

SCDOT/AGC/ACEC Design Build Subcommittee

May 30, 2012

Meeting Minutes

- I. Claude welcomed everyone and had introductions. See attached list of attendees.
- II. Project Updates
 - a. Bridge Package B with 11 bridges – RFQ due this week and RFP for industry review in July with final RFP released in August 2012.
 - b. I-26 Widening/rehabilitation-Lexington/Calhoun Counties-RFQ in June of 2012
 - c. I-85/385 system interchange-Greenville County-RFQ in December 2012
 - d. I-95 & 301 Interchange-Orangeburg County-RFQ in August 2012
- III. Task/Issue Updates
 - a. Alternative Technical Concepts – Draft Provision to RFP 5-21-12 was distributed and is attached for distribution.
- IV. ACEC/CAGC Member Rotation

There was discussion about the Design-Build subcommittee representation and how should the members of the ACEC and CAGC be rotated to include different firms within each organization. It was decided that the CAGC take the lead on this item and develop a process to allow new members to rotate on and off the D-B subcommittee without losing the continuity of items being discussed and developed. CAGC will coordinate with the ACEC on the process and implement the process in conjunction with the other SCDOT/CAGC subcommittee rotations at the beginning of the calendar year.
- V. Design Build Best Practices Memorandum – A draft was handed out to the committee members and it will also be distributed to the ACEC and the CAGC for comments back to the ACEC representative and the CAGC representative by June 29, 2012. See copy attached.
- VI. Action Items:
 - a. Matt Lifsey to email Draft Best Practices Memorandum to ACEC and CAGC for comments.
 - b. CAGC will take the lead while coordinating with the ACEC on establishing the D-B subcommittee membership rotation process.

- VII. Next Meeting –July 11, 2012 @ 9:00 a.m. (location to be determined)
- VIII. Adjourn

Initial	Last Name	First Name	Organization	Email
	Bedenbaugh	Rob	SCDOT Preconstruction	bedenbaugr@scdot.org
BWB	Bowers	Barry	SCDOT Preconstruction	bowersbw@scdot.org
JDB	Boylston	John	SCDOT Preconstruction	boylstonjd@scdot.org
BC	Coleman	Billy	Consultant Representative	billy.coleman@csc.uig.net
	Glenn	David	SCDOT Construction	glennndl@scdot.org
	Hassfurter	George	Contractors Representative	GAHassfurter@laneconstruct.com
CAF	Ipock	Claude	SCDOT Construction/Co-Chair	ipockcr@scdot.org
BJ	Jones	Bryan	SCDOT Construction	jonesbl@scdot.org
TFK	Kicklighter	Freddy	Consultant Representative	fkicklighter@lpagroup.com
	Kinard	David	SCDOT Preconstruction	kinardda@scdot.org
TK	Kitowitz	Tad	FHWA	Thaddeus.Kitowicz@fhwa.dot.org
ML	Lifsey	Matt	SCDOT Preconstruction	lifseymr@scdot.org
	Nickel	Richard	Contractors Representative	Richard@carolinabridgeinc.com
MS	Schuch	Greg	Consultant Representative	gschuch@flohut.com
DS	Shealy	Danny	CAGC Representative	shealydr@netscape.com
JE	Triplett	Jim	Contractors/co-chair	jet@uig.net
	Vinson	Benji	Contractor Representative	bvinson@crjackson.com
BM	Wessinger	Barbara	SCDOT Legal	wessingebm@scdot.org

DRAFT PROVISION TO RFP –5-21-2012

Alternative Technical Concepts

An Alternative Technical Concept (ATC) is a confidential request by a Proposer to modify a contract requirement, specifically for that Proposer, prior to the Proposal due date. The ATC process provides an opportunity for design-build proposals to promote innovation, find the best solutions, and to maintain flexibility in the procurement process. ATC's are evaluated for approval or denial by SCDOT within the deadline set forth in the RFP Milestone Schedule. In order to be approved, an ATC must be deemed, in SCDOT's sole discretion, to provide a project that is "equal or better" on an overall basis than the project would be without the proposed ATC. Concepts that simply delete scope, lower performance requirements, lower standards, conflict with environmental commitments, or reduce contract requirements are not acceptable as ATC's. SCDOT reserves the right in its sole discretion to reject any ATC.

1. Submittal of ATCs

a. Preliminary Concepts: Preliminary concepts may be submitted that present a brief description of the benefits of the concept. Preliminary concepts may be submitted by email to the Project Manager and are intended to be an informal inquiry by the Proposer to explore a concept and a quick method by SCDOT to review and comment on potential development of ATC prior to investment of time and resources by the Proposer. Submission of preliminary concepts does not change or extend the submission deadline of formal ATCs. If a preliminary concept receives a favorable response from SCDOT, Proposer can elect to submit a formal ATC in accordance with these procedures. A favorable response by SCDOT in no way guarantees that the concept will become an approved ATC.

b. ATC Identification: ATC will be submitted by the Proposer and evaluated by SCDOT as set forth in the RFP Milestone Schedule. All ATCs shall be submitted in writing to the Project Manager identified in the RFP with a cover letter clearly identifying the submittal as a request for review of an ATC under this RFP. If the Proposer does not clearly designate its submittal as an ATC, the submission will not be treated as an ATC by SCDOT.

c. A maximum number of XXXX ATC will be allowed.

2. Contents of ATC Submittal

Each ATC submittal shall include ten (10) copies and shall include the following:

a. **Description**: A detailed description and schematic drawings of the configuration of the ATC or other appropriate descriptive information (including, if appropriate, specifications, construction tolerances, special provisions, proposed bridge types, product details, and a traffic operational analysis);

b. **Useage**: Locations where and an explanation of how the ATC would be used on the Project;

c. **Deviations**: List in table format, all references to any requirements of the RFP or to any requirements of the Contract Documents that are inconsistent with the proposed ATC. Include an explanation of the nature of the proposed deviation and a request for approval of such deviations or a determination that the ATC is consistent with the requirements of the RFP;

- d. **Justification:** Justify use of the ATC and why the deviations from the requirements of the RFP should be allowed;
- e. **Schedule:** Proposed changes to the project schedule; if applicable
- f. **Impacts:** Identify potential impacts on vehicular traffic, safety, community, utilities, right of way and environmental.
- g. **History:** A detailed description of other projects where the ATC has been used under comparable circumstances, the success of such usage, and names and telephone numbers of project owners that can confirm such statements;
- h. **Risks:** A description of added risks to SCDOT and other persons associated with implementing the ATC;
- i. **Costs:** An estimate of the impact of the ATC on the Proposal Price and the ATC implementation costs to SCDOT, FHWA, contractor, or other person during construction, maintenance and operations. Compared to RFP requirements?
- j. **Quality:** A description of how the ATC is equal or better in quality and performance than the requirements of the RFP;
- k. **Operations & Maintenance:** Any changes in operation or maintenance requirements associated with the ATC,

3. **Review of ATCs**

a. Fourteen Day Review: SCDOT will review each ATC submitted within fourteen (14) calendar days of ATC receipt.

b. More information Needed: If within seven (7) calendar days of receipt of the ATC SCDOT needs more information to determine whether or not the ATC will be approved or not approved, SCDOT will submit written questions to the Proposer and/or request a one-on-one meeting in order to better understand the details of the ATC.

- (i) **Questions:** SCDOT may submit written questions to the proposer within seven calendar (7) days of receipt of the ATC. Proposer has three (3) calendar days to remit answers. Within four (4) calendar days of receipt of the answers, SCDOT shall respond to the ATC.
- (ii) **One-on-One Meetings:** ATC meeting may be scheduled by SCDOT within seven (7) calendar days of receipt of the ATC. One-on-one meeting(s) may be scheduled to fully understand the details of any ATCs. These meetings will be restricted to those persons involved in the review of the ATC and limited to discussions of the Proposer's ATC approach. The purpose of this meeting is to discuss the proposed changes, answer questions, and other relevant issues. Verbal responses are for information only and are not binding. Nothing stated at any ATC meeting(s) will modify the RFP or Contract documents. SCDOT reserves the right to disclose to all Proposers any issues raised during the ATC meeting(s), either in the Final RFP or in an addendum. However, SCDOT will not disclose any information pertaining to an individual Proposer's ATCs or other technical concepts to other Proposers. SCDOT will issue a written response to Proposer regarding its ATC.

c. No Response from SCDOT: If the Proposer does not receive correspondence from SCDOT within fourteen (14) calendar days of SCDOT's receipt of the ATC, the ATC is deemed rejected by SCDOT, unless written notification to extend this period is given by SCDOT. No ATC shall be included in the proposal unless approved by SCDOT in writing prior to the proposal submission deadline.

4 Determination of SCDOT

a. SCDOT will make one of the following written determinations with respect to each properly submitted ATC:

- 1) The ATC is approved;
- 2) The ATC is not approved;
- 3) The ATC is not approved in its present form, but may be reconsidered for approval upon satisfaction, in SCDOT's sole discretion, of certain identified conditions that must be met or certain clarifications or modifications that must be made by Proposer. The Proposer shall not have the right to incorporate this ATC into the Proposal unless and until the ATC has been resubmitted within the time limits in the RFP, with the conditions, clarification and modifications satisfied, and SCDOT has unconditionally approved the revised ATC; or
- 4) The submittal does not qualify as an ATC but appears eligible to be included in the Proposal without an ATC (i.e., the concept appears to conform to the basic configuration and to be consistent with other contract requirements).
- 5) The ATC is deemed to take advantage of an error or omission in the RFP, or other documents incorporated into the contract by reference, the ATC will not be considered, and the RFP will be revised to correct the error or omission
- 6) More than one ATC has been received on the same topic and the Department has elected to exercise its right to revise the RFP.

b. Once an ATC has been approved, only the entire ATC is eligible for inclusion into the Proposal. The inclusion of partial ATCs into a Proposal is not allowed, unless the individual ATC's have received separate approval by SCDOT

c. Each Proposer, by submittal of its Proposal, acknowledges that the opportunity to submit ATCs was offered to all Proposers, and waives any right to object to SCDOT's determinations regarding acceptability of ATCs.

5. Incorporation into Proposal

a. A Proposer has the option to include any or all approved ATC's in its Proposal. If SCDOT responded to an ATC by identifying conditions for approval, Proposer may not incorporate such ATC into the Proposal unless all conditions have been met. Copies of SCDOT's ATC approval letters for each incorporated ATC shall be included in the Proposal. Proposals with or without ATCs will be evaluated against the same technical evaluation factors set forth in the EVALUATION OF PROPOSALS section, and the inclusion of an ATC, including an ATC that provides technical enhancements, may or may not receive a higher technical rating. SCDOT approval of an ATC shall not be considered a guaranty that the proposal incorporating the ATC will be selected. SCDOT's rejection of an ATC will not entitle the proposer to an extension of the Proposal submission deadline on the Milestone Schedule or claim for additional costs or delays, including development costs, loss of anticipated profits, or increased material or labor costs.

b. The Proposal Price should reflect any incorporated approved ATCs.

c. Except for incorporating approved ATCs, the Proposal may not otherwise contain exceptions to or deviations from the requirements of the RFP.

6. Value Engineering

An approved ATC that is incorporated into the proposal will not be considered a pre-approved value engineering change.

7. Abandonment of ATC by Proposer

If the approved ATC is abandoned by the Proposer, is unable to obtain required governmental permit approvals, is otherwise proved to be infeasible, or fails to be constructed for any reason, the successful Proposer is obligated and required to complete the project utilizing the original RFP design and scope requirements at the awarded cost, and shall be responsible for any redesign costs.

8. SCDOT's use of Concepts Contained in an ATC

SCDOT expressly reserves the right to adopt and use any ATC, approved or disapproved, by the successful Proposer on this contract or other contracts administered by SCDOT. By submitting a Proposal, all unsuccessful Proposers acknowledge that upon payment of the designated Stipend, all approved or disapproved ATC's may be included in this contract and shall become the property of SCDOT without restriction on use. Prior to contract execution, limited negotiations may be conducted as necessary to incorporate the ideas and concepts from unsuccessful proposers provided a stipend is accepted by the unsuccessful offerer.

9. Proposer Obligations.

The successful Proposer, in addition to performing all other requirements of the Contract Documents, shall:

- a. Obtain and pay the cost of obtaining all Governmental Approvals including Governmental Approvals required to implement any approved ATC(s) incorporated into the Contract Documents;
- b. Obtain and pay the cost of obtaining any third party approvals required to implement any approved ATC(s) incorporated into the Contract Documents; and
- c. Unless otherwise noted in the Contract, be responsible for all costs and/or delays of any nature associated with the implementation of any approved ATC incorporated into the Contract Documents.
- d. Should SCDOT revise the RFP after a formal ATC has been approved, be solely responsible for reviewing the RFP and determining if the ATC deviates from the revised requirements. If required, the Proposer must submit a request for approval of all additional variances required within seven (7) calendar days of receipt of the revised RFP.

Day 1	Submission of ATC
Day 1-7	SCDOT to submit questions to proposer for clarification if necessary, or
Day 1-7	SCDOT to schedule one-on-one meeting if necessary
Day 7-10	Proposer to answer questions
Day 14	Deadline for SCDOT to respond to ATC