DEPARTMENT OF TRANSPORTATION

March 20, 2024

Mr. Bill Lohr
Field Operations Team Lead
FHWA – Minnesota Division
180 East Fifth Street, Suite 930
St Paul, MN 55101

RE: Special Experimental Project 14
Best Value Scoring Evaluation Report

Mr. Lohr:

This is the final report for the Special Experimental Project 14 approvals that MnDOT received (on both July 27, 2023 for the Stone Arch Bridge project and on March 15, 2017 for the Lake St project) to trial Best Value (BV) Scoring on Design-Bid-Build (DBB) projects.

Both applications were similar in that they requested approval to utilize a process very similar to the Best Value evaluation procedure that MnDOT has been utilizing on its Design-Build (DB) projects for roughly 20 years in order to address factors other than cost in the award of the DBB projects.

Procedurally, MnDOT's Design-Build Program Manager (Peter Davich in both cases) adapted MnDOT's DB Best Value process (and evaluation manuals) to fit DBB delivery. The process utilized was as follows:

1) MnDOT approached the Minnesota AGC with its intention to let DBB BV projects. Approval was not needed, but MnDOT desired to partner with the AGC on the process and make certain they had no concerns. The MN AGC was supportive of letting the two projects as standalone efforts given their experience with DB Best Value scoring.
2) The project specifications were adapted to allow for a Best Value award (see attachments). Standard specification 1301 was replaced with content very similar to that used in Design-Build Instructions to Proposers (ITPs): the only differences were that a few terms were changed to match DBB practice (i.e. 'Technical Component' instead of 'Technical Proposal'). Standard Specification 1504 was also modified to make the Technical Component a contractual document.
3) Scoring criteria were developed on the project using the exercise typically utilized in DB. The steps of this process are:

a. Create a list of goals for the project
b. Of these goals, determine which the contractor can meaningfully affect. (This is notably different on DBB projects than on DB projects where the contracting team completes the final design: in DBB the contractor has much less control and can speak only to personnel, risk approaches, maintenance of traffic, safety, and a few other project elements)
c. Of these goals the contractor can affect, determine which could have their quality affected by statements written in technical proposals as opposed to those which might result in wording that has little practical meaning. (A Project Management Approach commitment is a typical example of something that might be very valuable if executed well but is difficult to judge in writing)
d. For the goals that survived this process, criteria were written to explain what MnDOT was looking for in relation to these topics and how they would be evaluated.
e. Finally, a thought exercise was performed to determine how much MnDOT believed it was worth in dollars to have “excellent” performance versus “adequate” performance in dollars. After doing this, we repeated the exercise to determine how much it was worth to have “adequate” performance versus “poor” performance.
f. Following this exercise, the DB Program Manager used data from past DB projects to determine how many ‘points’ would need to be assigned to the criteria in order to allow for these differences in dollars. He discarded any goals that had too few points assigned to be worth the procedural effort. Finally, the criteria were approved by district and central leadership.
g. On the Lake Street project MnDOT evaluated Risk Understanding and Mitigation Approach (24 pts), Diversity and Inclusion - workforce (12 pts), Small Business Inclusion (10 pts), Project Manager (10 pts), Grading Construction Manager (6 pts), Bridge construction Manager (6 pts), MOT Manager (6 pts), EEO Manager (6 pts), Local Impact (18 pts), Schedule (17 pts – awarded via equation). Another 886 points were awarded to teams for being responsive and appropriately weight value versus cost.

   To this end, value considerations were given roughly 11.4% as much weight as cost on the Lake St project. That is a small percentage, but MnDOT calculated it could have allowed for a technical swing of up to $10,000,000 in reasonably foreseeable scenarios. (See attached analysis)
h. On the Stone Arch Bridge project MnDOT evaluated Risk Understanding and Mitigation Approach (8), Quality Processes (10), Project Manager (3), Masonry Team (6), Safety Officer (3). 70 points were rewarded for responsiveness.

   Value considerations were given roughly 30% as much weight as cost on the project. That is a significant percentage that would have again allowed for an

eight-figure technical swing on the project despite being roughly a quarter of the size of the I35W Lake St project. This recognizes the fact that quality was a larger concern on the Stone Arch Bridge project in relation to project cost.

4) Project kickoff meetings were held at the beginning of procurement in order to let the proposers know how the BV award would be administered. These meetings proceeded without incident or significant questions: all proposers on the two projects were familiar with DB BV scoring. It should be noted that shortlisting did NOT occur on these projects: all teams were welcome to propose so long as they addended the kickoff meeting.
5) The procurement timeframes were lengthened to eight weeks (instead of the standard four) to allow the teams time to prepare their proposals.
6) 1 on 1 meetings were <u>not</u> held, as would have occurred in DB. The purpose of these meetings would have been to discuss ATCs, which were not utilized on the projects (although they were considered for Lake St) so confidential meetings were felt to have no appropriate purpose. MnDOT does not discuss preferences that might relate to scoring in these meetings (neither in DB nor here).
7) Five-person evaluation committees were assembled following our establish DB procedures: all evaluators were Principal level or higher and one member was assigned by the Minnesota AGC.
8) The review and comment procedures were held in strict conformance with MnDOT's Evaluation Manual (again minimally adapted from Design-Build and using Peter Davich as a process overseer). The Lake St project was scored traditionally, as was the practice at the time, and the Stone Arch Bridge project was scored using our current consensus evaluation practice. See attachments.
9) In both cases the processes proceeded smoothly without great arguments or procedural issues.

The Best-Value results from these projects are as attached. In neither case did the BV criteria "flip" the award: the low bidder was awarded the project. However, both project management teams expressed pleasure at the way the process worked and felt that the technical swings allowed by the numbers would have been appropriate had the bids been closer. They also felt that meaningful commitments had been made and that the scoring exercise was likely to have increased the quality of the final product simply by having the contractor think through their personnel, risks, and processes prior to letting.

The Office of Civil Rights said that the ALS team did follow through on their Civil Rights commitments in their Lake St technical component, which were above and beyond usual practices. The processes used on this project have been discussed often since that time as a potential template for future projects (including the 494 DB project). The personnel scored on the project served their roles well, the MOT timeline commitments were held, and the ALS team performed with the quality expected given their strong response to the risk and mitigation criterion.

In regards to the Stone Arch Bridge in particular, the bids on the project came in much higher than expected. However, it does not appear that the BV scoring procedure was a significant element causing the higher-than-expected costs: instead other project conditions, permits, risks, etc were more costly than anticipated by the estimate. The project has yet to be constructed so performance cannot yet be judged, but the evaluation team remains confident in the BV results.

To summarize, MnDOT is confident in our ability to consistently and meaningfully execute a Best Value scoring effort in DBB using both our DB experience and our experience gained on these two SEP-14 projects. We do not anticipate this BV in DBB process will be desired often, perhaps once every five years, because projects benefiting from BV scoring are typically better delivered using DB itself. That said, it is a tool that we believe has worked well and we would like to have it available.

Therefore, MnDOT believes that our BV in DBB SEP-14 trials were successful and we furthermore believe it would be appropriate to request permanent authority to perform them at this time. If the FHWA believes that would be potentially appropriate we would be happy to work towards that result.

If you would like to do so or have any questions about these results, please contact me using the information below.

Sincerely,

Peter Davich, PE
Design-Build Program Manager
651-283-6698
peter.a.davich@state.mn.us

CC: Paul Johns
Kevin Kosobud

ATTACHMENTS

DBB Best Value Scoring 35W Lake St 11-7-16.pdf

170060 Apparent Best Value Adjusted Score Results.pdf

35W Lake St Best Value Specification Final 4-7-17.pdf

I35W Lake St Technical Component Evaluation Manual.pdf

I35W Lake St Project

170060

S.P. 2782-327

June 28, 2017 Apparent Best Value Calculation

	Technical Proposal Score	Proposal Price	Adjusted Score (Price / Technical Score)
Ames Lunda Shafer a Joint Venture	989.23	$ 239,029,843.40	241632
C.S. McCrossan Construction, Inc.	979.78	$ 248,061,693.21	253181
HCZT, LLC	965.24	$ 288,539,923.48	298931
Kiewit Infrastructure Co.	968.21	$ 376,959,178.29	389336

Apparent Best-Value = Lowest Adjusted Score

revised by: PAD 6/28/2017

Best-Value Scoring: 35W Lake Street

What is Best Value scoring?

Best Value awards are utilized when MnDOT would like to consider value other than low cost when awarding a project. On traditional Design-Bid-Build (DBB) projects, the contract is most often awarded to the contractor who commits to completing a given scope of work for the lowest cost in a Low Bid award. However, MnDOT occasionally chooses to consider speed of construction (A+B) or qualifications when awarding the project; these are simple Best Value award structures.

On Design-Build (DB) projects, the contract is usually (but not always) awarded to the contractor who proposes the Best Value. Cost always receives the heaviest weight in the DB award formula, but other factors such as geometric design quality, environmental impact, speed of construction, etc are evaluated as well. The formula used to award the project is:

Price / Technical Score = Adjusted price

…where the contract is awarded to the contractor with the lowest "Adjusted Price".

To date the Technical Score has always been a number between 0 and 100. People often refer to each integer in that range as a "point" (i.e. it's a "100-point scale"). Per an agreement with Minnesota's AGC, scores of 0 are not possible because at least half of the available points must be awarded to each proposing team for being responsive to the contract documents. (MnDOT made this commitment to the AGC following the 35W bridge collapse to limit the weight of the technical score in comparison to price) Therefore, in practice the Technical Score has been a number between the project minimum (between 50 and 90) and 100.

How are the number of points on a project determined?

The number of points on a project are determined through careful consideration by the project team and management. The following is an outline of the consideration process:

1) The project team brainstorms areas in which they would appreciate value above and beyond project minimums to a significant degree. Categories often considered include environmental impact, completion speed (of the entire project or a critical link), geometric quality, maintainability, risk management, etc. The list should look similar to the project goals, but it should be focused on items that are partially or entirely under the control of the contractor.
2) The list is reviewed to determine if any of the identified elements would be too abstract for a contractor to try and make enforceable contractual commitments. For example, a contractor with a good project management approach is very valuable, but it is often difficult to separate a good project management approach from a bad one when reading

their descriptions in a technical proposal. Any elements felt to be too abstract or otherwise impractical to score are discarded.

3) The list is reviewed again to determine if any of the identified elements are too small to be worth the writing and scoring effort (or otherwise highly unlikely to make a difference to the award of the contract). Any low-impact elements identified in this step are discarded.
4) The "value of a point" is calculated. Given the above equation, the dollar value of a point can be calculated to be:

    Value of a point = Average Anticipated Competitive Price /
    Average Anticipated Competitive Score

    More practically, this can often be approximated as:

    Value of a point = Project Estimate / 90

5) The value of a point calculated in step 4 is modified for the two types of criteria.
    a. Calculated. The decisions are easy for calculated criteria. These criteria most often take the form of "MnDOT will offer X points for each Y provided". Examples for a hypothetic project are "1 point per week eliminated from the schedule" or "3 points per extra rehabilitated bridge". If the value of a point on the hypothetical project is $500,000, then MnDOT is effectively offering an award advantage to any team that can shorten the project duration for less than $500,000 per week eliminated or to any team that can rehabilitate an extra bridge for less than $1,500,000 in this example.
    b. Objectively scored. Objectively scored criteria require more assumptions; they are rated based on the process outlined in the Design-Build Evaluation Manual. Therefore, the value of the criteria depends on the scoring behavior of the evaluators. Given historic observations, evaluators have typically awarded 95% scores to proposals they love, 80% scores to proposals they are indifferent to, and 55% scores to proposals they hate. Therefore, it can be said that only 40% of the value of a point (95% - 55%) is truly "in play" during objective scoring…and swings larger than 25% are rare. Therefore, the value of a point for objectively scored criteria is effectively 40% of the value calculated in step #4.
6) Finally, each potential criterion on the list is assigned point values given the "value of a point" logic above. For example, if the group consensus is that a truly excellent geometric design would be worth $2,000,000 more than a very poor (yet responsive) design, they might assign:

    $2,000,000 / ($500,000 * 40%) = 10 points to the category

7) The list of criteria is reviewed by management and supervisors as necessary to evaluate the criteria and points assigned.
8) Draft scoring criteria are posted public as soon as available to give the contracting community time to prepare for the project.

35W Lake Street

Regarding 35W Lake Street in particular, the proposed criteria are attached. The below are some observations based on the logic in this document:

1) It must be noted from the start that the project differs from the above "normal practice" because 1,000 points are being used in place of 100 points. Everything else stated above still applies, but the point values need to be multiplied by roughly 10. For example, the value of a point is calculated as Project Estimate / **970** rather than **90**.

   The reason for this change is that points on the large $250M project are extremely valuable and even 1-point criteria could have a large economic impact. Therefore, the use of a 1,000 point scale simply avoids the needs to use decimal places for the number of points allowed.

2) Given the above, the value of a point is calculated to be $250,000,000 / 970 = $258,000. For ease of calculation I will assume $250,000.
3) The four criteria currently identified are all objectively scored. Therefore, the dollars 'in play' per point are about 40% of the 'value of a point', or $100,000. Per category this results in:
   a. Risk Understanding and Mitigation Approach (25 points = $2,500,000)
   b. Diversity and Inclusion (15 points = $1,500,000)
   c. Small Business Contracting (12 points = $1,200,000)
   d. Key Personnel (34 points = $3,400,000)
   e. Schedule (14 points…calculated or objective? Regardless this is a placeholder)
4) Therefore, and discarding Schedule for the moment, the maximum technical swing I could realistically imagine seeing on the project is $8.6M if the scorers love just about everything about one technical proposal and hate just about everything about the low-cost technical proposal. "Landslide" scores not much different from this have been observed rarely in DB and are possible. That said, for the given criteria (which are admittedly a bit abstract) my best guess is that the difference we'll see between high and low score is $2-3M if all teams perform acceptably.
5) Is that the right amount? It's for the project team/management to decide! All I will add to the discussion is that our contracting community may have a difficult time accepting a large technical swing on the first project to attempt full DBB Best Value scoring.

For More Information, Contact:

Peter Davich, MnDOT Design-Build Program Manager
651-366-4233
peter.a.davich@state.mn.us
http://www.dot.state.mn.us/designbuild/

S-1 (1301) CONSIDERATION OF PROPOSALS AND TECHNICAL COMMITMENTS (BEST VALUE METHOD)

S-X.1 GENERAL

The Department will award this contract to the responsible and responsive Bidder that offers the best-value to the Department as defined by this specification. The lowest responsible Bidder will be determined using both the Bidder's Proposal and Technical Component score.

After opening Proposals, the Department will compare the Proposals based on the correct summation of the products of the scheduled quantities and unit bid prices. If the lowest responsible Bidder has submitted prices on more than one alternate item, the Department reserves the right to determine which alternate to accept. If the extended bid item price, obtained by multiplying the unit bid price by the bid item quantity, is incorrectly calculated, the Department will use the unit bid price to recalculate the extended bid item price.

The Department will not consider Proposals that do not include a Proposal Guaranty in accordance with 1208, ―Proposal Guaranty.

The Department reserves the right to:

(1) Reject any or all Proposals or Technical Components,
(2) Waive deficiency or informality in a Proposal or Technical Component, or
(3) Advertise for new Proposals or Technical Components.

A Two Phase Bidding Process will be utilized to allow for the scoring of Technical Components prior to the submission of Proposals.

S-X.2 PROJECT GOALS

The goals of this Project are as follows:

- Provide a safe work environment for workers and the public.
- Complete all project stages and closures within the planned timeframes and achieve Substantial Completion on schedule.
- Minimize disruption to all modes of transportation including vehicular traffic, transit operations, bicycle traffic, pedestrian traffic, and others.
- Utilize high-quality design and construction practices to achieve durable and high-quality products.
- Avoid or minimize construction-related impacts to nearby residents, businesses, parks, and the local quality of life in general.

- Recognize local community challenges and take advantage of appropriate opportunities to improve their quality of life.
- Fully satisfy environmental and permit requirements.
- Proactively manage risk and encourage innovative ideas to help achieve the above goals.

S-X.3 DEFINITION OF TERMS

For this Project the following definitions apply:

- Evaluation Committee – A panel of at least three individuals selected by the Department to review the contents of the Technical Component.
- Key Personnel – The individuals listed in the Technical Component to meet the Proposal Package requirements.
- Proposal – As defined in Standard Specification 1103. The Proposal includes the Bidder's response to the cost requirements of the Proposal Package and is separate from the Technical Component.
- Scoring Criteria – The criteria which define the narratives, procedures, and commitments required in the Technical Component that will be scored as indicated to determine the Bidder's technical score for the purposes of calculating the lowest responsible Bidder.
- Small Business – As defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 13 CFR part 121.
- Technical Component– A Bidder's response to the Scoring Criteria contained in this Specification 1301. This is separate from the Proposal, which remains as defined in Standard Specification 1103. All commitments made in a Technical Component are binding contractual commitments.
- Two Phase Bidding Process – A two phase process consisting of a first phase in which Bidders submit Technical Components to be evaluated by the Department, and a second phase in which those Bidders whose Technical Components are deemed responsive during the first phase have their Proposals considered.

S-X.4 SCHEDULE

The following is the procurement schedule for this Contract.

PROCUREMENT SCHEDULE	
Advertisement	May ~~April 1~~3, 2017
Procurement Informational Meeting	May 5~~April 20~~, 2017

Commented [PAD1]:

Technical Component Due Date	June 14~~May 19~~, 2017
Letting Date (Proposal Due Date)	June 28~~7~~, 2017
Public Opening Date	June 28~~7~~, 2017

S-X.5 TECHNICAL COMPONENT SUBMISSION

The Technical Components must be submitted by the prime contractor and received by the Department **no later than 9:30 a.m. Central Time on the Technical Component Due Date.** Time of receipt by the Department will be determined by time that a complete submission was accepted by the Department's email server. The Technical Component must be submitted as a single package that is no larger than 50 MB; make certain to allow sufficient time for transmission. Note that the Department's email server may accept an emailed Technical Component submission even after the deadline for the submission has passed. Regardless, any Technical Component received after the deadline will be considered non-responsive and will not be reviewed or considered. Bidders with an email system that supports "Request a Delivery Receipt" are advised to utilize that function. Mailed or hand delivered Technical Components will not be accepted.

The Technical Component must be e-mailed in pdf format to:

Peter Davich
Design-Build Program Manager
Minnesota Dept of Transportation
peter.a.davich@state.mn.us

The Technical Component must include a cover page with:

1) The name of the project
2) The words "Technical Component"
3) The Bidder's name
4) The date of Technical Component submission

The Technical Component shall include an executive summary, which must contain:

1) Sufficient information to familiarize reviewers with the Bidder's ability to satisfy the technical requirements of this Project.
2) The name, address, phone number, and e-mail address of the Bidder's sole point of contact for the Project. This point of contact must be available to answer questions regarding the contents of the Technical Component during business hours and is responsible for transmitting and receiving information as necessary.
3) A statement certifying the truth and correctness of the Technical Component.
4) The signature of an authorized representative(s) of the Bidder's organization. If the Bidder is a joint venture, the joint venture members must sign the letter.

The Technical Component must include all information required by the Scoring Criteria.

The Technical Component must not exceed 15 single-sided pages, not including the cover page and executive summary. Any graphics, resumes, or other pages added to enhance the Technical Component count against this page limit with the sole exception of Appendix A. All pages counting against the limit must be numbered. The Technical Component must be organized to correspond to and address the content requirements of the Scoring Criteria.

One Appendix (Appendix A) must be submitted with the Technical Component. Appendix A must contain the following completed items as required in the Scoring Criteria. Appendix A must not contain any other information. Required items:

1) Total Company Workforce Tool
2) MnDOT Underutilization Analysis Tool
3) Targeted Recruitment List

All information must be designed to print on 8.5" x 11" paper. Text must not be less than 0.10 inches in maximum height (i.e. the height of a capital letter). This is roughly equivalent to 11-point, Times New Roman font. All dimensional information, if any, must be provided in English units.

The Technical Component **must not contain price information of any kind**. Any Technical Component submitted with price information will not be accepted.

S-X.6 SCORING CRITERIA

The Technical Component must include narratives and other information as described in this section. Any commitments made in response to this section are binding contractual commitments. The maximum relative points in the technical scoring are shown in parenthesis. The Department will evaluate the Technical Component based on the information provided by the Bidders in response to these criteria.

1) Risk Understanding and Mitigation Approach (24 points)

Provide a narrative demonstrating the Bidder's understanding of the 5-6 most significant risks that may prevent the successful achievement of one or more project goals. These discussed risks must include the following three plus others as observed by the Bidder:

a) Utility coordination and relocations
b) "Ground water control" as related to the high water table within the project limits
c) Safety and security

Provide a second narrative describing the Bidder's approach to managing and mitigating the identified risks. Provide specific commitments to mitigate the risks and better meet the project goals.

The Department will evaluate the depth of the Bidder's Project understanding and the effectiveness of the approach and commitments to meeting the Project goals.

2) Diversity and Inclusion (12 points)

Complete the Total Company Workforce Tool and, subsequently, the MnDOT Underutilization Analysis Tool. Using this information, provide a narrative that compares the Bidder's anticipated workforce in Minnesota to the available workforce in the metropolitan statistical area analyzed. If the Bidder does not have a permanent workforce established in Minnesota, complete the Tool using the Bidder's anticipated workforce. Only include employees who will relocate to work on this project. If the Bidder is submitting as a Joint Venture, all members of the Joint Venture must complete the Tools.

Specifically identify the trades/areas for which the Bidder has a low representation of minority or female individuals and compare it with the trades/areas identified as underutilized in the metropolitan statistical area. Complete the attached Targeted Recruitment List after identifying the underutilized trades/areas.

Provide a narrative describing the Bidder's approach to increasing minority and female representation in the trades where low representation levels were identified as well as strategies to retain these employees over the life of the project. The approach should address how representation will be increased or maintained within the Bidder's organization. Explain how the Bidder will recruit from the Targeted Recruitment List and commit to both methods of outreach and planned activities (such as job fairs, "meet and greets", etc.) as appropriate. Commit to a timeline for these activities.

The Department will evaluate the accuracy and comprehensiveness of the Bidder's analysis and the effectiveness of the approach and commitments to hiring and maintaining minority and female members of the Bidder's workforce. This criterion is separate from the evaluation of the Pre-Construction Workforce Planning Document goal and commitment as required elsewhere in this Contract. The evaluation of the goal will have no effect upon the scoring of this criterion and, alternatively, the scoring of this criterion will have no effect upon the evaluation of the goal. Similarly, a Bidder's pre-Project level of minority and female representation will not be evaluated; this criterion addresses only efforts made during the life of the Project.

3) Small Business Contracting (10 points)

Provide a Small Business Inclusion Plan that addresses the Bidder's approach to breaking out smaller portions of work conducive to the inclusion of Small Businesses and the elimination of traditional barriers to their successful participation. This Plan must include approaches to:

a) Identifying the plans, specifications, and requirements of the contract that will be provided to Small Businesses to enable their participation;
b) Identifying interested small Business contractors and suppliers including, but not limited to, hosting business matchmaking events, advertising opportunities, and conducting market research;
c) Communicating Small Business opportunities that arise during the construction of the project;
d) Mentoring Small Businesses;

e) Assisting Small Business overcome challenges to inclusion including, but not limited to, obtaining bonding, lines of credit, insurance, equipment, supplies, materials, etc.;
f) Incorporating Small Business development organizations and business associations into the effort to solicit Small Businesses;
g) Ensuring prompt payment to Small Business subcontractors following the receipt of payments from the Department, including methods to make these payments visible to the Department if possible; and
h) Dispute resolution with Small Business subcontractors in the event of contract performance issues, including the role of retainage.

The Department will evaluate the effectiveness and transparency of the Bidder's approach to Small Business inclusion and the elimination of traditional barriers to their successful participation.

4) <u>Key Personnel</u>

a) Project Manager (10 points)

The Project Manager will be responsible for overall Project completion including construction quality, schedule adherence, and other contract administration. This person will have full responsibility for the prosecution of the work, act as a single point of contact in all matters, and have authority to represent the Contractor on all matters relating to the Project.

- Must have 5 years recent experience managing the construction of projects of similar scope and complexity, or must have served in this same capacity on two similar completed projects. A record of successful projects that met their goals preferred. Additional experience beyond the minimums preferred. Highly similar experience preferred.

b) Grading Construction Manager (6 points)

The Grading Construction Manager will be responsible for ensuring that the Project grading is constructed in accordance with the Project requirements. Must work under the direct supervision of the Project Manager.

- Must have 5 years recent experience managing the construction of grading projects of similar scope and complexity. A record of successful projects that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.

c) Bridge Construction Manager (6 points)

The Bridge Construction Manager will be responsible for ensuring that the Project structures are constructed in accordance with the Project requirements. Must work under the direct supervision of the Project Manager.

- Must have 5 years recent experience managing the construction of bridge projects of similar scope and complexity. A record of successful projects

that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.

d) Maintenance of Traffic Manager (6 points)

The Maintenance of Traffic (MOT) Manager will be responsible for ensuring that the maintenance of traffic designs, including Temporary Pedestrian Access Routes (TPAR), are executed in accordance with Contract requirements. The Maintenance of Traffic Manager will occasionally be asked to review construction in the field. The MOT Manager must work under the direct supervision of the Project Manager. The MOT Manager may also fill the Traffic Control Supervisor position.

- Must have 5 years recent experience executing maintenance of traffic and TPAR plans on projects of similar scope and complexity. A record of successful projects that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.

e) Equal Employment Opportunity (EEO) Officer (5 points)

The EEO Officer will be responsible for effectively administering and promoting an active EEO program. The designated person must be assigned adequate authority to complete this work.

- Must have 1 year of recent experience administering the policies and procedures of a contractor's EEO program on large and complicated roadway projects. Additional experience beyond the minimums preferred. Highly similar experience preferred.

5) <u>Local Impact (18 points)</u>

Provide a narrative outlining the Bidder's approach to minimizing all construction-related impacts to local communities including noise, vibrations, and mobility disruptions with the exception of interstate access as evaluated in the "Schedule" criterion.

The Department will evaluate the effectiveness of the Bidder's commitments to reducing local impacts and maintaining their quality of life.

6) <u>Schedule (17 points)</u>

Provide specific commitments with regards to:

- The maximum number of calendar days required for the full closure of TH 65 and the completion of all necessary work in Stage 2 of the Staging and Traffic Control Plans before TH 65 is safely reopened as shown in Stage 3 of the Traffic Control Plan.
- The maximum number of calendar days required for I-35W to be reduced to five lanes (2 SB/3 NB) and the completion of all necessary work in Stages 2 and 3 of the Staging and Traffic Control Plans before TH 65 and I-35W are safely reopened as shown in Stage 4 of the Traffic Control Plan.

- The maximum number of calendar days required for Westbound I-94 to be reduced to two lanes and the completion of all necessary work in Stages 2 and 3 of the Staging and Traffic Control Plans before Westbound I-94 is safely reopened as shown in Stage 4 of the Traffic Control Plan.

The Department will award points based on the following formula:

Points Awarded = {[(Maximum Time - Minimum Time) – (Proposed Closure – Minimum Time)] / (Maximum Time – Minimum Time)} * X

where: Maximum Time =160 calendar days for the full closure of TH 65
=475 calendar days for the duration of the 5-lane configuration on I-35W
=210 calendar days for the duration of the 2-lane configuration on I-94

Minimum Time =120 calendar days for the full closure of TH 65
=350 calendar days for the duration of the 5-lane configuration on I-35W
=150 calendar days for the duration of the 2-lane configuration on I-94

X =5 for the full closure of TH 65
=8 for the duration of the 5-lane configuration on I-35W
=4 for the duration of the 2-lane configuration on I-94

Proposed Closure = The maximum total duration, in calendar days, of the stage or closure as committed by the Bidder. Proposed Closures cannot be less than the Minimum Closure length.

S-X.7 CONSIDERATION OF TECHNICAL COMPONENTS

Upon receipt of the Technical Components, the Department will conduct an initial review of the Technical Components for responsiveness to the requirements set forth above. Technical Components that are deemed not responsive at this initial review will be excluded from further consideration and the Bidder will be so advised. The Department will exclude from consideration any Technical Component that contains a

major defect, as determined in the Department's sole discretion. The Department reserves the right to request clarification or supplemental information from Bidders at any time during the review and evaluation process. These requests may be used to determine if a Bidder is responsive or to explain information in the Technical Component. The Department has no duty to request clarification or supplemental information.

An Evaluation Committee will evaluate the contents of the Technical Components before the Proposals are submitted. The Department will evaluate each of the factors set forth in the Scoring Criteria to determine whether the Technical Component satisfies the content requirements of the Proposal Package and to determine the Technical Component's technical score. Each Technical Component will receive a maximum score of 1000 points. **A Technical Component will receive 886 points for being determined responsive by the Department. The Department will score the remaining 114 points in accordance with the Scoring Criteria.**

S-X.8 BEST VALUE SELECTION

On the letting date, the Department will determine the adjusted score for each Bidder, except in cases where Technical Components were found to be non-responsive. The adjusted score will be determined by dividing the Proposal price by the Technical Component's technical score. The Proposal will subsequently be reviewed for responsiveness. Unless all Proposals are rejected or the Department otherwise elects not to award the Contract, **the Contract will be awarded to the responsive and responsible Bidder with the lowest adjusted score, also known as the lowest responsible Bidder**. A determination of responsiveness or responsibility at this stage does not preclude a later determination of non-responsiveness or non-responsibility based on subsequent review of Bidder, Proposal, and Technical Component information.

S-X.9 KEY PERSONNEL

Unless otherwise Approved, the Contractor will be assessed a monetary deduction for Key Personnel who cannot meet the defined commitments to the Project, except for extenuating circumstances, such as the disability, death, retirement, or resignation of the employee.

The Contractor may be assessed a monetary deduction up to $50,000 for each proposed person who does not remain on the Project for the completion of his or her particular function. Contractor may be in breach under the Contract if proposed personnel are removed from the Project and satisfactory replacements are not provided. Insufficient provision of proposed personnel may cause the Contractor to be considered in default as described in 1808 (Default and Termination of Contract). This deduction may be applied multiple times if a particular Key Personnel position is replaced more than once.

For any changes in personnel, the Contractor shall submit the qualification summaries and resumes of the individual and obtain written Approval of the person's participation in the Project before his or her start of work.

The Contractor shall notify the Department in writing of any proposed changes to Key Personnel and shall include a detailed resume summarizing the items set forth above and elsewhere in the Contract Documents. No Key Personnel shall be replaced without the prior written Approval of the Department. The changes will only be Approved if the replacement Key Personnel are equally qualified or more qualified than the original Key Personnel.

S-X.10 PROTEST PROCEDURES

This section states protest procedures and remedies. Each Bidder, by submitting its Proposal, expressly recognizes the limit on its rights to protest as stated in this provision, including its subparts. By submitting a Proposal, Bidder also agrees to pursue a protest through these procedures and the Protest Official before seeking judicial review. These protest provisions are included expressly in consideration for Bidder's waivers and agreements stated herein. Bidder's waivers and agreements are also consideration to each other Bidder for making the same waiver and agreements.

If a Bidder disregards, disputes, or does not follow the exclusive protest remedies set forth in these provisions, Bidder must indemnify, defend, protect, and hold harmless MnDOT, its officers, officials, employees, agents, representatives, and consultants from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result. The submission of a Proposal will be deemed Bidder's irrevocable and unconditional agreement with this indemnification obligation.

"Filed" is defined as being received by the Protest Official. The "Protest Official" is defined as:

Betsy Hayes, Materials Management Division, or designee
Department of Administration
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

The Protest Official will not hold an administrative hearing regarding a protest.

Protests Regarding Responsiveness or Contract Award

Except as excluded by this Section, a Bidder may protest a MnDOT determination regarding responsiveness, responsibility, or Contract award. A protest based on responsiveness or responsibility must be received no later than 5 Days after the date notice of this determination is provided, and a protest based on Contract award must be received no later than 5 Days after the award. Failure to file a protest by the deadline will constitute an unconditional waiver of the right to protest responsiveness, responsibility, or Contract award, except for a protest based on facts not reasonably ascertainable by the deadline.

Protests must be filed in writing by hand delivery to the Protest Official, and a copy must simultaneously be provided personally or electronically to MnDOT's Letting Supervisor.

A Bidder may protest a MnDOT determination that Bidder did not timely submit its Disadvantaged Business Enterprise (DBE) documents. The Protest Official, however, will not accept any other protests related to DBE program requirements or determinations. A determination that a Proposal or Bidder is non-responsive or non-responsible for failure to make good faith efforts to meet the DBE goal established for the Project is not subject to this protest process. A Contract award or non-award based on failure to make good faith efforts to meet the DBE goal or a failure comply with other DBE program requirements is not subject to this protest process. The DBE Special Provisions provide a Bidder's exclusive remedy to seek administrative reconsideration of good faith efforts determinations.

A protest about responsiveness, responsibility, or Contract award must state all of the grounds for the protest and include all facts and legal arguments in support of the protest. The protest must be both succinct and in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, must be supported by affidavit based on personal knowledge, except where stated to be based on information and belief.

MnDOT staff may file a written response to the protest with the Protest Official. If MnDOT elects not to submit a response, MnDOT will promptly submit a statement to that effect in writing to the Protest Official. MnDOT must simultaneously provide a copy of its response or statement to the Protester. The Protest Official will only consider, based on a preponderance of the evidence, whether MnDOT's determination of non-responsiveness, non-responsibility, or Contract award is arbitrary, capricious, unreasonable, or contrary to law. Within 14 Days after the Protest Official receives MnDOT's written response to the protest or statement that MnDOT elects not to respond, the Protest Official will make a recommendation to the Commissioner. The Protest Official may extend the 14-day period upon written notice of the extension to MnDOT and the Protestor.

The Protest Official will recommend that the Commissioner either affirm MnDOT's original determination or take remedial steps, if appropriate, to address the issues raised in the protest. Remedial steps may include, without limitation, withdrawing or revising the determination, issuing a new Request for Proposals, or taking other appropriate actions. The Protest Official's recommendation will be in writing and include the reasons for the decision. The Protest Official will furnish copies of the recommendation to the MnDOT Letting Supervisor and the Protestor.

The Commissioner will issue MnDOT's final decision within 10 Days of receiving the recommendation. The Commissioner's decision must state in writing the reasons for the decision, or incorporate those of the Protest Official. The Commissioner will deliver the written decision to the Protestor. The decision will be final and conclusive and not subject to legal challenge unless arbitrary, capricious, or contrary to law.
MnDOT will not execute the Contract until at least seven Calendar Days after the award of the Contract. This timeline may be waived if all Bidders agree to the waiver.

All protests are undertaken at the Protester's expense, and the Protester is responsible for all costs related to the protest. In addition, if the protest is denied, the Protestor may be liable for MnDOT's costs reasonably incurred in defending against the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by MnDOT as a consequence of the protest. MnDOT will not be liable for damages to Protestor or to any participant in the protest, on any basis, express or implied.

S-2 (1504) COORDINATION OF CONTRACT DOCUMENTS

A requirement appearing in one of the Contract documents is as binding as though the requirement appears in all. If discrepancies exist between the Contract documents, the following order of precedence applies:

(1) Addenda,
(2) Special Provisions,
(3) Project-Specific Plan Sheets,
(4) Supplemental Specifications,
(5) Standard Plan Sheets and Standard Plates,
(6) Standard Specifications,
(7) Technical Component, except that the Contractor must comply with all statements, offers and terms that can reasonably be interpreted as offers to provide higher quality items than otherwise required by the Contract Documents or to perform services in addition to those otherwise required, or otherwise contains terms that are more advantageous to MnDOT than the requirements of the Contract Documents, as determined by MnDOT.

If discrepancies exist between dimensions in the Contract documents, the following order of precedence applies:

(1) Plan dimensions,
(2) Calculated dimensions,
(3) Scaled dimensions.

The Department and Contractor shall inform each other as to any discrepancy or defect they discover. Neither the Contractor nor the Engineer shall take advantage of any discrepancy or defect. The Engineer will review the alleged discrepancy or defect to determine if a contract revision is necessary

The State of Minnesota, Department of Transportation "Standard Specifications for Construction", 2016 edition, shall govern, except where modified or amended by these Supplemental Provisions. All reference to other Specifications of AASHTO, ASTM, ANSI, AWWA, etc. shall mean the latest published edition available on the date of advertisement for bids. City of Minneapolis, Public Works Standard Plates are hereby incorporated into these Standard Supplemental Specifications. The Standard Plates and this Standard Supplemental Specifications for Construction of Public

Infrastructure are available at the following web address: http://www.ci.minneapolis.mn.us/publicworks/plates/index.htm

MINNESOTA
DEPARTMENT OF TRANSPORTATION
Metro District

Best-Value
Technical Component Evaluation Manual

I35W Lake St Best Value Project

S.P. 2783-327

June 14, 2017

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FIGURES

APPENDICES

1.0 INTRODUCTION AND PURPOSE OF THE PROCEDURE

This manual provides the method and criteria for evaluating Technical Components received in response to the advertisement for the I35W Lake St Best Value Project (Project). The project was advertised by the Minnesota Department of Transportation (MnDOT) during the week of May 8th, 2017. MnDOT uses this Technical Component Evaluation Plan to ensure that Technical Components are evaluated on a fair and uniform basis in accordance with applicable laws, policies, and established Best Value scoring practices.

2.0 NON-DISCLOSURE INFORMATION & SECURITY OF WORK AREA

The Technical Components, this Technical Component Evaluation Plan, and the evaluation materials are all sensitive information. Each person with access to the Technical Components, including the Technical Review Committee (TRC), Process Oversight Committee (POC), Technical Subcommittees (TS), Project Manager (PM), and Technical Advisors (TA) will be required to complete and sign a Confidentiality and Non-Disclosure Agreement before receiving these materials.

A responder may designate information in its Technical Component as "proprietary" – this information must be carefully guarded to avoid inappropriate release

Only the POC Chair may release, or authorize the release of, information regarding the contents of the Technical Components, this Technical Component Evaluation Manual, scoring sheets and other evaluation materials, the deliberations by the TRC, TS, or TA, recommendations to the Commissioner of Transportation (Commissioner), or other information relating to the evaluation process. The POC Chair will consult with legal counsel to ensure compliance with applicable laws.

All requests for information pertaining to this evaluation process must be forwarded to the POC Chair. The POC Chair will be responsible for all communication outside the Technical Component Evaluation and Technical Review Organization.

The POC Chair will make certain that all discussions pertaining to the evaluation of the Technical Components occur in private settings. The TRC and TS committees may meet in separate areas to discuss the Technical Components. Only the TRC, TS, POC, TA, and legal counsel will be authorized admittance to these rooms. TS and TA will only be allowed in the TRC meeting room when specifically directed by the POC Chair. If a situation arises that requires an individual who is not a member of the TRC, TS, TA, POC, or legal counsel to be admitted to the meeting rooms (unless allowed under Section 4.8), all discussions will be discontinued and all paperwork either properly stored or otherwise safeguarded until such personnel have departed the room.

When working with the Technical Components and evaluation materials, each member shall keep all of the materials under their direct control and secure from others not associated with the evaluation process. At all other times, the materials shall be locked in a secured area. At the conclusion of the evaluation process, all materials (including work papers) shall be returned to

the POC Chair unless otherwise authorized by the POC Chair. When using computers, files shall not be stored on non-removable hard disks or network file servers.

Nothing in this manual will be construed to limit access to evaluation materials and proceedings by MnDOT staff responsible for overseeing compliance with state procurement laws. MnDOT's Office of Chief Counsel will provide legal assistance upon request or by its own initiative.

3.0 RESPONSIBILITIES

3.1 Evaluation Process Organization

The flow chart on the following page represents the Technical Review Organization for the Project. The POC must approve additions or changes to this Organization.

3.2 Commissioner of Transportation

The Commissioner or designee will have responsibilities and duties that will include, but will not be limited to:

- Appointing TRC members and replacements/additions, if necessary.
- Opening the Price Proposal during the public price opening process.
- Performing the adjusted score calculation for each Proposal by dividing the Price Proposal by the Technical Component Score.

3.3 Process Oversight Committee

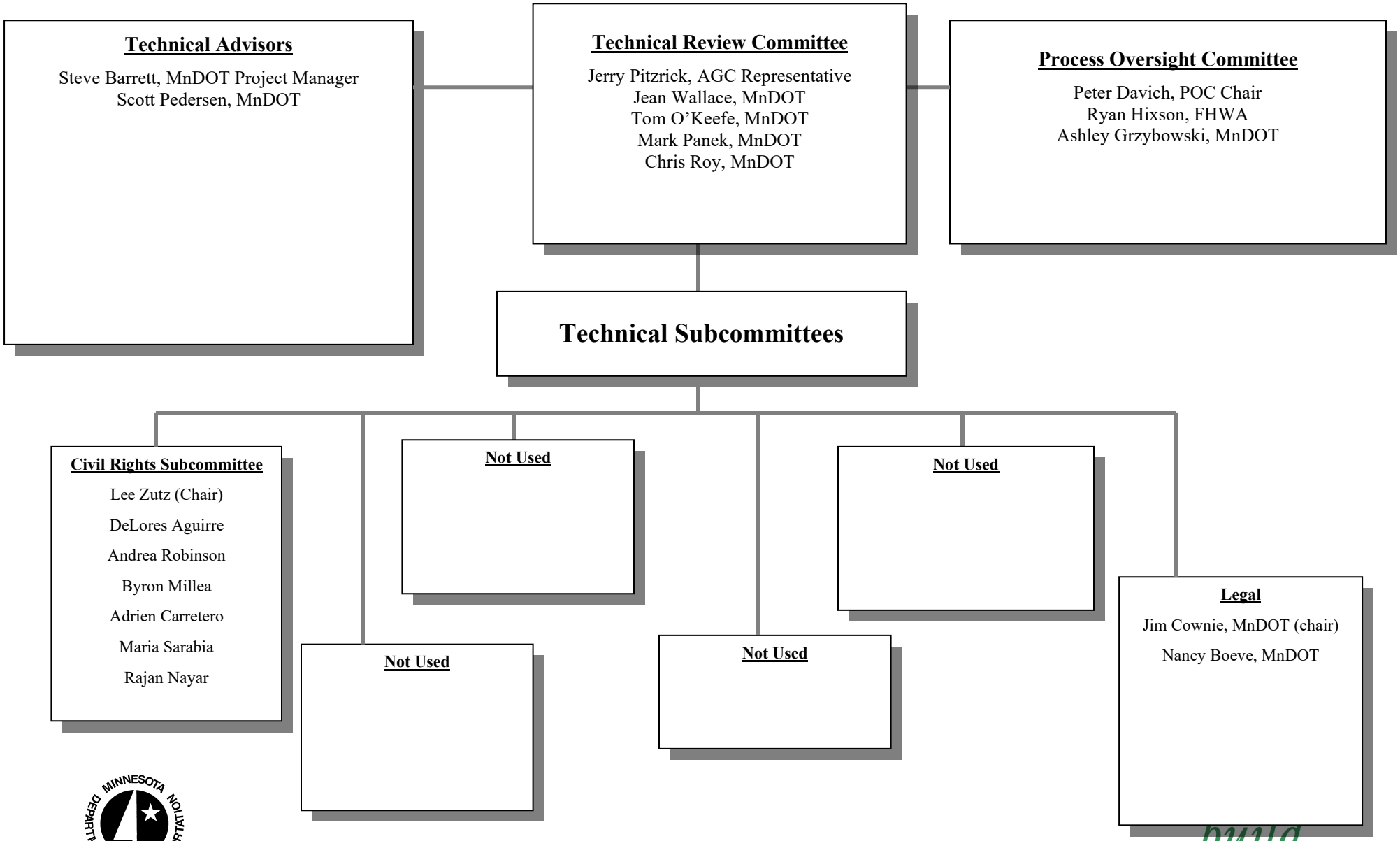
A non-scoring group of observers will constitute a Process Oversight Committee.

- The POC will be charged with observing the process used by the TRC, TA, and TS and providing support, as necessary, during the Technical Component review process. The POC will inform the Organization if they believe any procedural adjustments must be made to confirm to the evaluation methodology.
- The POC may issue a report to the Commissioner or designee stating the committee's observations relative to MnDOT's adherence to the evaluation methodology as stated in this document. The report shall note any specific instances of deviation from the proposed evaluation procedures.
- Department of Administration participants shall not be the Protest Official listed in the ITP.

3.4 Technical Advisors

- The Technical Advisors will serve as advisors to the TRC. Only the TRC will score the Technical Components.
- The Technical Advisors will participate in meetings with the TRC, as needed, to provide input into the evaluation process.

FIGURE 1 – TECHNICAL COMPONENT EVALUATION ORGANIZATION



3.5 POC Chair Responsibilities

The POC Chair will:

- Facilitate the primary evaluation meeting and be responsible for ensuring the timely progress of the evaluation, coordinating any consensus meeting(s) or re-evaluation(s), and ensuring that appropriate records of the evaluation are maintained.
- Serve as a point of contact in the event a TRC member, TS member, or TA has questions or encounters issues relative to the evaluation process.
- Coordinate the participation of TA and TS during the evaluation meeting, as necessary.
- Verify that each Bidder's Price Proposal is separate from the Technical Component.
- Schedule and attend the Legal Subcommittee meetings.
- The POC Chair may allow deviations from any procedure as prescribed herein as long as said deviations do not otherwise violate the applicable law. The change or modification should be documented in a report to the Commissioner.
- Ensure that each TRC member individually reviews and assesses each Bidder's Technical Component using the overall criteria set forth in this Technical Component Evaluation Plan.
- Be responsible for securing the evaluation materials at the conclusion of the project evaluation.

3.6 Project Manager (PM) Responsibilities

The PM or designee will:

- Be responsible for securing written Confidentiality and Non-Disclosure Agreements from the TRC, TS, POC and TA prior to beginning the Technical Component evaluation process.
- Submit written requests for clarification to Bidders if the evaluation team determines that a Technical Component contains unclear information or otherwise needs clarification.
- Assign personnel to serve as TS members, possibly including TRC members. The PM does not assign members of the Legal Subcommittee.
- Recommend for approval by the Commissioner of Transportation a substitution and/or supplementation of evaluation personnel if a TS member or TA is unable to complete his/her responsibilities, or if additional TS members or TA are necessary to evaluate the Technical Components more thoroughly.

3.7 Technical Review Committee (TRC)

The TRC, a five to seven member voting committee, will perform the Technical Component evaluation and scoring.

- Each TRC member will perform an independent review of each Technical Component submitted. All TRC members will have an equal weight in scoring the Technical Components.
- The combined average scoring of the TRC will become the official final Technical Evaluation score for each Technical Component.

3.8 Technical Subcommittees (TS)

The TS will be comprised of individuals with expertise in specific fields relative to the technical scoring criteria.

- The TS will serve as advisors to the TRC. Only the TRC members will score the Technical Components.
- If a TS recommends that a Technical Component is non-responsive to any evaluation criteria, the Subcommittee will report that information to the TRC. The TRC will make a determination on the responsiveness of the Technical Component.
- TS shall submit their strength and weakness assessments to the POC Chair for distribution to the TRC members for consideration in completing the scoring matrices.
- The TS will be available during the entire evaluation process, as requested by the TRC.

4.0 EVALUATION PROCEDURE

The following presents a general framework for the organization of the TRC and the methodology for scoring the Technical Components in relation to the information that was requested in the Bid Documents.

4.1 Technical Evaluation Procedure

The following steps summarize the general procedures for the Technical Component evaluation:

- *Step 1 – Evaluation Kickoff.* The POC Chair hands out materials and briefs the recipients regarding the evaluation protocol.
- *Step 2 – Responsiveness Review: Pass/Fail Evaluation.* The Legal Subcommittee will review the Technical Components for responsiveness and make a recommendation to the TRC for consideration.

- *Step 3 – Not Used*
- *Step 4 – Technical Component Review:*
  - The TRC, TS, and TA will review the applicable sections of the Technical Components.
  - A representative of each TS will provide a written summary of their subcommittee's findings of strengths and weaknesses to the TRC. Alternatively, the information may be presented during the TRC Technical Component Evaluation meeting alone.
- *Step 5 – Responsiveness Review: Technical Components:*
  - The TRC will determine if each Technical Component is responsive to the Bid Documents. This step may be delayed until after the interviews and other discussion if the TRC believes more information is necessary.
- *Step 6 – Not Used*
- *Step 7 – Technical Scoring*
  - The TRC will determine the Technical Component scores.
- *Step 8 – Oversight Review*
  - The POC Chair, and PM if available, will present a summary of the Technical Component scores to the Chief Engineer.
  - The TRC will finalize scores. Scores are final and not subject to modification by an outside party.
- *Step 9 – Price Technical Component Opening:*
  - The Commissioner or designee will publicly open the Price Proposals and determine the adjusted score of each Proposal.

4.2 Step 1 – Evaluation Kickoff

As soon as possible following the arrival of the Technical Components, all members of the Technical Review Organization who receive copies of the Technical Components attend a meeting led by the POC Chair to review the ITP and this evaluation manual. The POC Chair will provide each TRC member their unique identification number and their evaluation materials at the meeting. The POC Chair may brief individual members of the team separately prior to providing them their review materials if they are unable to attend the kickoff.

All members of the Technical Review Organization, including TS, must have been identified prior to this meeting.

4.3 Step 2 – Responsiveness Review: Pass/Fail Evaluation

The Legal Subcommittee and/or the POC Chair will review the Technical Components for responsiveness to the Bid Documents requirements by completing Appendix A for

each.

Technical Component. The POC Chair will pass the results of the review to the TRC. The Subcommittee chair may report to the TRC in person if necessary.

The Legal subcommittee may request clarifying and supplementary information as necessary to determine responsiveness. The POC Chair may issue requests for clarification or supplemental information from the Bidder as requested by the Legal subcommittee.

If a Technical Component fails to achieve a passing score on any of the pass/fail portions of the evaluation, refer to Step 5 – Responsiveness Review: Technical Component.

4.4 Step 3 – Not Used

4.5 Step 4 – Technical Component Review

The TRC, TS, and TA will conduct the Technical Component review and evaluation. The following procedures outline the process to be followed:

- Following the kick-off meeting (Step 1), but prior to the TRC Technical Component Evaluation, each TS will review each Technical Component as a group focusing on the technical issues associated with that subcommittee. Unless given specific reporting instructions by the POC Chair or PM, the TS will begin their review by deciding how best to relate their strength and weakness comments back to the TRC; they may choose to use the Appendix C forms or another method. The TS chairs may provide written clarification questions to the PM to request a clarification notice be sent to a Bidder. Strengths and weaknesses are defined with respect to the qualitative ratings set forth in Section 5.
- Following the kick-off meeting (Step 1), but prior to the TRC Technical Component Evaluation, each TA will review each Technical Component. They will most likely review the entire Technical Component, but they may focus on certain sections based upon their personal expertise. Each TA will provide their input to the TRC during the TRC Technical Component Evaluation meeting.
- Following the kick-off meeting (Step 1), but prior to the TRC Technical Component Evaluation, each TRC member will independently review the Technical Component materials. TRC members will begin drafting comments on the forms in Appendix C, make notes in Technical Components or elsewhere, formulate clarification questions, and draft potential interview questions as applicable. **TRC members must not begin any scoring in Appendix E at this time**. All notes and comments must be labelled with the evaluator's unique identification number.
- The TRC, TA and POC members meet and begin the TRC Technical Component Evaluation meeting. At some point during the meeting, the comments from the TS are either presented orally by members of the TS or written copies are distributed to the TRC members by the POC Chair. Discussions may take place

before the TS reports, but shall not conclude before the TS reports. TRC members are encouraged to ask the TS questions regarding their findings. The TS and TA may also suggest questions for the interviews, if applicable.

- The TRC members may provide clarification questions to the PM to request a clarification notice be sent to a Bidder.

4.6 Step 5 – Responsiveness Review: Technical Components

At some point during the TRC Technical Component Evaluation meeting, the TRC will discuss the overall responsiveness of each Bidder to the Bid Documents. The TRC will find each Technical Component to be Responsive unless:

- The Technical Component does not receive a "pass" in Step 2 (Responsiveness Review: Pass/Fail Evaluation) or Step 3 (Responsiveness Review: ATCs).
- The Technical Component contains a major defect or defects that, in MnDOT's sole discretion, would significantly violate a Bid Documents requirement.
- The Bidder places any unauthorized condition on the Technical Component.

If the TRC determines that a Technical Component's responsiveness depends upon the interpretation of an ambiguity in the Technical Component, the TRC may ask that the PM send a clarification question to the Bidder. The purpose is to allow the Bidder to clarify, but not supplement, its Technical Component. Prior to providing any reply to the TRC, the POC Chair may exercise discretion to remove or redact any information not directly relevant to the question of responsiveness. After receiving a reply, if any, the TRC will vote orally on the responsiveness of each Technical Component. The POC Chair will record the results on the form provided in Appendix D. A responsive Technical Component will receive the number of points designated in the ITP (50-99) points. A Technical Component will be deemed non-responsive if at least 2/3 (66%) of the TRC members vote in favor of declaring a Technical Component non-responsive.

If a Technical Component is deemed non-responsive by the TRC, the TRC and POC Chair must document the rationale for the non-responsiveness. The POC Chair will notify the Commissioner or designee that the Bidder has been determined as non-responsive to the Bid Documents. If the Commissioner or designee concurs with the TRC's non-responsive recommendation, the POC Chair will draft a notice for the Commissioner's or designee's signature after which the notice will be issued to the appropriate Bidder. If the Commissioner or designee does not concur, the TRC must take the Commissioner's comments into consideration and vote again. The process continues until the two parties agree.

The non-responsive Technical Component is eliminated from the evaluation process and not scored or evaluated further. A non-responsive Bidder does not receive a stipend.

4.7 Step 6 – Not Used

4.8 Step 7 – Technical Scoring

- Following the oral interviews, the TRC, TA and POC members will meet again to discuss the interviews and contents of the Technical Components. After all discussions have ended, each TRC member will independently record his/her final comments on the evaluation forms included in Appendix C.
- The TRC members shall independently score each Technical Component by assigning a percentage based on the Qualitative Assessment rankings shown in Section 5.0. TRC members will multiply the percentage by the maximum total points in each category and record this value in the Evaluators Technical Component Score column in Appendix E rounded to two decimal points.
- Each TRC member will complete the Evaluator Scoring Sheet in Appendix E by summing the Evaluator's Technical Component Score column. Each TRC member must give the number of points designated in the ITP for responsiveness if the Bidder passes Step 5 (Responsiveness Review: Technical Components).
- The POC and/or TA will audit the evaluation forms and score sheets from each TRC member and sign the Form in Appendix E following the audit.
- The POC Chair, with assistance from the TAs if necessary, will determine the average score for each Technical Component from all of the scores provided by the TRC members. The average technical score will be computed on Appendix F.
- The POC Chair will keep a log of the identification of each TRC member and Bidder. The POC Chair may reveal the overall technical scores to the TRC members.

4.9 Step 8 – Oversight Review

- The POC Chair and the PM, if available, will submit the results shown in Appendix F to the Chief Engineer.
- The Chief Engineer will review the results. The scores will be considered final if the Chief Engineer has no questions regarding the results.
- The Chief Engineer may meet with the TRC and request clarification on the scoring. The Chief Engineer may also request that the TRC take his/her comments into account and consider adjusting their scores in Appendix C. Adjustments to the scores shall be made on the Appendix E sheet by crossing out changed scores with adjusted scores.
- The POC and/or TA will audit the revised evaluation forms and score sheets from each TRC member and initial and date the Form in Appendix E following the audit.
- The POC Chair, with assistance from the TAs is necessary, will recompute the average score for each Technical Component from all of the scores provided by the TRC members on Appendix F. The POC Chair will reveal the results of Appendix F to the TRC members.

- The POC Chair will submit the revised results along with a report of the results of the evaluation to the Commissioner or designee, following an audit by the POC.

4.10 Step 9 – Price Proposal Opening

- On the Price Proposal opening date, the Commissioner or designee will announce the Technical Component score for each Proposal, open the Price Proposals, and divide the Price Proposal by the Technical Component score to obtain the adjusted score of each Technical Component.
- After the adjusted scores are determined, the POC Chair or his/her designee will perform a responsiveness review of the Price Proposal with the lowest adjusted score.

5.0 TECHNICAL COMPONENT SCORING

The TRC, TA, and TS will review the Technical Components according to the criteria set forth in the Bid Documents. Each TRC member will then qualitatively evaluate each of the major categories after taking the comments of the TA and TS into account. Technical Component elements will initially be given a qualitative adjectival rating using the Qualitative Rating Guide.

Strengths and weaknesses are defined as follows:

- Strengths – That part of the Technical Component that ultimately represents a benefit to the Project and is expected to increase the Bidder's ability to meet or exceed the Bid Documents requirements within the bounds of the evaluation criteria.

- Weaknesses – That part of a Technical Component which detracts from the Submitter's ability to meet the Bid Documents requirements or may result in inefficient or ineffective performance within the bounds of the evaluation criteria.

The Technical Component and oral interview, if held, will account for 100 percent of the total technical score.

QUALITATIVE RATING GUIDE

ADJECTIVE	DESCRIPTION	PERCENT OF MAXIMUM SCORE
Excellent (E)	• Technical Component demonstrates an approach with unique or innovative methods of approaching the proposed work with an exceptional level of quality. • Technical Component contains *many significant strengths and few minor weaknesses, if any*. • There is very little risk that the Bidder would fail to satisfy the requirements of the contract.	90-100 %
Very Good (VG)	• Technical Component demonstrates an approach offering unique or innovative methods of approaching the proposed work. • Technical Component contains *many strengths that outweigh the weaknesses*. • There is little risk that the Bidder would fail to satisfy the requirements of the contract. Weaknesses, if any, are very minor and can be readily corrected.	75-89 %
Adequate (A)	• Technical Component demonstrates an approach that offers an adequate level of quality. • Technical Component contains *strengths that are balanced by the weaknesses*. • There is some probability of risk that the Bidder may fail to satisfy some of the requirements of the contract. Weaknesses are minor and can be corrected.	51-74 %
Fair (F)	• Technical Component demonstrates an approach that marginally meets Bid Document requirements. • Technical Component contains *weaknesses that are not offset by the strengths.* • There are questions about the likelihood of success and there is a risk that the Bidder may fail to satisfy the requirements of the contract. There are significant weaknesses and very few strengths.	25-50 %
Poor (P)	• Technical Component demonstrates an approach that does not meet the stated Bid Document requirements and/or objectives, lacked essential information, is conflicting, is unproductive, and/or increases MnDOT's risk. • Technical Component contains *many significant weaknesses and very minor strengths*, if any. • There is not a reasonable likelihood of success and a high risk that the Bidder would fail to satisfy the requirements of the contract.	0-24%

APPENDIX A

TECHNICAL COMPONENT PASS/FAIL CHECKLIST

Bidder: _____

Technical Component Pass/Fail Task	Pass	Fail
Technical Component Submittal Requirements		
The Technical Component does not contain price information of any kind. (1301.5)		
The Technical Component was emailed to Peter Davich no later than 9:30 AM, Central Time, on June 14th, 2017.		
Technical Components include: ✓ A cover page with the words "Technical Component", the Bidder's name, and the date of Technical Component Submission ✓ An Executive Summary with a "sole point of contact" identified, a truth and correctness statement, and the signature of an authorized representative. ✓ No more than 15 single-sided pages not including the cover sheet, Executive Summary, dividers, or appendices. ✓ Appendix A with the Total Company Workforce Tool, the MnDOT Underutilization Analysis Tool, and the Targeted Recruitment List. ✓ No additional content is included on tabbed dividers.		
Technical Components were designed to print on 8.5 x 11" paper. Text is not less than 0.10 inches in maximum height. All dimensional information is provided in English units.		
The following narratives are included as described in the Bid Documents: ✓ Risk Understanding and Mitigation Approach ✓ Diversity and Inclusion ✓ Small Business Inclusion Plan ✓ Local Impact Narrative		
The following Key Personnel are identified by name: ✓ Project Manager ✓ Grading Construction Manager ✓ Bridge Construction Manager ✓ Maintenance of Traffic Engineer ✓ EEO Officer		
A Schedule Commitment is provided for the three durations listed in the Bid Documents.		

Legal Technical Subcommittee Signatures:

APPENDIX B

Not Used

APPENDIX C

TECHNICAL COMPONENT EVALUATION FORMS

CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Bidder: _____ **Subcommittee/Evaluator No:** _____

Risk Understanding and Mitigation Approach

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
Provide a narrative demonstrating the Bidder's understanding of the 5-6 most significant risks that may prevent the successful achievement of one or more project goals. These discussed risks must include the following three plus others as observed by the Bidder: a) Utility coordination and relocations b) "Ground water control" as related to the high water table within the project limits c) Safety and security Provide a second narrative describing the Bidder's approach to managing and mitigating the identified risks. *Continued on Page 2…*	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		

Bidder: _____ **Subcommittee/Evaluator No:** _____

Risk Understanding and Mitigation Approach, Continued

	Mark on chart	Page #	Comment / Finding
Continued from Page 1… Provide specific commitments to mitigate the risks and better meet the project goals. The Department will evaluate the depth of the Bidder's Project understanding and the effectiveness of the approach and commitments to meeting the Project goals.	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		
	S W		

Bidder: _____ **Subcommittee/Evaluator No:** _____

Diversity and Inclusion

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
See Provision 1301.5, Item 2 for criterion.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Diversity and Inclusion, Continued

	Mark on chart	Page #	Comment / Finding
See Provision 1301.5, Item 2 for criterion.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Small Business Contracting

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
See Provision 1301.5, Item 3 for criterion.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Small Business Contracting, Continued

	Mark on chart	Page #	Comment / Finding
See Provision 1301.5, Item 3 for criterion.	S W		
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CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Bidder: _____ **Subcommittee/Evaluator No:** _____

Project Manager

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
The Project Manager will be responsible for overall Project completion including construction quality, schedule adherence, and other contract administration. This person will have full responsibility for the prosecution of the work, act as a single point of contact in all matters, and have authority to represent the Contractor on all matters relating to the Project. Must have 5 years recent experience managing the construction of projects of similar scope and complexity, or must have served in this same capacity on two similar completed projects. A record of successful projects that met their goals preferred. Additional experience beyond the minimums preferred. Highly similar experience preferred.	S W		
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CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Bidder: _____ **Subcommittee/Evaluator No:** _____

Grading Construction Manager

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
The Grading Construction Manager will be responsible for ensuring that the Project grading is constructed in accordance with the Project requirements. Must work under the direct supervision of the Project Manager. Must have 5 years recent experience managing the construction of grading projects of similar scope and complexity. A record of successful projects that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Bridge Construction Manager

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
The Bridge Construction Manager will be responsible for ensuring that the Project structures are constructed in accordance with the Project requirements. Must work under the direct supervision of the Project Manager. Must have 5 years recent experience managing the construction of bridge projects of similar scope and complexity. A record of successful projects that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Maintenance of Traffic Manager

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
The Maintenance of Traffic (MOT) Manager will be responsible for ensuring that the maintenance of traffic designs, including Temporary Pedestrian Access Routes (TPAR), are executed in accordance with Contract requirements. The Maintenance of Traffic Manager will occasionally be asked to review construction in the field. The MOT Manager must work under the direct supervision of the Project Manager. The MOT Manager may also fill the Traffic Control Supervisor position. Must have 5 years recent experience executing maintenance of traffic and TPAR plans on projects of similar scope and complexity. A record of successful projects that met their goals preferred. Additional experience beyond the minimum preferred. Highly similar experience preferred.	S W		
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CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Bidder: _____ **Subcommittee/Evaluator No:** _____

Equal Employment Opportunity Officer

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
The EEO Officer will be responsible for effectively administering and promoting an active EEO program. The designated person must be assigned adequate authority to complete this work. Must have 1 year of recent experience administering the policies and procedures of a contractor's EEO program on large and complicated roadway projects. Additional experience beyond the minimums preferred. Highly similar experience preferred.	S W		
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Bidder: _____ **Subcommittee/Evaluator No:** _____

Local Impact

☐ **Excellent** ☐ **Very Good** ☐ **Adequate** ☐ **Fair** ☐ **Poor**

	Mark on chart	Page #	Comment / Finding
Provide a narrative outlining the Bidder's approach to minimizing all construction-related impacts to local communities including noise, vibrations, and mobility disruptions with the exception of interstate access as evaluated in the "Schedule" criterion. The Department will evaluate the effectiveness of the Bidder's commitments to reducing local impacts and maintaining their quality of life.	S W		
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	S W		

APPENDIX D

RESPONSIVENESS DETERMINATION

CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Technical Review Committee	Bidders			
	ALS	C.S.McCrossan	HCZT	Kiewit
Evaluator 1				
Evaluator 2				
Evaluator 3				
Evaluator 4				
Evaluator 5				
Pass/Fail				

R = Responsive

NR = Non-Responsive

NOTE: 2/3 Majority of Evaluators voting NR needed for non-responsive determination

APPENDIX E

EVALUATOR SCORING SHEETS

CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Bidder: Evaluator No:

Evaluation Category	Maximum Potential Points	Excellent (90-100)	Very Good (75-89)	Adequate (51-74)	Fair (25-50)	Poor (0-24)	Evaluator's Technical Component Score
Risk Understanding and Mitigation	***24***						
Diversity and Inclusion	***12***						
Small Business Contracting	***10***						
Key Personnel							
Project Manager	***10***						
Grading Construction Manager	***6***						
Bridge Construction Manager	***6***						
Maintenance of Traffic Manager	***6***						
EEO Officer	***5***						
Local Impact	***18***						
Schedule							
Full Closure of TH 65	***5***						
5-Lane Configuration of I35W	***8***						
2-Lane Configuration on I94	***4***						
RESPONSIVE	**886**						
TOTAL SCORE							

I hereby certify that I have audited this evaluation form for the above mentioned Bidder.

Auditor Signature: _____ Date: _____

APPENDIX F

TECHNICAL COMPONENT SCORE SUMMARY

CONFIDENTIAL – I35W Lake Street Project
QUALITATIVE EVALUATION FORM

Technical Review Committee	Technical Component Score				
	ALS	C.S.McCrossan	HCZT	Kiewit	
Member 1					
Member 2					
Member 3					
Member 4					
Member 5					
Average Score					