1(c).

Each Proposer will be required to acknowledge and certify in its Proposal Letter (Form A) that all respective owners, officers, partners, directors, financial controllers, and employees meet the requirements of Section 5.2.1(c) at the time of Proposal submission in accordance with the requirements set forth in Exhibit C.

### **3.4 ALDOT Prequalification**

Proposers, including any Principal Participant or subcontractor necessary to the Proposal, must register to be prequalified prior to the Proposal Due Date in accordance with ALDOT's prequalification process for designing and constructing transportation projects pursuant to the rules and regulations of the Alabama

Department of Transportation and must be prequalified by the shortlist date as identified in [Section 1.5](#) of the ITP, Procurement Schedule. Failure by the Proposer to meet the requirements of Prequalification may result in the Proposer being disqualified from the Procurement Process. Accordingly, Proposers are advised to obtain such prequalification through the Alabama Department of Transportation Design Bureau and the Alabama Department of Transportation Office Engineer by the Shortlist Date and to register for such prequalification by the Proposal Due Date.

### **3.5 Other Legal Considerations for Teaming**

Prior to finalizing teaming arrangements, Proposers are advised to carefully review Chapter 13 of Title 31 of the Code of Alabama (1975), which requires, among other things, that companies doing business with the State (including ALDOT) make representations and covenants about their immigration practices. Prior to finalizing teaming arrangements, Proposers also are advised to carefully review Section 41-16-5 of the Code of Alabama (1975), which requires that companies doing business with the State (including ALDOT) make representations and covenants regarding certain boycotting activities.

### **3.6 Proposer Organization and Subsequent Changes**

Except as provided in the Design-Operate-Maintain Agreement and in this [Section 3.7](#), Proposer's organization as identified in its Proposal must remain the same for the duration of the Project unless otherwise approved in writing by ALDOT. If a Proposer wishes to make changes in the team members, including, without limitation, additions, deletions, reorganizations, and/or role changes in or of any of the foregoing, the Proposer shall submit to ALDOT a written request for approval of the change from ALDOT as soon as possible, but in no event later than the last date for Addenda to the RFQ/RFP set forth in [Section 1.5](#). ALDOT is under no obligation to approve such requests and may approve or disapprove in writing a portion of the request or the entire request at its sole discretion.

### **3.7 Requests for Information**

ALDOT may (but is not obligated to) at any time issue one or more requests for information to the individual Proposers, requesting additional information. Any requests for clarification will be made by ALDOT by email and/or telephone to a Proposer and, where the request is made by email, responses will be delivered to ALDOT by email to ALDOT's Authorized Representative unless otherwise directed by ALDOT. Proposers shall respond to any such requests within two Business Days (or such other time as is specified by ALDOT) from receipt of the request. The scope, length, and topics to be addressed in clarifications shall be prescribed by, and subject to the discretion of, ALDOT.

## **SECTION 4.0 PROPOSAL REQUIREMENTS**

### **4.1 General Provisions Regarding Proposals**

Proposals will consist of the following content:

- Technical Proposal
- Completed Forms
- Comments to the Proposed Scope of Work.

Each component of the Proposal shall be organized in the order listed in the respective order as provided in the Proposal instruction in Exhibit C and shall be clearly indexed. Any (1) failure to provide all the information and all completed forms in the format specified or (2) submittal of a Proposal subject to any reservations, qualifications, conditions, or assumptions may result in ALDOT's rejection of the Proposal or giving it a lower rating.

## **4.2 General Submittal Requirements**

The Proposal shall be submitted in recyclable, low-cost, sealed boxes in the format and manner set forth in [Section 4.3](#). Proposals shall be written in the English language and U.S. customary units.

### **4.2.1 Proposal Due Date**

The completed Proposal shall be delivered no later than the Proposal Due Date and time specified in [Section 1.5](#) to the address specified in [Section 4.2.4](#) below.

### **4.2.2 Signatures Required**

The Proposal Letter ([Form A](#)) shall be executed by the Proposer, or if the Proposer is a joint venture, all joint venture members of the Proposer, and shall be accompanied by evidence of signatory authorization as specified in [Form A](#). Signatures on documents included in the Proposal may be original (handwritten in blue ink) or electronic (digital) signatures. Electronic signatures must be applied by an authorized representative using Adobe Sign or DocuSign and be accompanied by a written statement acknowledging the intent of the signatory, and that of the party on whose behalf the signatory is signing, that the signature be binding.

### **4.2.3 Requirement to Submit Compliant Proposal**

The Proposal may not include any qualifications of, conditions on, exceptions to, or deviations from the requirements of the RFQ/RFP. If the Proposal does not fully comply with the instructions and rules contained in this ITP, including the ITP Exhibits, or contains an alteration or deviation or is non-compliant in any manner, ALDOT may disqualify the Proposal from further consideration, in its sole discretion.

### **4.2.4 Format**

Hardcopy submittals must be on 8½ by 11 inch paper, bound in one binder which shall be labeled to indicate the binder's contents and the name of the Proposer. Electronic copy submittals shall be submitted on a single non-password-protected, unrestricted access USB flash drive including searchable PDFs (with an electronic table of contents) with any individual file size no greater than 100 MB.

Printed lines may be single-spaced using a non-narrow font no smaller than the 10-point Segoe UI used in this document (that is, other font types may be used, but the minimum font size may vary to meet the required size). Graphics and tables may be prepared using 9-point font size. Double-sided printed paper is encouraged for hardcopy submittals; provided that originally-executed signature and notarization pages shall be single-sided.

### **4.2.5 Additional Requirements for Proposal Delivery**

The completed Proposal shall be submitted and delivered in a sealed package no later than the Proposal Due Date and time specified in [Section 1.5](#). The Proposal is to be delivered to ALDOT at the address shown for Edwin Perry in [Section 2.2](#).

The required hardcopy originals and duplicates of the Proposal and the USB drive containing the requisite electronic copies, shall be submitted in a single box or container labeled “[Proposer’s Name]: Proposal for the Roadside Tolling for the I-10 Mobile River Bridge and Bayway Project.” The original hardcopy Proposal shall be clearly identified as “original.”

#### **4.3 Proposal Contents and Organization**

The Proposal shall consist of a Technical Proposal for the Project. Proposers shall submit a binder containing the original Technical Proposal (as described in [Exhibit C](#)), completed Forms, and comments to the Proposed Scope of Work shall be clearly labeled “[Proposer Name]: Original Technical Proposal for Roadside Tolling for the I-10 Mobile River Bridge and Bayway Design-Operate-Maintain Project.” Proposer shall also provide one duplicate hardcopy of the Technical Proposal, labeled “[Proposer Name]: Copy of Technical Proposal for Roadside Tolling for the I-10 Mobile River Bridge and Bayway Design-Operate-Maintain Project.”

Each Proposer shall also provide one electronic copy of the Technical Proposal in PDF format on the USB flash drive.

All pages of the Technical Proposal (both hardcopies and electronic copies) shall be sequentially numbered. Components of the Technical Proposal shall comply with applicable page limits specified in [Exhibit C](#).

#### **4.4 Withdrawals and Late Submittals**

A Proposer may withdraw its Proposal at any time prior to the time due on the applicable Proposal Due Date by means of a written request signed by the Proposer’s PPC. Such written request shall be submitted to ALDOT by email to ALDOT’s Authorized Representative. A withdrawal of a Proposal will not prejudice the right of a Proposer to file a new Proposal provided that such new Proposal is received before the time due on the Proposal Due Date.

Proposals received after the time due on the Proposal Due Date may be rejected by ALDOT without consideration or evaluation. It is a Proposer’s sole responsibility to see that its Proposal is received as required by this RFQ/RFP.

#### **4.5 Ownership of Proposal**

All written and electronic correspondence, exhibits, photographs, reports, printed material, tapes, disks, designs, and other graphic and visual aids submitted to ALDOT during this Procurement Process, whether included in the Proposal or otherwise submitted, become the property of ALDOT and the State upon delivery to ALDOT, and will not be returned to the Proposer.

#### **4.6 Proposal Costs Not Reimbursable**

ALDOT will not provide any Proposer with reimbursement for any costs incurred in connection with this procurement, and the Proposer is solely responsible for all costs and expenses, of any nature, associated with responding to this RFQ/RFP and submitting a Proposal, including attending the preproposal conference, submitting RFCs regarding the RFQ/RFP Documents, and providing any other pre-Proposal submittals, or supplemental information to ALDOT.

## **SECTION 5.0 EVALUATION PROCESS**

ALDOT's goal is to create a fair and uniform basis for the evaluation of the Proposals in compliance with all applicable legal requirements governing this procurement. The Proposal evaluation process will consist of the steps outlined herein.

### **5.1 Evaluation Method**

The evaluation process will proceed as follows:

- (1) Review of each Proposal for responsiveness and pass/fail criteria, specifically, whether it met the prequalification requirements of Section 3.4;
- (2) Review and a qualitative evaluation of the Technical Proposals, resulting in a Technical Proposal score;
- (3) Establishment of a shortlist of Proposers to be invited for Oral Clarifications/Presentations with ALDOT;
- (4) Oral Clarifications/Presentations with shortlisted Proposers and a qualitative evaluation of the Oral Clarifications/Presentation performance, resulting in a Presentation score for each shortlisted Proposal; and
- (5) Determination of the overall technical ranking of shortlisted Proposals, based on the Technical Proposal and Presentation scores.

ALDOT reserves the right to shortlist Proposers before the completion of the qualitative evaluation and scoring of the Technical Proposals if ALDOT has determined that all Proposers have successfully satisfied the responsiveness and pass/fail review.

### **5.2 Pass/Fail Evaluation**

Upon receipt, the Proposals will be reviewed by the pass/fail and responsiveness subcommittee. They will be reviewed (a) for the Proposal's conformance to the RFQ/RFP instructions regarding organization and format requirements set forth in the RFQ/RFP and (b) completeness of all required forms or sections of the Proposal. The pass/fail review will include verification that the Proposer, and any of its Principal Participants and any subcontractors necessary to the Proposal, were registered prior to the Proposal due date in ALDOT's prequalification process and are prequalified in accordance with Section 3.4 prior to the Shortlisting Date.

Those Proposals that are not responsive to the RFQ/RFP, or that do not pass the pass/fail criteria, may be excluded from further consideration, and the Proposer will be so advised. ALDOT may also exclude from consideration any Proposer whose Proposal contains a material misrepresentation or omission. ALDOT reserves the right to waive minor informalities, irregularities, and apparent clerical mistakes that are unrelated to the substantive content of the Proposals.

### 5.3 Evaluation of Technical Proposals

For each Proposal that has completed the pass/fail and responsiveness review, its Technical Proposal will be evaluated to determine its ability to meet or exceed the Project goals, values, and requirements and will be scored in the following categories, for a total maximum Technical Proposal score of 100 points:

Technical Proposal Item	Page Limit	Maximum Points
Executive Summary	1	n/a
Table of Contents	1	n/a
Organization	3	10
Prior Experience	3 (excluding forms)	15
Key Personnel Experience	3 (excluding forms)	20
Project Approach – General (including Innovations)	4	15
Project Approach – Design/Construction Phases	4	20
Project Approach – Operating the Toll System	3	20
Forms	-	
Proposer Experience – Form D-1	6 (two pages per project)	(Evaluated with above)
Key Personnel Experience – Form D-2	5 (one page per key personnel)	(Evaluated with above)
<b>Maximum Pages:</b> (Cover page and section dividers are not included in the page count and any information contained therein will not be factored into the evaluation.)	<b>33</b>	
<b>Total Points Possible</b>		<b>100</b>

The evaluation criteria for each category are described below. Each of the evaluation criteria will be evaluated and scored as noted. ALDOT will add the points awarded for each evaluation factor to determine the Technical Proposal score.

#### 5.3.1 Organization

The Proposer team’s organization will be evaluated based on the extent to which such organization:

- (a) Demonstrates an efficient structure that is capable of effective coordination and collaboration with ALDOT, the MRB and Bayway Design-Builder(s), its consultants, and Stakeholders;
- (b) Identifies sufficient personnel with adequate availability to perform the work; and
- (c) Is likely to facilitate successful delivery of the Project.

#### 5.3.2 Proposer Experience

The Proposer's experience will be evaluated on the basis of the demonstrated competency, capability, and capacity of the Proposer team to successfully deliver a project of similar size and complexity. Specifically, ALDOT will evaluate the extent to which the Proposer's experience:

- (a) Demonstrates relevant experience that will improve the likelihood of a successful project, including the experience specified in Section 3.0 of Exhibit D
- (b) Demonstrates the ability to collaborate with the owner and other parties on a large transportation construction project;
- (c) Demonstrates the ability to develop innovative ideas that will improve operations and facilitate efficient construction;
- (d) Demonstrates experience in designing, operating, and maintaining an AET system that is interoperable with other toll agencies, systems, or interoperability hubs; and
- (e) Provides of qualified personnel in other disciplines required for the proposed services, both in-house and those to be acquired from outside sources with adequate experience based on the Proposed Scope of Work.

Experience on completed projects will be given more weight than projects in progress.

The information provided in the Technical Proposal regarding the Proposer's project experience will be used as deemed appropriate by ALDOT for the evaluation of such firms' technical experience and capability. At its discretion, ALDOT may elect to use other information provided in the Proposal, including reference information and disclosures, to make inquiries about or otherwise further examine the Proposer's technical experience and capability and may consider such inquiries and examinations in assessing the criteria above.

### **5.3.3 Proposed Key Personnel Experience**

The Proposer will be evaluated on the background, experience, and past performance of its required and Proposer-identified Key Personnel on projects of similar size and complexity. Key Personnel will be evaluated based on the extent to which:

- (a) The required Key Personnel meet or exceed minimum requirements for qualifications and experience, as specified in Section 4 of Exhibit D, noting that experience which exceeds the minimum requirements for qualifications may be considered a strength.
- (b) The required Key Personnel demonstrates experience successfully completing projects that:
  - (1) include designing, operating, and maintaining an AET system that is interoperable with other toll agencies;
  - (2) are located in a marine and/or coastal environment; and
  - (3) are located in an urban environment.
- (c) The extent to which the Proposer-identified additional Key Personnel provide experience that is likely to facilitate and improve successful delivery of the Project.

The information provided in the Technical Proposal regarding the Proposer's Key Personnel, including Forms D-2, will be used as deemed appropriate by ALDOT to assist in the evaluation of the Key Personnel qualifications and experience. At its discretion, ALDOT may elect to use other information provided in the Proposal, including reference information and disclosures, to make inquiries about or otherwise further examine the Proposer's technical qualifications and capability and may consider such inquiries and examinations in assessing the criteria above.

#### **5.3.4 Project Approach**

The Proposer's Project Approach, with respect to the Design & Implementation Phase and the Operations Phase, will be evaluated on the extent to which each:

- (a) Demonstrates an understanding of the Project and its revenue generation needs;
- (b) Demonstrates an understanding of the ALDOT's goals, as provided in Section 1.3, and articulates an approach to meet such goals;
- (c) Demonstrates an understanding of the scope of work;
- (d) Demonstrates an efficient and effective plan for coordination and collaboration with ALDOT, ALDOT's consultants, the Alabama Toll Road, Bridge and Tunnel Authority, the Mobile River Bridge and Bayway Design-Builders, and other Stakeholders in connection with the Project;
- (e) Demonstrates an Innovative approach;
- (f) Demonstrates an effective plan for the performance of construction work, including work that is intended to be self-performed and work that is intended to be subcontracted; and
- (g) Minimizes ALDOT's dependence on proprietary equipment or solutions and allows efficient ongoing operations at the conclusion of the O&M period.

#### **5.3.5 Safety Qualifications**

The Proposer's approach and apparent ability to provide a safe project. The Proposer's safety qualifications should address both encouraging safety during implementation of the tolling infrastructure as well as ongoing safety to the traveling public after implementation.

#### **5.4 Shortlist**

For all Proposers that pass the pass/fail review, Technical Proposals will be scored. Unless ALDOT decides otherwise as provided in Section 5.1, Proposers submitting the highest scored Technical Proposals will become the shortlisted Proposers. ALDOT intends to shortlist three to four teams but reserves the right to adjust the number in the shortlist.

#### **5.5 Oral Clarifications/Presentations**

Shortlisted Proposers will be asked to participate in a session for Oral Clarifications and Presentations ALDOT as described in this Section 5.5.

Each shortlisted Proposer team may bring to its presentation any material that Proposer believes may assist ALDOT in evaluating the team's qualifications; however, no materials shall be left with ALDOT after the presentation. Each team may bring up to five (5) attendees to the Oral Clarification and Presentation.



These five must include Project Manager (Design/Construction), Toll System Design Manager, and System Integrator Communications of any kind with individuals not present in the Oral Clarification and Presentation room are prohibited. The Proposer is prohibited from using laptops or cell phones during the interview except for one laptop for the Proposer’s presentation.

ALDOT will provide the Proposer team with questions for the Questions and Answers session five minutes prior to the start of the Questions and Answers session. The Proposer team Oral Clarification and Presentation attendees will have no more than five minutes to review the questions and prepare answers.

Oral Clarification and Presentation <b>Item</b>	<b>Time Allocation (Minutes)</b>	<b>Maximum Points</b>
1. Introductions	45	0
2. Team Qualifications and Experience		10
3. Project Understanding and Approach to Meeting ALDOT’s Goals		10
4. Innovative Ideas		10
5. Risk Management and Quality Management		10
6. Closing		0
7. Questions and Answers (including five minutes for Proposer to review questions)	15	10
<b>Maximum Total Time:</b>	<b>60</b>	
<b>Total Points Available:</b>		<b>50</b>

Oral Clarification and Presentation performance with respect to interview items #2-5 in the above table will be evaluated pursuant to the criteria provided in Section 5.3.1 through 5.3.6 above, as applicable.

The Questions and Answers session of the Oral Clarification and Presentation will be evaluated on the extent to which:

- (a) responses were well organized, clear, and the logic included in a response was easy to follow;
- (b) responses answered the questions concisely and left out unnecessary and/or repetitive information;
- (c) responses were delegated appropriately and/or the Proposer team worked well together to answer the questions;
- (d) responses included appropriate examples or proofs to support the Proposer team’s answers; and
- (e) responses had merit and/or relevance.

At ALDOT’s discretion, the responses provided during the Questions and Answers session may also influence the scoring of Oral Clarification and Presentation items #2-5 in the above table.

## **5.6 Evaluation Criteria**

ALDOT will use a rating system to evaluate Technical Proposals and Oral Clarification and Presentation performance pursuant to the criteria in Sections 5.3 and 5.5 above.

## **5.7 Selection**

After the Oral Clarification and Presentation , ALDOT will rank the shortlisted Proposals based on the combined Technical Proposal and OralClarification and Presentation scores. The highest ranked Proposal will be identified as the apparent best qualified Proposer for negotiation and finalization of the Design-Operate-Maintain Agreement as described in Section 6.0.

## **5.8 Requests for Clarification on Proposals**

ALDOT may (but is not obligated to) at any time issue one or more requests for clarification to the individual Proposers, requesting additional information or clarification from a Proposer, or may request a Proposer to verify or certify any aspect of its Proposal. Any requests for clarification will be made by ALDOT by email to the Proposer and responses will be delivered to ALDOT by email to ALDOT's Authorized Representative unless otherwise directed by ALDOT. Proposers shall respond to any such requests within two Business Days (or such other time as is specified by ALDOT) from receipt of the request. The scope, length, and topics to be addressed in clarifications shall be prescribed by, and subject to the discretion of, ALDOT.

Upon receipt of requested clarifications and additional information as described above, if any, the Proposals may be re-evaluated to factor in the clarifications and additional information.

## **SECTION 6.0 POST-EVALUATION PROCESS AND EXECUTION**

### **6.1 Design-Operate-Maintain Agreement Negotiations**

ALDOT will proceed with the best qualified Proposer, based on the selection criteria outlined in Section 5.0, to finalize the Design-Operate-Maintain Agreement. By submitting its Proposal, each Proposer commits to enter into a form of the Design-Operate-Maintain Agreement that is consistent with the RFQ/RFP, subject to negotiation.

All necessary ALDOT personnel will meet with the prospective firm to review in detail the required services and ensure a complete and thorough understanding of requirements involved in the Design-Operate-Maintain Agreement. ALDOT will discuss with the selected Proposer methods of payment for the work under the different phases of the work. The methods of payment, depending on the applicability to the type of work, may be lump sum, cost per unit of work, cost plus a fixed fees amount, or specific rates for compensation. Compensation based on a cost plus a percentage of cost of construction will not be used. Any method of payment to be negotiated must adhere to any federal cost principles.

After the work requirements are clearly understood by both parties regarding Phase 1, the prospective firm will be required to prepare a proposed fee for the required services, separated by the various items of work and supported by estimated man-day requirements, out-of-pocket costs, etc., necessary to perform the desired work. ALDOT will prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, and other direct costs for the defined

scope of work. The independent estimate shall serve as the basis for negotiation. Regarding Phase 2 and 3, the parties will set out how to determine payment in the DOMA.

In the event ALDOT elects to commence negotiations with a Proposer, such Proposer will be deemed to have failed to engage in good faith negotiations with ALDOT if the Proposer (a) fails to attend and actively participate in reasonably scheduled negotiation meetings with ALDOT, or (b) insists upon terms or conditions for any documents to be negotiated or provided by Design-Operator hereunder that are inconsistent with any exceptions expressly identified by Proposer in its Proposal.

## **6.2 Post-Selection Deliverables**

Prior to execution of the Design-Operate-Maintain Agreement, ALDOT will need the following from the selected Proposer:

(a) Evidence of authority to transact business in the State for all members of Proposer's team that will transact business in the State, dated no earlier than the Proposal Due Date.

(b) A copy of the final organizational documents for Design-Operator and for each member or partner of Design-Operator, as applicable. The final form of the organizational documents may not differ materially from the draft organizational documents included with the Proposal. If the Proposer is a joint venture, attach a letter from each joint venturer stating that the joint venture agrees to be held jointly and severally liable for any and all of the duties and obligations of Design-Operator under the Proposal and under any contract arising therefrom

(c) An executed State of Alabama Disclosure Statement, as required by Article 3B of Title 41, Code of Alabama 1975. The Disclosure Statement is included in Exhibit D.

(d) Completion of any documentation needed in order for payment to be issued through the State of Alabama Comptroller's Office.

(e) Evidence that Design-Operator and its Principal Participants hold all licenses required for performance of the work under the Design-Operate-Maintain Agreement and evidence that the Design-Operator and any required Component Firm is duly qualified to do business, and is in good standing, in the State. Additionally, ALDOT will need verification that the Proposer and any subcontractors not yet identified performing work under the Design-Operate-Maintain Agreement will likewise meet these requirements prior to the performance of any work by that firm.

(f) Evidence of approval of the final form, and of due authorization, execution, delivery and performance, of the Design-Operate-Maintain Agreement by Design-Operator and, if the Design-Operator is a joint venture, by its joint venture members. Such evidence shall be in a form and substance satisfactory to ALDOT.

(g) Certificates of insurance evidencing the coverage required under the Design-Operate-Maintain Agreement.

During the negotiation period, as a condition to execution of the Design-Operate-Maintain Agreement, the Proposer shall deliver drafts of the deliverables identified in [Section 6.2](#) for pre-approval by ALDOT.

## **6.3 Debriefings**

All Proposers submitting Proposals will be notified in writing of the results of the evaluation process. Proposers may request a debriefing. Debriefings shall be provided at the earliest feasible time after execution of the Design-Operate-Maintain Agreement. The debriefing shall be conducted by a procurement official familiar with the rationale for the selection decision and Design-Operate-Maintain Agreement award.

Debriefings shall:

- (a) Be limited to discussion of the Proposer's Proposal and may not include specific discussion of a competing Proposal;
- (b) Be factual and consistent with the evaluation of the Proposer's Proposal; and
- (c) Provide information on areas in which the Proposer's Technical Proposal had weaknesses or deficiencies.

Debriefing may not include discussion or dissemination of the thoughts, notes, or rankings of individual members of any evaluation committee, but may include a summary of the rationale for the selection decision.

## **SECTION 7.0 PROTESTS**

### **7.1 Applicability**

This Section 7, and Titles 23 and 39 of the Code of Alabama (1975) and the regulations, rules, and specifications promulgated thereunder set forth the exclusive protest remedies available with respect to this RFQ/RFP. To the extent that any provisions in this Section 7 are inconsistent with those set forth in Titles 23 and 39 of the Code of Alabama (1975) and the regulations, rules, and specifications promulgated thereunder, as they may be amended, the provisions in Titles 23 and 39 of the Code of Alabama (1975) and the regulations, rules, and specifications promulgated thereunder that are current at the time of the protest shall govern. These provisions prescribe the exclusive procedures for protests regarding:

1. Allegations that the terms of the RFQ/RFP are wholly ambiguous, contrary to legal requirements applicable to the procurement, or exceed ALDOT's authority;
2. A determination whether a Proposal is responsive to RFQ/RFP requirements; and
3. Shortlisting/award determinations.

### **7.2 Required Early Communication for Certain Protests**

Protests concerning the issues described in Section 7.1(1) may be filed only after the Proposer has informally discussed the nature and basis of the protest with ALDOT, following the procedures prescribed in this Section 7.2. Informal discussions shall be initiated by a written request for a one-on-one meeting delivered to the address specified in Section 2.2 for the Authorized Representative. The written request should include an agenda for the proposed one-on-one meeting. ALDOT will meet with the Proposer as soon as practicable to discuss the nature of the allegations. If necessary to address the issues raised in a protest, ALDOT may, in its sole discretion, make appropriate revisions to the RFQ/RFP Documents by issuing Addenda.

### **7.3 Deadlines for Protests**

1. Protests concerning the issues described in Section 7.1(1) must be filed as soon as the basis for the protest is known but no later than 20 days prior to the Proposal Due Date, unless the protest relates to an Addendum to the RFQ/RFP, in which case the protest must be filed no later than five Business Days after the Addendum is issued.
2. Protests concerning the issues described in Section 7.1(2) must be filed no later than five Business Days after receipt of the notification of non-responsiveness.
3. Protests concerning the issues described in Section 7.1(3) must be filed no later than 10 Business Days after the earliest of the notification of the shortlist/award and the public announcement of the shortlist/award.

### **7.4 Content of Protest**

Protests (a) shall completely and succinctly state the grounds for protest, its legal authority, and its factual basis, and (b) shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Statements shall be sworn and submitted under penalty of perjury.

### **7.5 Filing of Protest**

Protests shall be filed by hand delivery on or before the applicable deadline provided in Section 7.3. For any protests filed after the Proposal Due Date, the Proposer filing the protest shall concurrently file a copy of the protest with the other Proposers whose addresses may be obtained from ALDOT's website.

Protests must be filed to the following address:

John R. Cooper, Director  
Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, Alabama 36110

Duplicates of the protest must be sent to the Legal Bureau at the following address:

William F. Patty, Chief Counsel  
Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, Alabama 36110

### **7.6 Comment from Other Proposers**

Other Proposers may file statements in support of or in opposition to the protest within seven days of the filing of the protest. ALDOT shall promptly forward copies of all such statements to the protestant. Any statements shall be sworn and submitted under penalty of perjury.

### **7.7 Burden of Proof**

The protestant shall have the burden of proving its protest. ALDOT may, in its sole discretion, discuss the protest with the protestant and other Proposers. No hearing will be held on the protest. The protest shall be decided on the basis of written submissions.

## **7.8 Decision on Protest**

The Director of ALDOT or his designee shall issue a written decision regarding the protest within 30 days after the filing of the detailed statement of protest. If necessary to address the issues raised in a protest, ALDOT may, in its sole discretion, make appropriate revisions to this RFQ/RFP by issuing Addenda.

## **7.9 Protestant's Payment of Costs**

If a protest is denied, the Proposer filing the protest shall be liable for ALDOT's costs reasonably incurred to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by ALDOT as a consequence of the protest.

## **7.10 Rights and Obligations of Proposers**

Each Proposer, by submitting its Proposal, expressly recognizes the limitation on its rights to protest provided in this Section 7, and Titles 23 and 39 of the Code of Alabama (1975) and the regulations, rules, and specifications promulgated thereunder, which govern public bid protests, and expressly waives all other rights and remedies and agrees that the decision on the protest is final and conclusive. If a Proposer disregards, disputes, or does not follow the exclusive protest remedies provided in this Section 7.0, it shall indemnify and hold ALDOT and its officers, employees, agents, and consultants harmless from and against all liabilities, fees, and costs, including legal and consultant fees and costs, and damages incurred or suffered as a result of such Proposer's actions. Each Proposer, by submitting a Proposal, shall be deemed to have irrevocably and unconditionally agreed to this indemnity obligation.

## **SECTION 8.0 ALDOT RIGHTS AND DISCLAIMERS**

In addition to the reserved rights articulated throughout the RFQ/RFP, ALDOT reserves the right, in its sole and absolute discretion, to do the following:

- (a) reject any or all Proposals;
- (b) issue a new or revised RFQ/RFP;
- (c) cancel, modify, or withdraw the RFQ/RFP;
- (d) appoint an evaluation team to review Proposals and seek the assistance of outside technical experts in the Proposal evaluation;
- (e) extend the Proposal Due Date;
- (f) seek or obtain data from any source that has the potential to improve the understanding and evaluation of the Proposal of one or all the Proposers;
- (g) if ALDOT is unable to negotiate a Design-Operate-Maintain Agreement to its satisfaction with a Proposer, it may negotiate with the next best qualified Proposer, terminate this procurement and pursue other development or solicitations relating to the Project or exercise such other rights under Titles 23 and 39 of the Code of Alabama (1975) and the regulations, rules, and specifications promulgated thereunder, or under other applicable law, as ALDOT deems appropriate; and

(h) refuse to receive or open a Proposal, once submitted, or reject a Proposal if such refusal or rejection is based on, but not limited to, any of the following:

- (1) failure on the part of a Principal Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts;
- (2) violation of the terms of the RFQ/RFP on the part of a Principal Participant;
- (3) issuance of a notice of debarment or suspension to a Principal Participant;
- (4) submittal by the Proposer of more than one Proposal under the Proposer's own name or under a different name;
- (5) existence of a conflict of interest or evidence of collusion in the preparation of a proposal or bid for any design or construction project by a Principal Participant; and
- (6) submittal by the Proposer of a Proposal after the Proposal Due Date.

The issuance of the RFQ/RFP is not a commitment by ALDOT to enter into the Design-Operate-Maintain Agreement, nor does it obligate ALDOT to pay for any costs incurred in preparation and submission of the Proposal or in anticipation of the Design-Operate-Maintain Agreement. By submitting a Proposal, a Proposer disclaims any right to seek compensation for such costs from ALDOT. By submission of a Proposal in response to the RFQ/RFP, the Proposer thereby specifically acknowledges acceptance of the above rights and disclaimers.

## **EXHIBIT A DEFINITIONS AND ACRONYMS**

**"4CIF"** stands for four times the common intermediate format, which is a standard video format that provides a resolution of 704 x 576 pixels.

**"6C"** is an ISO standard for RFID-based AET systems that operate in the UHF band.

**"Addenda/Addendum"** means supplemental additions, deletions, and modifications to the provisions of the RFQ/RFP after the release date of the RFQ/RFP.

**"AET"** means All-Electronic Tolling.

**"Affiliate"** means (i) any person, organization or firm that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer, any Principal Participant; or (ii) any organization or firm for which 10 percent or more of the interest in such organization or firm is held directly or indirectly, beneficially or of record, by (a) the Proposer; (b) any Principal Participant; or (c) any Affiliate under part (i) of this definition.

**"AIR"** stands automated image review, a technology used to analyze and process digital images automatically.

**"ALDOT"** means the Alabama Department of Transportation.

**"ALGO Pass"** means the Alabama issued electronic toll collection RFID transponder.

**"ALPR"** stands for automatic license plate recognition, which is a technology that uses cameras and optical character recognition software to automatically read and capture images of license plates on vehicles.

**"Authority"** means the Alabama Toll Road, Bridge and Tunnel Authority.

**"Authorized Representative"** has the meaning set forth in ITP Section 2.2.

**"AVC"** means automatic vehicle classification system.

**"AVI"** means automatic vehicle identification.

**"Bayway Project"** has the meaning set forth in ITP Section 1.1.

**"BOM"** stands for bill of materials. It is a list of all the materials, components, and parts needed to manufacture a product.

**"BOS"** stands back-office system or back-office services. The BOS is the central management system used to manage and control the tolling process. The BOS is responsible for collecting and processing toll transactions, managing toll accounts, and generating reports and statistics.

**"Business Day"** means days on which ALDOT is officially open for business.

**"CCTV"** means closed circuit television.

**"CIF"** stands for common intermediate format, which is a standard video format used by cameras and other video capture devices that provides a resolution of 352 x 288 pixels.

**"Civil Rights Requirements"** means the civil rights requirements, referred to collectively, that include (a) equal employment opportunity and affirmative action, (b) Davis-Bacon Act and related acts, (c) DBEs, (d)



on-the-job training requirements, I Title IV of the Civil Rights Act, (f) Americans with Disabilities Act, (g) non-discrimination, and (h) FHWA 1273.

**“Component Firm”** means any firm associated with a Proposer that is contemplated by the Proposer to perform work on the Project, including the Proposer, Principal Participants, Designers, and subcontractors that perform design or construction activities.

**“Conflicted Firm”** has the meaning set forth in ITP Section 3.1.

**“Contract Year”** means (a) each 12-month period, commencing on the Effective Date, and (b) the period between the final anniversary of the Effective Date during the Term and the last day of the Term.

**“CSC”** means Customer Service Center.

**“CSV”** stands for comma-separated values, which is a simple file format used for storing tabular data.

**“CUSIOP”** stands for Central United States Interoperability Hub.

**“Day”** or **“day”** shall mean calendar days unless otherwise expressly specified.

**“Design-Operate-Maintain Agreement”** or **“DOMA”** means the Design-Operate-Maintain agreement for the design and construction of the Project together with associated documents, including any technical provisions attached thereto.

**“Design-Operator”** has the meaning set forth in ITP Section 1.1.

**“Design Manager”** means the individual employed by the Design Operator, and satisfying the requirements of such position, designated as having the lead responsibility for managing the design on the Project.

**“Designers”** means firms that hold a current valid license as required by the State under applicable law and provides professional engineering, architecture, surveying, or landscape architecture services for the Design-Operator on the Project up to and including providing signed-sealed final design plans and specifications for the Project.

**“DPP”** has the meaning set forth in ITP Section 1.7.2.

**“DVAS”** stands for dynamic vehicle allocation system, a technology used in transportation and logistics management to optimize the allocation and scheduling of vehicles in real-time.

**“DVR”** stands for digital video recorder. **“DW”** stands for data warehouse, a large, centralized repository of data that is used to support business intelligence activities, such as reporting, data analysis, and decision-making.

**“FAT”** stands for factory acceptance test.

**“FCC”** stands for the Federal Communications Commission.

**“Gantry Design Task Lead”** means the individual employed by the Design Operator, and satisfying the requirements of such position, designated as having the lead responsibility for managing the design on the toll gantries

**“Governmental Authority”** means any (a) federal, State, or local government, and any political subdivision of any of them, and (b) any interstate, governmental, quasi-governmental, judicial, public, regulatory, statutory instrumentality, administrative agency, authority, body, or entity of, or formed by, any such government or subdivision thereof; in each case other than ALDOT.

**“GUI”** stands for Graphical User Interface. It refers to the visual elements, such as icons, menus, buttons, and windows, that allow users to interact with software applications or operating systems through a graphical interface.

**“Hub”** means a toll interoperability hub, a centralized system that facilitates the interoperability of tolling systems across different tolling agencies and jurisdictions.

**“IFRS”** has the meaning set forth in ITP Exhibit E, Section 2.0.

**“ICPS”** stands intelligent computer processing system.

**“ICS”** stands for image capture system, a technology used to capture, store, and manage digital images.

**“Innovation”** or **“Innovative”** means:

the application of new technology, materials, and/or processes in industry practice, that is relevant and feasible for the Project, and if applied, would increase revenue and/or lower costs of the Project, demonstrate better value for the Project in connection with the Project’s operations and maintenance activities, minimize environmental impacts of the Project, and/or assist in addressing environmental commitments associated with the Project.

**“Instructions to Proposers”** or **“ITP”** means the documents, including exhibits and forms, included in the RFQ/RFP containing directions for the preparation and submittal of information by the Proposers in response to the RFQ/RFP.

**“IoT”** stands for the internet of things, which refers to the growing network of physical devices, vehicles, appliances, and other items that are embedded with sensors, software, and connectivity, allowing them to connect and exchange data with each other and with other systems over the internet.

**“ISO”** means the International Organization for Standardization.

**“ITS”** means the intelligent transportation systems.

**“Key Personnel”** means the individuals designated by a Proposer pursuant to ITP Exhibit C, Section 4.0.

**“MMS”** stands for maintenance management system, a software platform used to manage and track maintenance activities related to tolling infrastructure and equipment.

**“Mobile River Bridge Project”** has the meaning set forth in ITP Section 1.1.

**“MOT”** has the meaning set forth in ITP Exhibit D, Section 4.1.

**“MTBF”** stands for mean time between failures. It is a measure of the expected reliability of a system or component.

**“OCR”** stands for optical character recognition, which is a technology that enables the recognition of printed or handwritten characters by a computer.

**“ODBC”** stands for open database connectivity, a standardized database interface that allows applications to access data from a variety of database management systems using a common set of comm

**“OmniAir”** is a non-profit organization that develops and promotes interoperability and certification standards for intelligent transportation systems (ITS) and connected vehicles.

**“Owner’s Project Manager”** or **“OPM”** means the firm(s) hired by ALDOT to provide support services intended to ensure compliance of design work and construction work with the contract documents, and to assist ALDOT with procurement and development of the Project and Mobile River Bridge Project.

**“Principal Participant”** means, with respect to a Proposer, any of the following entities: (i) any joint venture, partner, or firm holding an interest in the Proposer if the Proposer is a joint venture, partnership, or other form of unincorporated legal entity; (ii) any person or firm holding (directly or indirectly) a 15% or greater interest in the Proposer if the Proposer is a corporation, limited liability company, or other form of incorporated legal entity; or (iii) parent company or Affiliate of the Proposer or another Principal Participant that will provide financial support to such firm (guarantor) to meet the financial obligations of the Design-Operate-Maintain Agreement.

**“Procurement Process”** means the entire process by which ALDOT offers to outside parties an opportunity to undertake the Project, including the RFQ/RFP, beginning with the release of the RFQ/RFP and ending with the selection of the Design-Operator to design and construct the Project.

**“Professional Engineer”** means individual licensed under applicable law to practice engineering in the State.

**“Project”** has the meaning set forth in ITP Section 1.1.

**“Project Manager”** or **“PM”** means the individual employed by the Proposer, or a Principal Participant, who is designated as having the lead responsibility for managing the Proposer (and Design-Operator) organization including authority to provide full direction and control for the Project. The Proposer shall have one designated project manager during a Project Phase. The Project manager is further defined to be either the Project Manager (Design/Construction) for Phases 1 and 2 or Project Manager (Operations) for Phase 3

**“Project Manager (Design/Construction)”** means the individual employed by the Proposer, or a Principal Participant, who is designated as having the lead responsibility for be responsible for overall design, construction, and contract administration on behalf of the Design-Operator

**Project Manager (Operations)”** means the individual employed by the Proposer, or a Principal Participant, who is designated as having the lead responsibility for contract administration on behalf of the Design-Operator and the Design-Operator’s efforts to oversee and run the Toll System on behalf of the Authority

**“Proposal”** means a Proposer’s complete response to the RFQ/RFP

**“Proposal Due Date”** means the deadline (date and time) for submission of Proposals identified in ITP Section 1.5.

**“Proposer”** means the entity submitting a Proposal for the Project in response to the RFQ/RFP.

**“Protest”** has the meaning set forth in ITP Section 7.0.

**“PTZ”** stands for pan-tilt-zoom.

**“RMA”** stands for return merchandise authorization. It is a process that allows customers to return defective or unwanted products to the manufacturer or seller for repair, replacement, or refund.

**“RWIS”** means road weather information system.

**“Request for Qualifications and Proposals”** or **“RFQ/RFP”** means the set of documents identifying the Project and the work to be performed and materials to be furnished in response to which a Proposal may be submitted by a Proposer.

**“RFC”** means Proposer written requests for clarification as described in ITP Section 1.5.

**“RFID”** means Radio Frequency Identification.

**“RFQ/RFP Documents”** has the meaning set forth in ITP Section 1.2.1.

**“RTCS”** stands for road tolling collection system.

**“RVOS”** stands for Registered Vehicle Owner Source.

**“SeGo”** means Secure Go which is an AET technology that uses encryption and digital signatures to secure toll transactions between the in-vehicle transponder and the tolling system.

**“SEIOP”** means Southeast Interoperability Hub.

**“Stakeholder”** means parties that may have a stake in the Project by virtue of their location or funding, including, but not limited to, utility providers affected by the Project; railroads in the Project area; adjacent landowners; municipalities of Daphne, Mobile, Prichard, and Spanish Fort; counties of Baldwin and Mobile; the Mobile Metropolitan Planning Organization and Eastern Shore Metropolitan Planning Organization; USDOT; FHWA; and their respective officers, directors, and employees.

**“State”** means the State of Alabama.

**“Systems Integrator”** means the individual employed by the Design Operator, and satisfying the requirements of such position, designated as having the lead responsibility for managing the toll system integration on the Project.

**“SQL”** stands for structured query language. It is a programming language used to manage and manipulate relational databases. It is used to create, modify, and query databases, as well as to control access to data stored in databases.

**“TDM”** means time division multiplexing, a legacy AET technology that uses a time-sharing approach to allow multiple vehicles to use the same toll plaza lane simultaneously. TDM systems assign each vehicle a unique time slot during which it can transmit its toll data to the tolling system.

**“Technical Proposal”** means the technical proposal submitted by a Proposer providing the information requested in ITP Exhibit D.

**“TSDO”** means the Toll System Designer-Operator.

**“UHF”** means ultra-high frequency band.

## **EXHIBIT B TECHNICAL PROPOSAL INSTRUCTIONS**

### **1.0 Executive Summary**

Provide an executive summary written as a narrative, in a non-technical style, containing supplemental information for evaluators addressing the Proposer's experience, qualifications, and approach to the Project.

### **2.0 Organization**

The Technical Proposal shall include an organizational chart (not more than one 8 ½" x 11" pages), and a narrative description of such organizational chart showing Proposer's organization and reflecting relationship structure among Proposer and the Component Firms. The chart and narrative shall identify the Project Principal, Project Manager(s) (if separate from the design and operation of the Toll System), the subcontractors responsible for major Project functions to be performed, and describe the functional structure of the organization. The chart shall also include the names, roles, and reporting structure of the Key Personnel and list any other personnel that Proposer proposes for the Project.

### **3.0 Proposer Prior Experience**

In addition to Form D-1, provide a summary of up to three previous toll system/facility experience. Include, as a minimum:

- Project name and location
- Client and reference
- Dates
- Type of work (i.e., design, construction, operations)

### **4.0 Proposed Key Personnel Experience**

Describe how the experience of the Key Personnel will facilitate and improve successful delivery of the Project. Provide information on which Key Personnel will be co-located and during which phases will each be full-time on the Project.

The Technical Proposal shall include a completed Form D-2 with respect to each of the required Key Personnel described in the table below.

Provide at least one reference for all Key Personnel, indicating the name, position, agency, reference project(s) by name and date, current phone number, and current email address for each reference. References must be owners or clients for whom the relevant Key Personnel performed relevant work in the 15 years prior to the Proposal Due Date and must not be current employers of the relevant Key Personnel or other members of the Key Personnel's Proposer team.

Each individual proposed for a required Key Personnel position must have the minimum qualifications and experience and satisfy the requirements identified in the following chart. With respect to individuals

required to be Professional Engineers, licensure by the State will be required on or before execution of the Design-Operate-Maintain Agreement.

A Proposer may not replace a Key Personnel identified herein at any time after submission of its Proposal and prior to execution of the DBOA, without prior written approval from ALDOT. Any proposed replacement shall meet the minimum qualifications and experience listed below, and, in ALDOT's sole discretion, have experience and qualifications equal to or better than the Key Personnel to be replaced.

<b>Key Personnel Position</b>	<b>Minimum Qualifications and Experience</b>
Project Manager (Design/Construction)	<p>Shall lead the Design-Operator's efforts and be responsible for overall design, construction, and contract administration on behalf of the Design-Operator, including safety compliance for the Project. Will be designated as ALDOT's point of contact throughout the Project and must be delegated with the authority to make decisions affecting any aspect of the Project. Will be assigned to the Project full time until substantial completion.</p> <p>Must have a minimum of 5 years of experience with toll system design and construction.</p>
Project Manager (Operations)	<p>Shall lead the Design-Operator's efforts to oversee and run the Toll System on behalf of the Authority. Will be the Authority's point of contract for the duration of Operations part of the contract. Will be responsible to ensure the Toll System is running correctly. Will be the contract to the Back Office manager.</p> <p>Must have a minimum of 5 years of experience with the operation of toll systems.</p> <p>Position shall be identified and agreed upon prior to the negotiations of the Operations Phase</p>
Design Manager	<p>Responsible for ensuring that the overall Project design is completed and design criteria are met. Will assist the Project Manager (Design/Construction) with coordination with ALDOT and the design-builders for the Main River Bridge Project and Bayway Project. Must be a Professional Engineer in the State of Alabama as of DBOA execution.</p> <p>Must have a minimum of 5 years of toll design experience.</p>
Systems Integrator	<p>Responsible for ensuring the various subsystems are connected and operational. This includes off the shelf and proprietary technology. Will be responsible for site testing and ensuring the system can be remotely monitored and operated.</p> <p>Must have a minimum of 5 years of experience in toll integration.</p>
Gantry Design Task Lead	<p>Responsible for the design of the toll gantry system. The base design will be coordinated with ALDOT to ensure it satisfies aesthetic requirements. The gantry design will be coordinated with the design-builder(s) to provide the necessary structural support.</p> <p>Must have a minimum of 5 years of experience in tolling/ITS/sign gantry</p>

---

<b>Key Personnel Position</b>	<b>Minimum Qualifications and Experience</b>
-------------------------------	--

---

design and must be a licensed Engineer in the State of Alabama.

---

## **5.0 Project Approach**

### **5.1 General**

Separately, for each of the Design and Construction Phase and the Operation Phase, describe the Proposer's approach to deliver the work. The narrative for each phase shall:

(a) Demonstrate the Proposer's understanding of the Project goals set forth in Section 1.3 and describe the proposed approach to helping ALDOT achieve the Project goals;

(b) Describe the Proposer's approach to coordination and communications with ALDOT and ALDOT's advisors in connection with the Project;

(c) Describe the Proposer's approach to completing the scope of work;

(d) Explain how the Proposer will engage Key Personnel and other resources;

(e) Summarize the Proposer's approach to scheduling, quality, and risk management for all phases of the work, which should include:

(i) descriptions of managing design quality, including reporting relationships and responsibilities, implementation of ALDOT oversight, documentation, and correction of design deficiencies; and

(ii) descriptions of managing quality during the operations phase

(g) Describe any Innovations that the Proposer recommends that will also help ALDOT achieve all Project goals.

### **5.2 Design/Construction Phase Approach**

In addition to the requirements set forth in Section 5.1, the narrative for the Design/Construction Phase Project Approach shall describe the Proposer's approach to:

(a) Development and delivery of design, including collaboration with ALDOT

(b) Ensuring that ALDOT receives a fair price for construction, including a description of the major cost components (i.e., cost drivers) for the Project and the Proposer's approach to obtaining a fair price for these major cost drivers and minimizing cost escalation over the construction period;

(c) Project Innovations and the potential impacts of the Innovation risk.

(d) Project Management, Quality Control, Project Schedule

(e) System Installation and testing



(f) Explaining how the Design-Operator will coordinate with the Main River Bridge Project design-builder and Bayway Project design-builder.

(g) Explaining where the toll gantries might be installed, type of gantry system, and system requirements.

(h) Additional value-added services.

(i) Proposer's approach to minimizing future maintenance costs related to tolling infrastructure.

(j) Proposer's approach to designing infrastructure elements to address environmental and climate conditions typical for the project site, including wind, heavy rain, and fog.

(k) Proposer's approach to limiting ALDOT's reliance on proprietary equipment, software, or hardware.

### **5.3 Operation Phase Approach**

In addition to the requirements set forth in Section 5.1, the narrative for the Operation Phase Project Approach shall describe:

(a) The Proposer's plan for operation of the facility in a safe manner that helps maximize revenue for ALDOT'

(b) The Proposer's approach to minimizing closures or interruptions to toll collections during the operations phase.

(c) The Proposer's ability to operate the Toll System per the requirements set forth in this RFQ/RFP. This includes, but not limited to, typical maintenance, testing, and incident response.

(c) The typical daily, weekly, and monthly tasks the Proposer shall perform in service of the Toll System.

## **6 Safety Qualifications**

Provide a narrative statement on your team's approach to safety as well as safety statistics from similar, recent projects. The safety narrative should include descriptions of how the Proposer intends to promote a safe environment both during construction and during the operations phase.

## **7 Forms**

Form D-1 is to be completed for each referenced project.

Form D-2 is to be completed for each required Key Personnel.

**EXHIBIT C  
REQUIRED FORMS**

**ALABAMA DEPARTMENT OF TRANSPORTATION  
I-10 BAYWAY DESIGN-OPERATE-MAINTAIN PROJECT  
INSTRUCTIONS TO PROPOSERS — Form A**

**PROPOSAL LETTER**

PROPOSER: \_\_\_\_\_

Proposal Date: \_\_\_\_\_, 2023

Alabama Department of Transportation  
1701 I-65 West Service Rd. N.  
Mobile, Alabama 36618  
Attn: Edwin Perry III

The undersigned ("**Proposer**") submits this proposal (this "**Proposal**") in response to that certain Request for Qualifications and Proposals ("**RFQ/RFP**") issued by the Alabama Department of Transportation (ALDOT), dated April 13, 2023, as amended, to develop, design, and potentially construct the I-10 Bayway Design-Operate-Maintain Project (the "**Project**"), as more specifically described in the RFQ/RFP Documents. Initially capitalized terms not otherwise defined herein shall have the meanings set forth in the RFQ/RFP and the RFQ/RFP Documents.

In consideration for ALDOT supplying us, at our request, with the RFQ/RFP Documents and agreeing to examine and consider this Proposal, the undersigned undertakes jointly and severally:

(1) To keep this Proposal open for acceptance initially for 120 days after the Proposal Due Date, and if the undersigned is notified within 60 days following the Proposal Due Date that it is the next best qualified Proposer, for the period until 150 days after the Proposal Due Date, without unilaterally varying or amending its terms and without any member or partner withdrawing or any other change being made in the composition of the entity on whose behalf this Proposal is submitted, without first obtaining the prior written consent of ALDOT, in ALDOT's sole discretion; and

(2) If this Proposal is accepted, to provide security (including insurance) for the due performance of the Design-Operate-Maintain Agreement, as stipulated in the RFQ/RFP.

If selected by ALDOT as the best qualified Proposer, Proposer agrees to do the following or, if not the Design-Operator, to cause Design-Operator to do the following: (a) if requested by ALDOT in its sole discretion, enter into good faith negotiations with ALDOT regarding the terms of the Design-Operate-Maintain Agreement, in accordance with the requirements of the RFQ/RFP; (b) enter into the Design-Operate-Maintain Agreement without varying or amending the terms except if requested by ALDOT, in its sole discretion, or as agreed by ALDOT, in its discretion, in connection with negotiation of any exceptions that Proposer has expressly identified in its Proposal; (c) satisfy all other conditions to award of the Design-Operate-Maintain Agreement; and (d) perform its obligations as set forth in the Instructions to Proposers (ITP), including compliance with all commitments contained in this Proposal.

The following individual is designated as the Proposer Point of Contact:

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

- Technical Proposal
- Completed Forms
- Comments to the Proposed Scope of Work

Proposer acknowledges receipt of the following Addenda and sets of RFCs and responses:

*[List all Addenda by number and date issued.]*

*Responses issued [list dates on which ALDOT responded to Proposers' questions regarding the RFQ/RFP Documents or this procurement.]*

Proposer certifies that its Proposal is submitted without reservation, qualification, assumptions, or conditions. Proposer certifies that it has carefully examined and is fully familiar with all of the provisions of all of the RFQ/RFP Documents, the Addenda (if any), and ALDOT responses to questions (as and when posed), and is satisfied that the RFQ/RFP Documents provide sufficient detail regarding the obligations to be performed by the Design-Operator and do not contain internal inconsistencies; that it has carefully checked all the words, figures and statements in this Proposal; that it has conducted such other field investigations and additional design development which are prudent and reasonable in preparing this Proposal; and that it has notified ALDOT of any deficiencies in or omissions from any RFQ/RFP Documents or other documents provided by ALDOT and of any unusual site conditions observed prior to the date hereof.

Proposer acknowledges the requirements of ITP Section 3.4 and hereby certifies that all Principal Participants have registered for prequalification as of the date of this Proposal.

Proposer represents that all statements made in the Proposal are true, correct, and accurate as of the date hereof, except as otherwise specified in the enclosed Proposal and Proposal forms.

Proposer understands that ALDOT is not bound to accept any Proposal that ALDOT may receive.

Proposer further understands that all costs and expenses incurred by it in preparing this Proposal and participating in the RFQ/RFP process will be borne solely by the Proposer.

Proposer consents to ALDOT's disclosure of its Proposal pursuant the applicable provisions of law to any Persons in ALDOT's sole discretion after award of the Design-Operate-Maintain Agreement by ALDOT.

Proposer further represents that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, joint venture, limited liability company or corporation; the Proposal is genuine and not collusive or a sham; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived or agreed with any Proposer or anyone else to put in a sham Proposal or that anyone shall refrain from proposing; the Proposer has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the prices of the Proposer or any other Proposer, or to fix any overhead, profit or cost element included in the Proposal, or of that of any other Proposer, or to secure any advantage against ALDOT or anyone interested in the

proposed agreement; all statements contained in the Proposal are true; and further the Proposer has not, directly or indirectly, submitted its prices or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, joint venture, limited liability company, organization, Proposal depository or any member, partner, joint venture member or agent thereof to effectuate a collusive or sham Proposal.

Proposer will not, directly or indirectly, divulge information or data regarding the terms of its Proposal to any other Proposer, or seek to obtain information or data regarding the terms of any other Proposal, until after award of the Design-Operate-Maintain Agreement or rejection of all Proposals and cancellation of the RFP.

Proposer acknowledges and agrees to the disclosure terms described in ITP Section 2.5. Proposer expressly waives any right to contest such disclosures as may exist under applicable law.

Proposer agrees that ALDOT will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in this Proposal.

This Proposal shall be governed by and construed in all respects according to the laws of the State of Alabama.

Proposer's business address:

---

(No.)	(Street)	(Floor or Suite)
(City)	(State or Province)	(ZIP or Postal Code)
		(Country)

State or Country of Incorporation/Formation/Organization: \_\_\_\_\_

*[Insert appropriate signature block.]*

Sample signature block:

*[Insert the Proposer's name]*

By: *[Insert member's name]*

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

*[Add additional signatures as appropriate]*

**IDENTIFICATION OF PROPOSER AND PRINCIPAL PARTICIPANTS — Form B**

NAME OF ENTITY AND CONTACT INFORMATION (address, representative, phone, e-mail)	ROLE IN ORGANIZATION	Alabama Contractor License and License Limit (if applicable)	Description of Work/Services To Be Performed By Entity

The above information is true, correct, and accurate.

*[Insert Proposer's name]*

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**INFORMATION ABOUT PROPOSER ORGANIZATION — Form C**

1.0 Name of Proposer: \_\_\_\_\_

2.0 Type of entity: \_\_\_\_\_

3.0 Proposer's address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone

Email

4.0 How many years has the Proposer and each Principal Participant been in its current line of business, and how many years has each entity been in business under its present name?

Name	Years in business	Years under present name

5.0 Under what other or former names have the Proposer and Principal Participants operated?

Proposer: \_\_\_\_\_

\_\_\_\_\_:

\_\_\_\_\_:

\_\_\_\_\_:

\_\_\_\_\_:

6.0 List all Alabama professional licenses held by the Proposer and any Principal Participants. Attach copies of all Alabama licenses. Attach a separate sheet if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

Each of the undersigned, being first duly sworn, deposes and says that \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_, which entity(ies) is/are the \_\_\_\_\_ of \_\_\_\_\_, the entity making the foregoing Proposal, and that the answers to the foregoing questions and all other statements therein are true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public in and for  
said County and State

[Seal]

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





**PROPOSER EXPERIENCE— Form D-1**

Name of Proposer: \_\_\_\_\_

Name of Reference Project:

Owner:

Location:

Project Cost in US Dollars:

Principal Participants involved  
in reference project, their roles,  
and level of participation:

- 
- 

Key Personnel or Additional  
Key Personnel involved in  
reference project and their  
roles:

- 
- 

Project Start Date:

Project End Date:

Owner's Project Manager  
(name, email, phone)<sup>1</sup>:

Similarities to This Project:

<sup>1</sup> The Proposer has checked the validity of the provided contact information.

**KEY PERSONNEL EXPERIENCE— Form D-2**

Name of Proposer: \_\_\_\_\_

*Note: Provide a separate Form D-2 for each required Key Personnel.*

<b>Key Personnel Position</b>	<b>[Insert title here]</b>	<b>[Insert individual's name here]</b>
<b>Project Experience 1</b>	Project Name	
	Project Description	
	Position Title	
	Number of years serving in this position	
	Detailed description of project responsibilities for this position title	
	Explanation regarding the relevance of this experience to the minimum qualifications for the Key Personnel position	
	Reference name, if applicable	
<b>Project Experience 2</b>	Project Name	
	Project Description	
	Position Title	
	Number of years serving in this position	
	Detailed description of project responsibilities for this position title	
	Explanation regarding the relevance of this experience to the minimum qualifications for the Key Personnel position	
	Reference name, if applicable	
<b>Project Experience X</b>	<i>[Copy and paste as needed to demonstrate additional project experience]</i>	
<b>Summary of Experience</b>	Total number of years' experience in a position relevant to experience required for the Key Personnel Position	<i>[Insert cumulative total years of experience as demonstrated by the above experience that are applicable to the Key Personnel position.]</i>

---

**Reference Information<sup>2</sup>**

---

<b>Name</b>	<b>Information</b>
<b><i>[Reference Name 1]</i></b>	Position/Agency
	Project(s)
	Phone
	Email
<b><i>[Reference Name 2]</i></b>	Position/Agency
	Project(s)
	Phone
	Email

---



**RFC FORM — FORM E**

**PROPOSER NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PROPOSER POINT OF CONTACT:**

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Comments Previously Submitted: [#] – [#]

No. <sup>1</sup>	Document <sup>2</sup>	Section <sup>2</sup>	Page <sup>2</sup>	Comment/Question <sup>3</sup>	Confidentiality <sup>4</sup>
1					
2					
3					

**INSTRUCTIONS:**

1. Sequentially number comments/questions across the Forms F submitted by Proposer. Add additional lines as needed.
2. Identify the relevant RFQ/RFP Document and section and page number(s) or indicate that the comment/question is general in nature.
3. Do not identify the Proposer in the body of the comment/question.
4. If the Proposer believe the Comment/Question is confidential between ALDOT and the Proposer, describe the basis for the need for confidentiality. If ALDOT disagrees that a Comment/Question is confidential, it will notify the Proposer, who will be given the option to withdraw the Comment/Question. If ALDOT agrees that the Comment/Question relates to a confidential matter, the response will only be provided to the Proposer that initiated the Comment/Question.

DISCLOSURE STATEMENT — FORM F



State of Alabama
Disclosure Statement
Required by Article 3B of Title 41, Code of Alabama 1975

ENTITY COMPLETING FORM

ADDRESS

CITY, STATE, ZIP TELEPHONE NUMBER

STATE AGENCY/DEPARTMENT THAT WILL RECEIVE GOODS, SERVICES, OR IS RESPONSIBLE FOR GRANT AWARD

ADDRESS

CITY, STATE, ZIP TELEPHONE NUMBER

This form is provided with:

- Contract Proposal Request for Proposal Invitation to Bid Grant Proposal

Have you or any of your partners, divisions, or any related business units previously performed work or provided goods to any State Agency/Department in the current or last fiscal year?

- Yes No

If yes, identify below the State Agency/Department that received the goods or services, the type(s) of goods or services previously provided, and the amount received for the provision of such goods or services.

STATE AGENCY/DEPARTMENT TYPE OF GOODS/SERVICES AMOUNT RECEIVED

Have you or any of your partners, divisions, or any related business units previously applied and received any grants from any State Agency/Department in the current or last fiscal year?

- Yes No

If yes, identify the State Agency/Department that awarded the grant, the date such grant was awarded, and the amount of the grant.

STATE AGENCY/DEPARTMENT DATE GRANT AWARDED AMOUNT OF GRANT

1. List below the name(s) and address(es) of all public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF PUBLIC OFFICIAL/EMPLOYEE ADDRESS STATE DEPARTMENT/AGENCY

2. List below the name(s) and address(es) of all family members of public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the public officials/public employees and State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF FAMILY MEMBER	ADDRESS	NAME OF PUBLIC OFFICIAL/ PUBLIC EMPLOYEE	STATE DEPARTMENT AGENCY WHERE EMPLOYED

If you identified individuals in items one and/or two above, describe in detail below the direct financial benefit to be gained by the public officials, public employees, and/or their family members as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

Describe in detail below any indirect financial benefits to be gained by any public official, public employee, and/or family members of the public official or public employee as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

List below the name(s) and address(es) of all paid consultants and/or lobbyists utilized to obtain the contract, proposal, request for proposal, invitation to bid, or grant proposal:

NAME OF PAID CONSULTANT/LOBBYIST	ADDRESS

***By signing below, I certify under oath and penalty of perjury that all statements on or attached to this form are true and correct to the best of my knowledge. I further understand that a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00, is applied for knowingly providing incorrect or misleading information.***

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Notary's Signature Date Date Notary Expires

*Article 3B of Title 41, Code of Alabama 1975 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000.*