



South Carolina  
Department of Transportation

# Design-Build Procurement Manual



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This document was developed as part of the continuing effort to provide guidance within the South Carolina Department of Transportation in fulfilling its mission to provide adequate, safe, and efficient transportation services for the movement of people and goods.

Your comments, suggestions, and ideas for improvements are welcomed.

Please send comments to:

Design-Build Engineer  
South Carolina Department of Transportation  
955 Park Street  
Room 421  
Columbia, South Carolina 29201

#### **DISCLAIMER**

The South Carolina Department of Transportation maintains this printable document and is solely responsible for ensuring that it is equivalent to the approved Department guidelines. This document is not intended to establish policy within the Department, but to provide guidance in adhering to the policies of the Department. If, for any reason, any phrase, clause, sentence, paragraph, section, subsection, figure, table, or other part of this manual should be decided by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect the validity of these guidelines as a whole, or any part thereof, other than the part so held to be invalid.

# Manual Approvals


The purpose of this Manual is to provide SCDOT staff with guidance and direction with regards to the procurement of design-build projects. Any modifications to this Manual require approval of the Secretary of Transportation and FHWA. This Manual will be reviewed annually and updated as needed by the Design-Build Engineer. However, SCDOT reserves the right to make interim updates to the procedures to address lessons learned, evolving approaches, updates to federal, state, local laws, regulations, and policies, provided those updates are reviewed with SCDOT and FHWA oversight.

Recommended By:  Gibson, Ladd 2017.03.10 12:42:05 -05'00' 3/10/2017  
Director of Preconstruction Date

Recommended By:  Steagall, Todd Digitally signed by Steagall, Todd  
DN: o=SCDOT, email=SteagallRT@scdot.org,  
cn=Steagall, Todd  
Date: 2017.03.10 13:04:51 -05'00' 3/10/2017  
Director of Construction Date


Recommended By:  Barton, Sherry D 2017.03.10 15:26:47 -05'00' 3/10/2017  
Chief Procurement Officer Date

SCDOT Deputy Secretary Concurrence:

 Ladd Gibson colvinld@scdot.org 2017.04.03 16:38:44 -04'00' 4/3/2017  
Deputy Secretary for Engineering Date

 Brian W. Keys 2017.04.03 17:36:24 -04'00' 11.0.0 4/3/2017  
Deputy Secretary for Finance and Administration Date

 Ron K. Patton 3/13/2017  
Deputy Secretary for Intermodal Planning Date

Approved:  Chris Steene 4/24/17  
Secretary of Transportation Date  
SCDOT

Approved: EMILY OLDHAM LAWTON Digitally signed by EMILY OLDHAM LAWTON  
DN: c=US, o=U.S. Government, ou=DOT,  
ou=FHWAColumbiaDC, ou=FHWA, email=OLDHAM.LAWTON@FHWA.gov,  
cn=EMILY OLDHAM LAWTON  
Date: 2017.04.10 14:42:39 -04'00' 4/10/2017  
SC Division Administrator Date  
FHWA

Effective Date: 4/24/17

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# ACRONYMS

ADM	Assistant Design Manager
ATC	Alternative Technical Concept
BAFO	Best and Final Offer
CE&I	Construction Engineering and Inspection
CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprises
DBG	Design-Build Group
DCM	Document Control Manager
DM	Design Manager
DOC	Director of Construction
FHWA	Federal Highway Administration
FMIS	Financial Management Information System
FOIA	Freedom of Information Act
NEPA	National Environmental Policy Act
OJT	On-the-Job Training
PDM	Project Delivery Method
PM	Program Manager
PO	Procurement Officer
POC	Point of Contact
RFP	Request for Proposals
RFQ	Request for Qualifications
ROW	Right-of-Way
SCBO	South Carolina Business Opportunities
SCDOT	South Carolina Department of Transportation

SOQ      Statement of Qualifications

STIP     Statewide Transportation Improvement Program



## DEFINITIONS

The words defined herewith shall have the meaning set forth below throughout this document.

“**Adjusted Low Bid**” means an award criteria option in which the responsive **technical proposals** are evaluated and **cost proposals** are adjusted based on schedule and/or technical score. Award is made to the **Design-Build Team** with the lowest adjusted bid.

“**Agreement**” means the executed portion of the **contract** between SCDOT and successful **Design-Build Team**.

“**ATC**” means a confidential request by a **Design-Build Team** to modify a contract requirement, specifically for that Design-Build Team, prior to the **proposal** due date, where the modification provides a solution that is equal or better to the requirements set forth in the **RFP**.

“**BAFO**” means the final offer provided by a **Design-Build Team** at the conclusion of **discussions** in response to a RFP. Thus, regardless of the length or number of discussions, there will be only one request for a BAFO.

“**Champion**” means the lead person assigned to a task by the PM or DM. Typically, the champion is either the PM or **discipline leads** within the **DBG**, but can extend outside of the **DBG** to others, such as traffic, construction, ROW, legal, procurement, or any member of the **Evaluation Committee**.

“**Clarification**” means a written exchange of information which takes place after the receipt of **SOQs** or **proposals**. Clarifications are communications with a **Design-Build Team** for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the SOQ or proposal. It is achieved by explanation or substantiation, either in response to SCDOT inquiry or as initiated by the Design-Build Team. Unlike discussions, clarification does not give the Design-Build Team an opportunity to revise or modify its SOQ or proposal, except to the extent that correction of apparent clerical mistakes results in a revision.

“**Conflict of Interest**” means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

“**Consensus Scoring**” means a **technical proposal** evaluation scoring option in which the **Evaluation Committee** develops a collective score and list of comments for each of the technical proposals.

“**Contract**” means a composition of the agreement and all exhibits, RFP and all attachments, RFQ and all attachments, Contractor's proposal and all attachments, and Contractor's qualifications and all attachments.

“**Cost Proposal**” means the price submitted, per the **RFP** requirements, by the **Design-Build Team** to provide the required design and construction services.

“**Debriefing**” means an informal one-on-one meeting with each **Design-Build Team** to provide feedback on their **SOQs** and/or **technical proposals**, as well as obtaining feedback on the procurement process.

“**Design-Build Contract Cost**” means the cost of the successful **Design-Build Team** to provide the required design and construction services.

“**Design-Build Contract Schedule**” means a schedule that accounts for the design and construction-related activities specific to the project. This schedule should take into consideration risk allocation and include final design activities, permitting activities, work restrictions, weather days, and other project-specific scope activities.

“**DBG**” means the engineers from various disciplines in the SCDOT Preconstruction Division that administer the design-build delivery method and any other alternative delivery contracting method by helping to identify and deliver innovative projects statewide in a timely and efficient manner.

“**Design-Build Team**” means a combination of contractors, design consultants (or a design-consultant team), and other entities that partner to respond to design-build advertisements.

“**Design Leads**” mean the lead persons for all applicable disciplines in Preconstruction Support.

“**Discipline Leads**” mean the lead persons for all applicable disciplines. Typically, the disciplines include road, structures, hydraulics, and geotechnical in the **DBG**, as well as pavement, traffic, and environmental in their respective offices.

“**Discussions**” means written or oral exchanges which take place after the bid opening with the possibility of allowing the **Design-Build Teams** to revise their **proposals**, as further defined in 23 CFR 636. Any oral or written communication between SCDOT and a Design-Build Team (other than minor communications conducted for the purpose of **clarification**), whether or not initiated by SCDOT, that either (a) involves information essential for determining the acceptability of a proposal, or (b) provides the Design-Build Team an opportunity to revise or modify its proposal if a **BAFO** is issued.

“**Discussion Committee**” means a group convened for the purpose of determining possible uncertainties, suspected mistakes, deficiencies in the cost and/or technical proposal, and issues with the **RFP** as well as assisting in developing a course of action based on **discussions**. The committee is comprised of the **Evaluation Committee**, Design-Build Engineer, DM, and any other applicable technical resource personnel.

“**Early Coordination**” means communication with prospective **Design-Build Teams** or members of a Design-Build Team prior to advertising the **RFQ** or a one-phase **RFP**.

“**Evaluation Committee**” means a group tasked with review of the **RFQ** prior to advertisement and evaluating **SOQs** for **short-listing** based upon the criteria identified in the RFQ. The Evaluation Committee will also review the **RFP** prior to issuance and provide support when evaluating technical questions and **ATCs**. In addition, the Evaluation Committee

will evaluate **technical proposals** and score each technical proposal based upon the criteria identified in the RFP. Typically, the Evaluation Committee consists of the PM, varying members of **the discipline leads**, District and Headquarters' Construction, the PO, legal counsel, and a FHWA representative (if applicable).

**“Executive Session”** means a meeting of a public body that is closed to the public, in which, no actions can be taken. Discussions, reviews, and evaluations take place within this meeting.

**“Final Engineer’s Estimate”** means a confidential and refined **initial engineer’s estimate** that is used during the evaluation of **cost proposals**.

**“Final Total Construction Cost Estimate”** means a refinement of the construction component of the **planning level cost estimate**. The **initial engineer’s estimate** will be incorporated in this estimate.

**“Fixed Price”** means an award criteria option in which contract price is established by SCDOT and stated in the **RFP**. Design solutions and other qualitative factors are evaluated and rated, with award going to the firm offering the best qualitative **proposal** for the established price.

**“Individual Scoring”** means a **technical proposal** evaluation scoring option in which the **Evaluation Committee** develops individual comments and scores for each of the technical proposals.

**“Initial Engineer’s Estimate”** means is a detailed, confidential SCDOT estimate of the **design-build contract cost**.

**“Low Bid”** means an award criteria option in which the contract is awarded to the **Design-Build Team** with the lowest-priced, responsive bid.

**“Manual”** means the Design-Build Procurement Manual; this Manual.

**“One-on-One Confidential Meeting”** means a meeting with each **short-listed Design-Build Team** with the purpose of providing verbal responses from SCDOT to the confidential questions received from respective short-listed Design-Build Team.

**“One-Phase Selection Procedure”** means a selection process where a RFP is advertised without the use of a RFQ. In lieu of using a RFQ to evaluate team qualifications, typically the RFP will be developed and advertised to request responses to both qualification and technical aspects of the team and project.

**“Open-Forum Meeting”** means a meeting with all **short-listed Design-Build Teams** with the purpose of providing verbal responses from SCDOT to all questions received from the short-listed Design-Build Teams.

**“Open Session”** means a meeting of a public body open to the public, in which, the only time that an action can be taken.

**“Pass/Fail Scoring”** means a **technical proposal** evaluation scoring option in which the **Evaluation Committee** determines the responsiveness of each of the technical proposals.

**“Planning Level Cost Estimate”** means the estimate that is shown in the **STIP**. This is considered a preliminary estimate due to the limited availability of project details. It should be identified in the STIP as three separate line items: preliminary engineering, ROW if purchased by SCDOT, and construction.

**“Project Delivery Selection Workshop”** means a group convened by the Design-Build Engineer for the purpose of assisting in evaluating candidate design-build projects. The group will consist of the PM, DM, DOC representative and any other necessary technical resources and/or subject matter experts.

**“Proposal”** means the offer of a **Design-Build Team**, submitted in response to a RFP, to perform the work and furnish the materials and labor at the price set forth therein; valid only when properly signed and guaranteed. This documentation may include the **SOQ, technical proposal, and cost proposal** as required by the RFP. The offer of a prospective Design-Build Team will be considered a “Bid”, in reference to Section 101.3.6 of [SCDOT Standard Specifications for Highway Construction](#), latest edition.

**“Quality Assurance Review”** means all planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily and conform to project requirements.

**“Quality Control Review”** means specific procedures involved in the quality assurance process. These procedures include planning, coordinating, developing, checking, reviewing, and scheduling the work.

**“RFP”** means all documents, whether attached or incorporated by reference, utilized for soliciting **proposals**.

**“RFP Milestone Schedule”** means a schedule published in the **RFP** that identifies the significant project activities from “Issue the RFP for Industry Review” to “Contract Execution.” Specific dates accompany all activities in this schedule.

**“RFQ”** means all documents, whether attached or incorporated by reference, utilized for soliciting **SOQs**.

**“RFQ Milestone Schedule”** means a schedule published in the **RFQ** that identifies the significant project activities from the “Advertisement of the RFQ” to the “Bid Opening.” Specific dates accompany the project activities up to the “Issue the RFP for Industry Review.” All remaining activities should identify a month and year.

**“Screening Level Cost Estimate”** means a conceptual estimate based on a preliminary project scope and used to determine the suitability for design-build delivery.

**“Selection Advisory Committee”** means a group convened by the Design-Build Engineer for the purpose of reviewing and considering the findings of the Design-Build Engineer,

confirming the availability of SCDOT resources, and reaching a consensus on which candidate projects will be delivered via design-build. This committee is comprised of various SCDOT Directors and District Engineering Administrators dependent upon the candidate project types and location.

“**Short-Listing**” means the narrowing of the field of **Design-Build Teams** through ranking the qualifications of the Design-Build Teams who have submitted a SOQ in response to a RFQ with the intent to advance to the next stage. Only short-listed firms will be invited to submit a **proposal** in response to a RFP.

“**SOQ**” means the documents submitted by a **Design-Build Team** in response to a RFQ.

“**SOQ Evaluation Meeting**” means a meeting of the **Evaluation Committee** where the rules of the evaluation are outlined, **SOQs** are distributed, independent reviews of the SOQs are performed by the Evaluation Committee, SOQs are scored, and the short-list is determined.

“**STIP**” means a statewide prioritized program of federally funded transportation projects or phases of projects. All federally funded projects and/or categories of projects are required to be included in the STIP in order to be eligible for federal funds.

“**STIP Schedule**” means the fiscal year in which each of the three line items (preliminary engineering, ROW if purchased by SCDOT, and construction) from the **planning level cost estimate** are scheduled.

“**Stipend**” means a monetary amount sometimes paid to unsuccessful, responsive, **short-listed Design-Build Teams**.

“**Technical Proposal**” means the document submitted by a **Design-Build Team** which contains design solutions and other qualitative factors that are provided in response to the **RFP**.

“**Technical Proposal Evaluation Meeting**” means a meeting of the **Evaluation Committee** where the rules of the evaluation are outlined, technical proposals are distributed, independent reviews of the technical proposals are performed by the Evaluation Committee, and technical proposals are scored.

“**Two-Phase Selection Procedure**” means a selection process where a RFQ and a RFP are advertised and issued, respectively. In the first phase, a RFQ outlining the minimum and desired **Design-Build Team** qualifications will be advertised. Responses to this phase will be accepted from all interested Design-Build Teams. However, at the conclusion of this phase, a **short-listing** of the most highly-qualified teams will be identified and only those teams will be offered the opportunity to respond to the second phase; the RFP. In the second phase, a RFP will be issued and each short-listed team will be allowed to respond with both a technical and cost **proposal**.

“**Weighted Criteria**” means an award criteria option in which various criteria are weighted via a percentage and then typically scored on a 100-point scale.

# CHAPTER 1. INTRODUCTION

## 1.1 Purpose

This **Manual**, developed in collaboration with South Carolina Department of Transportation (SCDOT) and Federal Highway Administration (FHWA) staff, provides guidelines for identifying, selecting, procuring, and awarding design-build projects. This Manual outlines processes for key elements of the design-build procurement and delivery process.

The guidelines in this Manual will be used in conjunction with other SCDOT Publications and Manuals including, but not limited to, the most recent version of SCDOT's [Preconstruction Project Development Process](#), [Survey Manual](#), [Environmental Reference Guide](#), [Right-of-Way Manuals](#), [Utility Accommodation Policy](#), [Highway Design Manual](#), [Bridge Design Manual](#), [Geotechnical Design Manual](#), [Requirements for Hydraulic Design Studies](#), [Traffic Engineering Manuals](#), [Standard Specifications for Highway Construction](#), and related Policy Documents or Directives.

The purpose of this Manual is to:

- Define design-build authority, design-bid-build and design-build terms, and the roles and responsibilities of SCDOT staff, as well as outline the Freedom of Information Act (FOIA) and document retention requirements;
- Explain project selection, approval, and project update notices;
- Describe the project development process, including cost estimating and scheduling, preparation services, and risk matrix development;
- Outline pre-advertisement activities, such as creating an Evaluation Committee, utilizing early coordination, initiating Construction Engineering and Inspection (CE&I) services, establishing Disadvantaged Business Enterprises (DBEs) and On-the-Job Training (OJTs), choosing a design-build procurement selection procedure, an award criteria method, and other procurement components, as well as receiving pre-advertisement approval;
- Detail development and advertisement of Requests for Qualifications (RFQs), evaluation of Statement of Qualifications (SOQs), and debriefing procedures;
- Describe development of two-phase, one-phase, and emergency Requests for Proposal (RFPs), issuance and advertisement of RFPs, and the evaluation of technical and cost proposals;
- Designate post bid opening award activities, including contract award, contract execution, and final procurement tasks.

This Manual is primarily written to address federal-aid design-build procurements. In addition, if any federal-aid is used on a design-build project, full federal requirements must be enforced. In the event that SCDOT develops and delivers a non-federal-aid design-build project, the Program Manager (PM) should be cognizant of several federal components of the procurement that may not be required or require adjustment. They include, but are not limited to, the following:

- DBE goals and OJT slots;
- Evaluation criteria;
- Evaluation Committee members;
- Federal provisions;
- Federal approval actions.

## 1.2 Authority

During the 2005 Legislative Session, the General Assembly of South Carolina enacted Section 57-5-1625 by Act No. 176, §13, effective June 14 2005, of the Code of Laws. According to the [S.C. Code of Laws, §57-5-1625](#):

“(A) The department may award highway construction contracts using a design-build procedure. A design-build contract means an agreement that provides for the design, right-of-way acquisition, and construction of a project by a single entity. The design-build contract may also provide for the maintenance, operation, or financing of the project. The agreement may be in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the department.

(B) Selection criteria shall include the cost of the project and may include contractor qualifications, time of completion, innovation, design and construction quality, design innovation, or other technical or quality related criteria.”

All federal-aid design-build projects will comply with the procedures set forth in [Title 23, Section 112 of the United States Code](#).

## 1.3 Design-Bid-Build versus Design-Build

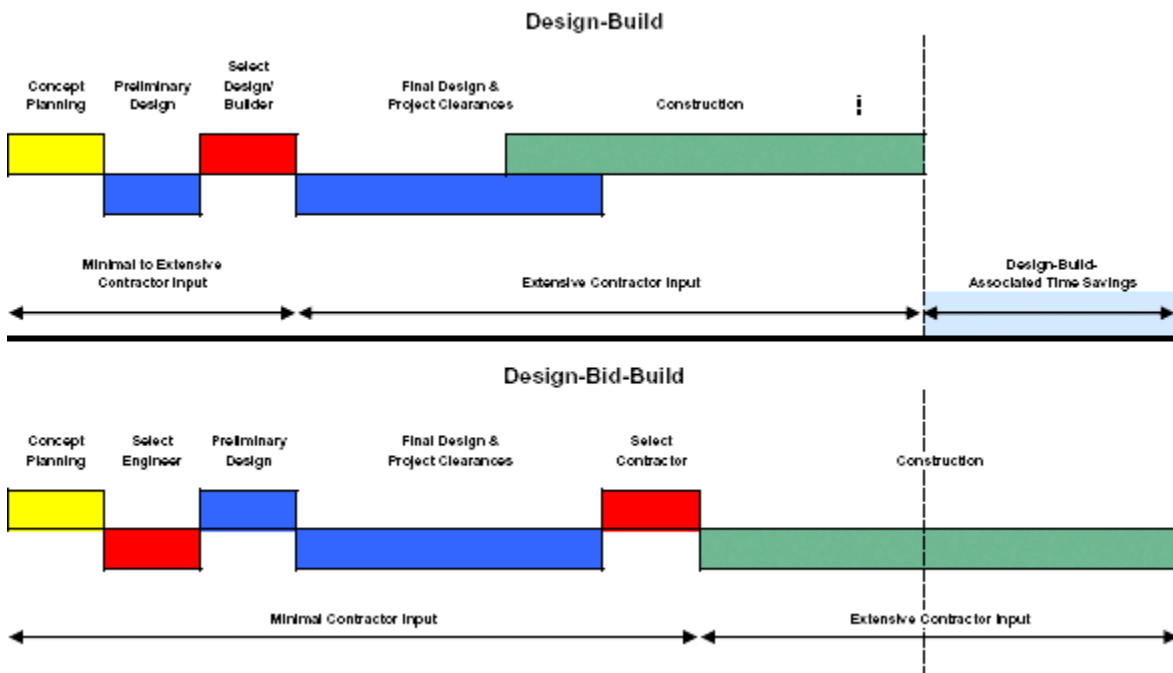
The design-build contract delivery method has been utilized for many years and its effectiveness has been supported in several published studies. Two of the more significant studies are the [FHWA Design-Build Effectiveness Study dated January 2006](#) and the [AASHTO Guide for Design-Build Procurement](#).

Design-build procurement differs from the standard design-bid-build procurement process, but overall general procurement laws and regulations are still adhered to. Described below are the primary differences between the two procurement methods.

Design-bid-build is the traditional project delivery method that SCDOT has historically utilized to deliver transportation projects. SCDOT performs design and develops all construction plans and documents and therefore, serves as the engineer-of-record and bears majority of the design risk. Once design has been completed, the project is let for construction. A single contract is awarded to provide construction services. Design-bid-build projects often utilize unit price contracting methods, but other methods may be used.

Design-build is an alternative project delivery method in which a single contract is awarded to provide both design and construction services. In this method of project delivery, contractors and consultant design firms form an integrated team and assume the responsibility for design and construction. Any design errors or omissions discovered during construction and the warranty term are the responsibility of the **Design-Build Team** to correct, thus transferring any design risk to the Design-Build Team. Design-build projects are typically lump sum contracts.

Design-build may allow designers and contractors to introduce innovative design/construction alternatives that are equal or better than the contract requirements while still adhering to all other contract requirements. It also allows contractors to utilize specialized means and methods. Design-build allows the overlap of design and construction activities, often resulting in faster project delivery. The design is often broken into packages or segments, allowing construction to begin on portions of the project while other elements are still being designed. Figure 1, taken from the [FHWA Effectiveness Study](#) referenced above, graphically shows the time difference between the design-build method and the design-bid-build method.



*Figure 1: Delivery Method Comparison*

## 1.4 Roles and Responsibilities

The roles and responsibilities for design-build projects vary from traditional design-bid-build. The roles and responsibilities listed below identify several SCDOT offices that play an integral part in the design-build procurement process, as well as, in the management and administration of the overall design-build program.



### 1.4.1 Design-Build Group

The Design-Build Engineer is responsible for SCDOT's **Design-Build Group (DBG)** and oversees the day to day operations, including but not limited to, project selection and approval, ensuring compliance with SCDOT project development process, ensuring National Environmental Policy Act (NEPA) compliance, overseeing project schedules and estimates, and monitoring staff utilization.

The PM is responsible for project-specific design-build project development along with working with FHWA to prepare a project oversight plan (if necessary), facilitating the procurement process, and chairing the Evaluation Committee. This includes, but is not limited to, managing the preparation services, preparing and finalizing the RFQ and RFP Instructions, managing the overall development of the RFP, drafting the Scope of Work, overseeing the development of the estimates, developing and adhering to the project schedules, and conducting debriefings. The PM may use the [Project Development Checklist](#) to assist in facilitating project development and procurement.

The Design Manager (DM) is responsible for all design aspects of the procurement. This includes, but is not limited to, overseeing the technical aspects of preliminary engineering services, overseeing the development of technical and design exhibits (Project Specific Design Criteria and Special Provisions) within the RFP. In addition, the DM should also assist the PM with developing the scope of work, overseeing the development of responses to design-related non-confidential and confidential questions, and providing recommendations on the approval of Alternative Technical Concepts (ATCs), along with overseeing quantity development for estimates.

The **discipline leads** typically include road, structures, hydraulics, and geotechnical in the DBG, as well as pavement, traffic, and environmental in their respective offices. The discipline leads are responsible for reviewing the preliminary engineering deliverables, developing the technical exhibits within the RFP, reviewing and developing the responses to non-confidential and confidential questions and ATCs, and developing their respective quantities for estimates. The discipline leads may be required to serve as voting members of the Evaluation Committee.

### 1.4.2 Construction (Headquarters and District)

Construction staff provides input during the preparation of the RFP, including development of project schedule and incorporation of project-specific Special Provisions. During emergency procurements, construction staff will identify the Design-Build Teams that SCDOT will invite to respond to the RFP. Construction staff also serves as voting members on the Evaluation Committee. In addition, they facilitate the award and execution of the contract.

### 1.4.3 Preconstruction Support

The Letting Preparation Office of Preconstruction Support is responsible for assisting the PM and DM with development of the cost estimates.

The **design leads** within Preconstruction Support are responsible for quality assurance of the RFP in accordance with [Preconstruction Advisory Memorandum 4](#).

### 1.4.4 Procurement

The Procurement Officer (PO) will be responsible for ensuring the integrity of the procurement process, serving as a non-voting member on the Evaluation Committee, assisting with debriefings, and maintaining the procurement file according to the [Procurement File Checklist](#). In coordination with the PM, the PO will advertise the design-build project in both [South Carolina Business Opportunities \(SCBO\)](#) and a local newspaper. The PO will instruct members of the Evaluation Committee on the requirements for ethical conduct and confidentiality.

The PO will be the Point of Contact (POC) for all communication between SCDOT and the Design-Build Teams during the procurement process. Proposals are submitted to the POC and prior to distribution, the PO will preliminarily review each proposal for responsibility and responsiveness. Final determination on technical responsiveness will be determined by the PO with concurrence from the Evaluation Committee. The PO will review the rules of evaluation with the Evaluation Committee and will moderate the Evaluation Committee's discussion during the scoring.

When a unanimous decision regarding responsiveness cannot be made by the Evaluation Committee, the PO, in consultation with the PM, Legal, and FHWA (if applicable), will have final determination on responsiveness.

### 1.4.5 Evaluation Committee

The **Evaluation Committee** is responsible for reviewing the RFQ prior to advertisement, providing support on answering technical questions, evaluating SOQs, and determining the short-list. The Evaluation Committee is also responsible for reviewing the RFP prior to issuance, providing support on answering technical questions and ATCs, determining responsiveness (see Section 1.4.4 when not unanimous), and scoring of technical proposals. Additional information is provided in Section 4.1 of this Manual.

### 1.4.6 Federal Highway Administration

FHWA will have a role in all federal-aid design-build projects. The level of involvement could vary from project to project and will depend on the level and type of potential risk that could exist on the project. In all cases, FHWA's

oversight role is documented in the Stewardship and Oversight Agreement and if determined to be a Project of Division Interest, further detailed in an individual project oversight plan. The oversight plan will be prepared by FHWA in coordination with the DBG. With most federal-aid design-build projects, FHWA's oversight will begin during the preparation of the RFQ. FHWA policies and procedures for design-build projects are defined in [Title 23 Code of Federal Regulations \(CFR\) 636 \(Design-Build Contracting\)](#).

## 1.5 Freedom of Information Act

No information regarding the design-build procurement, including any information developed during the preparation services process, will be released under FOIA until a contract has been executed. Pursuant to [S.C. Code of Laws, §30-4-40\(a\)\(5\)](#), design-build procurement documentation are documents “incidental to proposed contractual arrangements” and are exempt from disclosure to the public until the contract is entered. The initial and final engineer's estimate will not be released under FOIA.

All SOQs and proposals, including those deemed non-responsive, will be retained by SCDOT and subject to FOIA unless clearly marked confidential. All Design-Build Teams shall visibly mark as “CONFIDENTIAL” on each part of their submission that they consider to contain proprietary information, the release of which would constitute an unreasonable invasion of privacy. All unmarked pages will be subject to release in accordance with the law. Design-Build Teams should be prepared, upon request, to provide justification of why such materials should not be disclosed under the [S.C. Code of Laws, §30-4-10, et seq.](#) If any issues arise with confidentially, the PO will coordinate with the FOIA officer.

When the purpose of an Evaluation Committee meeting is to evaluate SOQs or technical proposals, the committee will constitute a public body and be subject to FOIA requirements.

## 1.6 Retention Procurement Documents

The PM and the PO are responsible for ensuring that all procurement records will be retained according to the approved SCDOT “[Records Management Retention Procedures](#)” and “[General Records Retention Schedule for Administrative Records of State Agencies](#)” (SCDOT Retention Policy) issued by the State Archives and published in the Code of Laws of South Carolina 1976, as amended. The Document Control Manager (DCM) will assist the PM and PO with adhering to the retention policies and should facilitate the retention of documents.

# CHAPTER 2. PROJECT SELECTION

## 2.1 Project Selection Process

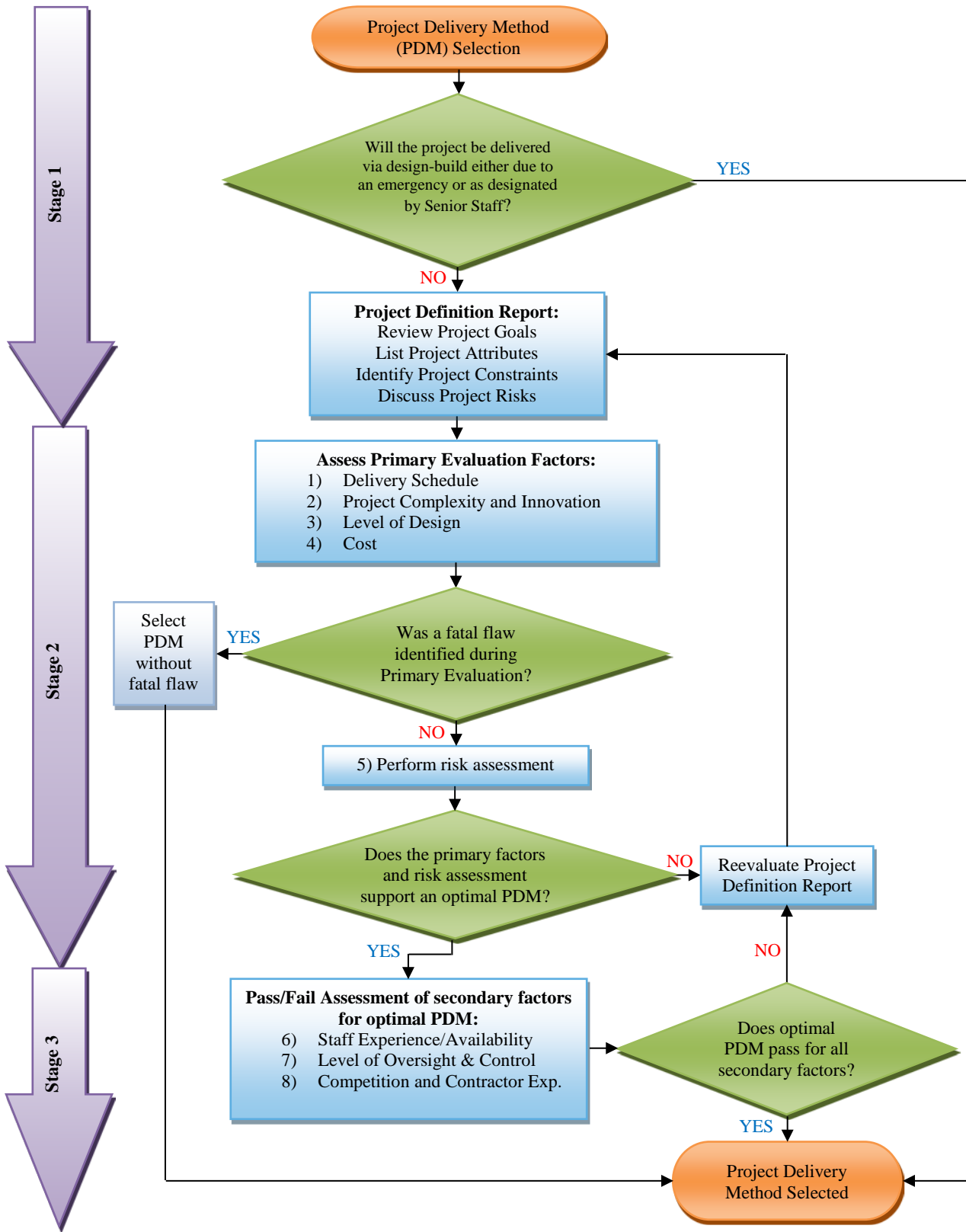
To determine whether a project is a suitable candidate for design-build delivery, SCDOT will conduct a review of the project's key goals, attributes, and constraints, as well as an assessment of the project's development status and project risks. To facilitate this approach, the Design-Build Engineer will initially evaluate individual projects on a routine basis. This evaluation will come at the direction of the Director of Preconstruction, typically when a new priority list is developed or an update is scheduled to the Statewide Transportation Improvement Program (STIP) by the Office of Planning. The types of projects that will typically be evaluated include interstate capacity projects, interstate interchange projects, and federal-aid bridge replacement projects, although any highway transportation project may be evaluated for its suitability for design-build delivery. This evaluation will typically be performed prior to a project being included in the STIP; however, the evaluation of any project at any phase of development may be performed at the request of an SCDOT Director. Typically, only candidate projects with a **screening level cost estimate** exceeding \$30 million should be further evaluated; although, a project with a lower cost may be evaluated for design-build delivery at the request of the Director of Preconstruction.

To determine if design-build delivery is appropriate, the goals of the project have to be known and the outcomes defined. The Director of Preconstruction will provide a [Project Definition Report](#) when a project evaluation is requested. If the report is incomplete, the Design-Build Engineer should convene a meeting consisting of the Director of Preconstruction, Regional Production Engineer, Office of Planning representative, Director of Maintenance representative, Office of Materials and Research representative, etc., to finalize the report and verify the screening level cost estimate. Any candidate projects should be initially screened based on their estimated total project cost identified in the screening level cost estimate.

Once a Project Definition Report has been finalized and the candidate project has been screened based on cost, the Design-Build Engineer should convene a **project delivery selection workshop** consisting of a PM, DM, Director of Construction (DOC) representative and any other necessary technical resources and/or subject matter experts. Attendees of this workshop should assist the Design-Build Engineer with completing a [Project Delivery Selection Matrix](#) for the candidate project. All candidate projects should be vetted through the Project Delivery Selection Matrix, unless the subject project has been identified by SCDOT senior staff, i.e. Secretary of Transportation, Deputy Secretaries, Chief Engineers, as a design-build project.

The Flowchart of the Project Delivery Selection Matrix provided herein will be used for those projects which have estimated total project costs that typically exceed \$30 million. Stage 1 of the matrix consists of listing the project attributes, reviewing project goals, and identifying project constraints. An assessment of primary evaluation factors along with a

risk assessment of the candidate project follows in Stage 2. After completion of Stage 2, secondary factors are evaluated and an optimal delivery method is determined in Stage 3.



*Figure 2: Flowchart of the Project Delivery Selection Matrix*

## 2.2 Approval Process

Once it is determined that a project is a suitable candidate for design-build delivery, the Design-Build Engineer will convene a **Selection Advisory Committee**, except for those projects already identified by senior staff or deemed an emergency. This committee will be chaired by the Design-Build Engineer and comprised of SCDOT Directors of Preconstruction, Construction, Maintenance, Right-of-Way, Traffic, and Environmental, and District Engineering Administrators dependent upon the candidate project types and locations. The purpose of this committee meeting will be to review and consider the findings of the Design-Build Engineer, confirm the availability of SCDOT resources, and reach a consensus of which candidate projects will be recommended for design-build delivery. If the committee is unable to reach a consensus, the Chief Engineer for Project Delivery will make a final decision on the recommended project or list of projects. A recommended design-build project or list of design-build projects will be forwarded using a [Project Delivery Selection Memorandum](#) from the Directors of Preconstruction and Construction to the Deputy Secretary for Engineering for approval or modification.

If it is determined that an emergency project will be delivered via design-build, the Directors of Maintenance, Construction, and Preconstruction will route an [Engineering Directive Memorandum 35 Memorandum](#) for approval by the Secretary of Transportation.

If a project is identified by Senior Staff to be delivered via design-build, approval to advance the project shall be documented in a memorandum from Senior Staff.

## 2.3 Project Update Notice

Once a project has been approved for design-build delivery, the Design-Build Engineer should update the [DB Projects in Development and Under Contract](#) document on the [SCDOT design-build website](#). This notice is intended to update the public on upcoming design-build projects. The notice should typically provide preliminary information including, but not limited to, the following:

- Location of the project;
- Tentative scope of work;
- Anticipated procurement schedule.

# CHAPTER 3. PROJECT DEVELOPMENT ACTIVITIES

## 3.1 Project Development Process

For design-build projects, the planning, concept development, and environmental process activities generally follow the traditional design-bid-build process as described in the [Project Development Process](#). The preliminary engineering aspects for design-build projects typically stop at preliminary design; however, the amount of design developed may vary from project to project.

For design-build projects, sufficient preliminary engineering should be performed to adequately determine preliminary roadway alignments, bridge layouts, geotechnical/subsurface conditions, etc., in order to develop project scope and identify Right-of-Way (ROW) limits, potential environmental impacts, and permitting requirements. This preliminary information will be used to define project requirements in the RFP.

The preliminary engineering should be performed to sufficient detail to insure the project can be built within the proposed limits, schedule, and cost estimate; however, progressing preliminary engineering too far potentially limits the innovation of Design-Build Teams and may add risk to SCDOT. The PM will collaborate with all affected SCDOT offices during the identification of risks, development of mitigation strategies, and the overall development of the RFP for a design-build project.

## 3.2 Project Cost and Schedule

### 3.2.1 Cost

Design-Build projects are not intended to have a 100 percent design available when developing an engineer's estimate prior to the receipt of proposals or the bid of the project. As a result, the PM needs to develop the estimates without reliance on a detailed bid item quantity breakdown.

Due to the uniqueness of procuring a design-build project, it is necessary to periodically evaluate and update a project's cost estimate as it moves through the procurement process. At a minimum, the PM is responsible for overseeing the development of the following estimates using the [Project Cost Estimate Guidelines and Template](#).

#### 1. Planning Level Cost Estimate

This is the estimate that is shown in the **STIP**. It is considered an elementary estimate due to the limited availability of project details. It should be identified in the STIP as three separate line items: preliminary engineering, ROW (if purchased by SCDOT), and construction. If ROW will be purchased by a Design-Build Team, the cost should be included in the construction component in the STIP. The PM will work in close coordination with



SCDOT's Office of Planning when developing this estimate. Typically, costs to perform preparation services and develop the RFQ and RFP along with stipends are included in the preliminary engineering cost. A portion of the construction component should be generated based on the major scope elements of the project using modifiers, multipliers, and/or percentages to account for risk allocation, design-build management, and contingencies. This portion equates to an estimate of the **design-build contract cost**. The remaining portion of the construction component should include third party involvement, design review, CE&I services, etc. Cost of similar past projects should be considered to improve the accuracy of this estimate. The PM should use the planning level cost estimate tab in the template when developing this initial estimate.

## **2. Final Total Construction Cost Estimate**

This estimate is a refinement of the construction component of the planning level cost estimate. As stated above, the construction component is comprised of two elements; items associated with third party involvement, design review, CE&I services, etc., and the design-build contract cost. Using the completed design-build preparation services, the PM will detail the design-build contract cost into an **initial engineer's estimate**.

This final total construction cost estimate is necessary to issue the final RFP and to proceed with "construction obligation" for the project. In order to avoid project delays, this estimate should be completed at least two months prior to advertising the RFQ or issuing the one-phase RFP. This will allow time to process a potential STIP correction or amendment, if necessary. Any STIP correction or amendment will be coordinated by the PM and should be routed through the Design-Build Engineer to the Director of Planning. The PM is ultimately responsible for this estimate and should continuously work on preparing it as project details become more refined through the development of the preparation services. The PM may task the preparation services consultant with developing this estimate. In all cases, the PM is to work closely with SCDOT's Letting Preparation Office. The PM should use the engineer's estimate and final total construction cost estimate tabs in the template when developing this estimate.

## **3. Final Engineer's Estimate**

This estimate is a further refinement of the initial engineer's estimate and is prepared just prior to bid opening. As with the initial engineer's estimate, the PM needs to work closely with SCDOT's Letting Preparation Office. Final adjustments should account for criteria identified in the RFP, along with any changes incorporated into the project documents via addendums. This estimate will remain confidential and is used during the evaluation of cost proposals.

### 3.2.2 Schedule

The PM will develop a number of schedules to ensure the successful delivery of the design-build project. Listed below are the three critical schedules that will be developed.

#### 1. **STIP Schedule**

The PM will coordinate with the Design-Build Engineer when developing this schedule. Careful consideration should be given by the PM when evaluating the amount of time required to issue the RFP in order to accurately determine the fiscal year where construction costs should be placed in relation to preliminary engineering and ROW (if applicable). A significant step in this evaluation is to provide sufficient time to complete the NEPA document. Therefore, the PM needs to coordinate closely with SCDOT's Environmental Services Office regarding the level of environmental documentation needed for the project's scope of work. In addition, potential third party involvement and anticipated permitting should be considered when developing this schedule. The PM should ensure the specific line items (preliminary engineering, ROW, and construction) of the planning level cost estimate are appropriately identified in the STIP by coordinating directly with the Office of Planning.

#### 2. **Procurement Milestone Schedules**

Two procurement milestone schedules are to be prepared by the PM; one for the RFQ and the other for the RFP. In the case of a one-phase selection, a single milestone schedule is required. It is the PM's responsibility to effectively manage the project through the procurement process to ensure these schedules are met in order for the project to be delivered successfully. Only in extenuating circumstances should adjustments to establish schedules be considered, and in such cases, will be coordinated with the Design-Build Engineer.

The **RFQ milestone schedule** will identify the significant target project activities from the "Advertisement of the RFQ" to the "Bid Opening." Specific dates should accompany the target project activities up to the "Issue the RFP for Industry Review." All remaining target project activities should identify a month and year. The PM will ensure this schedule coincides with the STIP schedule.

The **RFP milestone schedule** will include all critical target project activities from "Issue the RFP for Industry Review" to "Contract Execution." A specific date needs to accompany all activities in this schedule; therefore, it is imperative that the PM gives the development of this schedule careful consideration. The PM needs to account for holidays (both state and federal) when establishing this critical schedule.

If using ATCs, ample time should be considered in this schedule for the Design-Build Team to prepare the ATC and for SCDOT to review and perform any analysis associated with the ATC. After formal ATC responses are provided, an appropriate amount of time should be scheduled so that a Design-Build Team may incorporate the ATCs into the technical proposal.

The PM should use the Milestone Schedule Templates ([Microsoft Excel](#) and [Primavera](#) Versions) when developing the schedules.

### 3. Design-Build Contract Schedule

The PM, in coordination with the DBG and DOC's Office, should develop a design-build contract schedule that accounts for the design and construction-related activities specific to the project. This schedule should take into consideration risk allocation and include final design activities, permitting activities, work restrictions, weather days, ROW acquisition, utility relocations, and other project-specific scope activities. The development of this schedule should occur as early in the RFP development process as possible to establish SCDOT's estimate of design-build contract time. The establishment of this contract time should be used by the PM when identifying the contracting method in the RFP for Industry Review. In preparing the RFP for Industry Review, the PM should consider and evaluate several contracting methods including, but not limited to, use of A+B, establishing a maximum calendar day timeframe, use of a set completion date, incorporating multiple Notices to Proceed, etc. In determining which contracting method is most beneficial, the PM needs to be aware of stakeholder's expectations as well as project commitments. Feedback during the industry review phase (constructability, risk elements, etc.) can be considered to support adjustments to this schedule when issuing the final RFP.

## 3.3 Preparation Services

### 3.3.1 Overview

Preparation services consist of preliminary engineering services and development of a NEPA document. For federal-aid projects, preliminary engineering funding will be authorized prior to these services beginning. For non-federal-aid projects, the PM will ensure that a charge code is obtained before these services begin. While some of these services may be performed in-house, i.e. pavement design, the majority of these services will typically be performed by a consultant. The PM will work with the Professional Services Contracting Office and chair a committee to procure these services. Other members of the DBG may be required to participate on the professional services contracting committee. These services may be acquired through on-call contracts or project-specific contracts procured under the [SCDOT Manual for Procurement, Management and Administration of Engineering and Design Related Services](#). Typically, project-specific contracts are utilized when complex design-build projects require extensive preparation service

contracts. The PM, in coordination with the DM, should refer to the [Preparation Services Scope Sample](#).

The discipline leads should assist the PM and DM with developing their discipline-specific scope items. During the execution of the design-build preparation services, the PM will monitor progress while the discipline leads will assist the DM with technical oversight and perform quality assurance reviews of the data and deliverables developed by the consultant.

### 3.3.2 Conflict of Interest

By and large, the advertisement for preparation services will indicate that the prime consultant will be retained through the completion of the design-build procurement process. Furthermore, any sub-consultant performing any of the following preliminary design services will customarily be retained: roadway, structural, hydraulics, geotechnical, and traffic. Those entities retained will be prohibited from participating in the pursuit of the associated design-build project. The purpose of this retention will be to primarily assist the DBG with RFP development, answering questions, and providing technical support during the RFP phase of the procurement.

Any sub-consultant performing services outside of the above referenced preliminary design services will be allowed to participate in the pursuit of the associated design-build project provided:

- The prime consultant submits a [Standard Release Letter](#), along with all deliverables to the PM; and
- SCDOT concurs in the release request.

## 3.4 Risk Matrix

At the mid-point of the design-build preparation service, i.e. following the Public Information Meeting, the PM, in close coordination with the DM, should refine the risk assessment that was prepared during the initial project selection process discussed in Section 2.1 of this Manual. A [Risk Matrix](#) should be developed which identifies risks in three categories: high, moderate, and low with the “high” risks being those that are most relevant and critical to the success of the project. The PM should solicit feedback from each of the following disciplines: roadway, structures, hydraulics, geotechnical, traffic, environmental, ROW, utilities, and construction. The Risk Matrix should assign the risk to the SCDOT, Design-Build Team, or both, and the PM and DM should discuss mitigation strategies to assign the overall risks. Mitigation strategies could result in additional work by the SCDOT and/or its consultant that would typically be the responsibility of the Design-Build Team or vice versa.

As a project nears the end of the design-build preparation phase, i.e. a NEPA decision is pending or has been made, the PM, in coordination with the DM, should update the Risk Matrix as preliminary engineering and the environmental process would have provided a

much better understanding of the risks associated with the project. The Risk Matrix should be finalized prior to the advertisement of the RFQ or one-phase RFP.

Ultimately, the risk matrix should assist the PM and the Evaluation Committee with identifying if the Design-Build Teams have a good understanding of the project approach during the short-listing process. It should also assist the PM and the DBG with the development of the Scope of Work in the RFP.

# CHAPTER 4. PRE-ADVERTISEMENT ACTIVITIES

## 4.1 Evaluation Committee

Typically, after completion of the design-build preparation services and prior to development of a RFQ or one-phase RFP, the PM will prepare the [Evaluation Committee Memorandum](#) for the Deputy Secretary for Engineering, which will identify the project name, project ID, and names of the Evaluation Committee members. This document will be routed through the Design-Build Engineer.

The ultimate size and makeup of the Evaluation Committee will depend on project requirements. The Evaluation Committee, typically, will include at least one staff member from each of the following and these members will require Deputy Secretary for Engineering approval prior to participation:

- DBG – PM, Committee Chair Non-voting
  - DBG – Discipline Leads, multiple members\* Voting
  - DOC’s Office Voting
  - District Construction Office Voting
- \*Supervisor/subordinate members are prohibited

The following members will be mandatory and do not require Deputy Secretary for Engineering approval:

- Procurement Office – PO Non-voting
- Legal Office Non-voting
- FHWA\*\* Non-voting

\*\*For federally funded projects, see FHWA’s project oversight plan.

Additional voting and non-voting members may be added to the Evaluation Committee as appropriate for each specific project depending on the complexity of the project. Additional committee members may also include non-SCDOT employees including but not limited to, city, county, and other state agency personnel, as either voting or non-voting members.

Once the Evaluation Committee is approved by the Deputy Secretary for Engineering, the PM will schedule a project kick-off meeting to advise the committee on the specifics of the project including the milestone schedule, conflict of interest, scope, etc. This is a mandatory meeting that requires all committee members to attend either in-person or via conference call. The PO will instruct members of the committee on the requirements for ethical conduct and confidentiality. The PO will be responsible for ensuring that each member of the committee, along with any other resource personnel, has signed the [Conflict of Interest and Confidentiality Certification Form](#). Typically, the DCM will distribute a blank form via ProjectWise. If there is an actual or apparent conflict of interest identified, the PO is responsible for mitigating the conflict.

## 4.2 Early Coordination

**Early coordination** with potential Design-Build Teams can be used to minimize project risk. Federal regulation, [Title 23 CFR 636.115](#), further defines the benefits and purposes for allowing an early exchange of information.

Some techniques to promote early exchanges of information are as follows:

- One-on-one meetings with potential Design-Build Teams;
- Pre-RFQ notices;
- Requests for information (RFIs);
- Pre-RFQ open-forum meetings.

If specific information, written or verbal, that is considered necessary for the preparation of proposal is distributed or obtained during these early exchanges, the PM will ensure that information be made available to all potential Design-Build Teams as soon as practicable in order to avoid creating an unfair competitive advantage.

Early Design-Build Team coordination should be advertised and offered consistently to all firms interested in the design-build project. If early coordination is desired, the PM will contact the PO. The PO will be responsible for advertising in [SCBO](#) and the local newspaper, while the PM will be responsible for posting on the [SCDOT design-build website](#). The [Early Coordination Advertisement](#) should be used for advertising and posting. The SCDOT design-build website may contain additional detailed early coordination information, such as preliminary engineering deliverables, draft RFQ's, results of early communication with Design-Build Teams, etc.

## 4.3 CE&I Services

Prior to advertising the RFQ or RFP, the PM should inform the DOC's Office that a design-build project is forthcoming. This will give the DOC's Office, in consultation with the applicable District Construction Office, an opportunity to determine if CE&I services for the design-build project will be provided by SCDOT staff or by a third-party engineering consultant. If a consultant is needed, the DOC's Office should work with the Professional Services Contracting Office to acquire the necessary CE&I services through a contract procured under the [SCDOT Manual for Procurement, Management and Administration of Engineering and Design Related Services](#). If necessary, CE&I services will be advertised after the notification of the short-listed teams. No member of the successful Design-Build Team will be selected for CE&I services. The PM should continue to monitor the CE&I procurement to ensure that it will not negatively impact the milestone schedules. This should include advising the DOC's Office of an approximate RFQ or RFP advertisement date.

## 4.4 Disadvantaged Business Enterprises and On-the-Job Training

Prior to advertisement of the RFQ or RFP, the PM will submit a request for DBE Goals and OJT Slot Assignments to SCDOT's Office of Business Development and Special

Programs. This request is typically sent via email along with providing the following project information:

- Contract value (price);
- Type of work (road/bridge); and
- Duration of project.

The Office of Business Development & Special Programs will notify the PM of the DBE goal and the number of OJT slot assignments to be included in the RFP. The PM should note that DBE goals and OJT slot assignments are not requirements on non-federal-aid projects. However, if any federal-aid is used on a design-build contract, the requirements outlined in this section must be enforced.

## 4.5 Selection Procedures

### 4.5.1 Two-Phase Selection Procedure

The **two-phase selection procedure** involves issuance of a RFQ and a RFP for the design-build project. In the first phase, the PM will coordinate advertising a RFQ outlining the minimum and desired Design-Build Team qualifications. Responses to this phase will be accepted from all interested Design-Build Teams. However, at the conclusion of this phase, a short-listing of the most highly qualified teams will be identified and only those teams will be offered the opportunity to participate in the second phase; the RFP. In the second phase, the PM will issue a RFP and allow each short-listed team to respond with both a technical and a cost proposal. In a two-phase selection procedure, the PM should ideally incorporate all of the various procurement components; i.e. early coordination, multiple open-forum and one-on-one meetings, submission of ATCs, etc. Also, stipends would normally be paid because the short-listed teams are expected to incur significant expenses in responding to the RFP. The payment of stipends should also entice innovation and allow SCDOT to consider incorporating any of the ideas offered into the final contract, resulting in the most cost effective project.

### 4.5.2 One-Phase Selection Procedure

The **one-phase selection procedure** involves advertisement of a RFP without a separate RFQ. In lieu of using a separate RFQ to evaluate team qualifications, typically, the RFP will be developed and advertised to request responses to both qualifications of the team and technical aspects of the project. In determining if a one-phase selection procedure is suitable, the PM should consider the criteria below. A positive response is an indication that a one-phase selection procedure may be suitable. A negative response may be an indication that a two-phase selection procedure is more suitable.

- It is anticipated that no more than three teams may respond to this solicitation;



- Design-Build Teams are not expected to perform substantial design work before developing the cost proposals;
- Design-Build Teams are not expected to incur a substantial expense in preparing proposals;
- The project has clearly defined project requirements and the scope of work does not warrant Design-Build Teams with special skills or specific types of experience.

Typically, if a one-phase selection procedure is used, some of the procurement components, including confidential meetings and submission of ATCs, may not be appropriate due to minimal project complexity and time constraints. Also, the payment of stipends would not typically be made due to the minimal effort expected of the teams responding.

## 4.6 Award Criteria Options

Typical SCDOT award criteria options for design-build procurement include the following:

- Fixed price;
- Weighted Criteria;
- Adjusted low bid;
- Low bid.

This section outlines these award criteria options. The type of award criteria should be clearly defined in the RFP. The PM will determine which type of award criteria option is best suited for the unique requirements of the project. Other award criteria options may be considered if deemed appropriate for a specific project.

### 4.6.1 Fixed Price

Under the **fixed price** award criteria option, in lieu of requiring both a technical proposal and cost proposal, SCDOT may establish a fixed price budget for the project and require submission of only qualitative technical proposals. The PM establishes the fixed price and baseline scope, which are published in the RFP. The Design-Build Teams shall work within the fixed price amount to provide the best possible proposal scope and schedule that will be the most beneficial to SCDOT. The Design-Build Teams compete on project scope, qualifications, schedule, and other non-cost factors. The Evaluation Committee evaluates the proposals for both compliance with the RFP requirements and how well the Design-Build Teams maximize the scope to be delivered above the requirements in the RFP.

### 4.6.2 Weighted Criteria

Under the **weighted criteria** option, various criteria are weighted via a percentage and then typically scored on a 100-point scale. The criteria typically include, but

are not limited to, qualifications, responsive technical proposals, construction time/schedule, and/or cost proposals. The RFP may require the proposal to meet a minimum score. If qualifications are used, the scores are brought forward from the short-listing process. Technical proposals are evaluated to determine if they meet the requirements outlined in the RFP. Construction time is evaluated such that the short-listed Design-Build Team with the lowest number of days receives the most points. Similarly, cost proposals are compared to other short-listed Design-Build Teams and scored by the lowest bid receiving the most points. The Evaluation Committee will review and score the criteria in accordance with the RFP, with the exception of cost. Cost proposals will remain sealed and stored in a secure location until the bid opening.

#### **4.6.3 Adjusted Low Bid (Technical Scoring Process or Quality Credit Process)**

Under the **adjusted low bid** award criteria option, the responsive technical proposals are evaluated and cost proposals are adjusted via a formula which uses a technical score or quality credits. The technical scoring process typically involves evaluating if technical proposals meet the requirements outlined in the RFP while the quality credit process evaluates components of the technical proposals that are above and beyond those outlined in the RFP. The Evaluation Committee will review and score the technical proposals in accordance with the RFP. Cost proposals will remain sealed and stored in a secure location until the bid opening.

#### **4.6.4 Low Bid**

Under the **low bid** award criteria option, the contract is awarded to the Design-Build Team with the lowest-priced, responsive bid. The RFP may require the proposal to meet a minimum technical score and/or minimum qualifications in order to be deemed responsive. The Evaluation Committee evaluates the proposal to determine if it meets the RFP requirements. The technical proposal generally consists of a short narrative and the required legal forms.

#### **4.6.5 Award Criteria Selection Matrix**

The PM should determine the most appropriate selection procedure and award criteria based on the guidance provided in this section. Table 1 provides additional guidance on the suitability of certain award criteria versus project type and scope.

*Table 1: Award Criteria Selection Matrix*

Project Type/Scope	Fixed Price	Weighted Criteria	Adjusted Low Bid	Low Bid
New Highway/New Location	Suitable	Suitable	Suitable	Not Ideal
New/Reconstructed Interstate Interchange	Suitable	Suitable	Suitable	Not Ideal
Major or Complex Bridge Replacement	Suitable	Suitable	Suitable	Not Ideal
Interstate Capacity and/or Rehabilitation	Consider	Suitable	Suitable	Not Ideal
Bundled Bridge Package	Consider	Suitable	Suitable	Consider
Minor Bridge Replacement	Not Ideal	Consider	Consider	Suitable
Emergency	Not Ideal	Consider	Consider	Suitable

## 4.7 Procurement Components to Consider Prior to Advertisement

### 4.7.1 Alternative Technical Concepts

The use of ATCs will be utilized on a case-by-case basis where determined to be appropriate and advantageous. ATCs are typically used on design-build projects where the selection may depend on the degree of innovation in the technical solutions offered by the Design-Build Teams.

The PM will evaluate each design-build project to determine if it is a suitable candidate for the use of ATCs. If so, the RFQ will identify that SCDOT intends to utilize ATCs on the project and the RFP will provide instruction on the ATC process.

### 4.7.2 Stipends

Prior to advertisement of a RFQ, the PM should determine if **stipends** will be paid. If so, the stipend amount should be determined in consultation with FHWA (if applicable) and the DBG by using the [Stipend Estimate Spreadsheet](#). The decision to pay a stipend is typically based on analysis of the estimated proposal development costs, the complexity of the project, the risk analysis, and the anticipated degree of competition during the procurement process. The decision to use stipends is further outlined in [Title 23 CFR 636.113\(a\)](#). However, SCDOT does not have the right to use technical solutions, design concepts, or any proprietary information contained in proposals from unsuccessful Design-Build Teams when stipends are not paid or refused.

## 4.8 Pre-Advertisement Activities Approval

Once the pre-advertisement activities described earlier in this chapter have been considered and prior to development of the RFQ or one-phase RFP, the PM, in

coordination with the Design-Build Engineer, will submit the Final Total Construction Cost Estimate and an updated Design-Build Contract Schedule to the Director of Program Controls' Office for cash flow analysis. If the analysis results in a forecast of available cash greater than the established minimum threshold throughout the completion of the project, the PM will submit a [Pre-Advertisement Activities Approval Memorandum](#) to the Design-Build Engineer for concurrence, which will be forwarded to the Director of Preconstruction for routing to the Deputy Secretary for Engineering and Deputy Secretary for Finance and Administration for review and approval. The purpose of this memo is to:

- Summarize and recommend a selection procedure;
- Summarize and recommend the award criteria. If adjusted low bid is selected, identify any formula used along with the range of available points. If the weighted criteria option is selected, identify the proposed criteria and associated weights;
- Identify if ATCs, stipends, and stipend amount, if applicable, will be utilized on the project;
- Provide the proposed RFQ and RFP milestone schedules;
- Provide the Planning Level Cost (STIP) Estimate and the Final Total Construction Cost Estimate;
- Provide an updated Design-Build Contract Schedule;
- Provide the cash flow analysis as an attachment;
- Provide any other pertinent requirements necessary to advertise, procure, and deliver a design-build project.

If the analysis results in a forecast of available cash less than the established minimum threshold, the project should be placed on hold until the cash flow issues are resolved. The resolution should be a coordinated effort between the DBG, the Office of Planning, the Director of Program Controls' Office, etc.

# CHAPTER 5. REQUEST FOR QUALIFICATIONS

## 5.1 Development

### 5.1.1 Preparation of Request for Qualifications Documents

At least one month prior to advertising the **RFQ**, the PM should obtain and update the [RFQ Template](#) with the project specific requirements. The PM should only update the sections of the template that warrant editing due to specific project requirements. Other sections should not be modified by the PM without approval on a project-by-project basis from the Design-Build Engineer. The sections to be edited by the PM are as follows:

- Project Overview and Scope of Work – Information provided in this section should be sufficiently detailed to afford the industry the opportunity to propose key individuals and team members with experience that will best fit the project;
- SCDOT Point of Contact – The PM should incorporate the name, room number, and email address.
- RFQ Milestone Schedule – The PM should incorporate the RFQ milestone schedule that was developed in accordance with Section 3.2.2 of this Manual;
- RFQ Documents and Addendum – The pm should outline any project information that is currently available.
- General Contents of SOQ – The PM should include appropriate project characteristics that the Design-Build Teams should include for evaluation.
- Team Structure and Project Approach – The sub-categories outlined in this section would apply to most design-build projects. The PM will use the risk matrix, developed in accordance with Section 3.4 of this Manual, to determine the number of critical risks that should be identified by the Design-Build Team. The PM will also establish the point distribution assigned to this section. The PM should ensure the final point breakdown is consistent with what is shown in the SOQ Evaluation and Scoring table in the RFQ. If not federally funded, consider other evaluation criteria allowed by state procurement;
- Experience of Key Individuals – The specific disciplines and importance of each individual need to align with the project’s scope of work. The PM should consider design effort and complexity along with construction difficulty when selecting the list of key individuals and associated point distribution. Coordination with the DM may be necessary. The PM should determine which disciplines warrant full-time positions and on-site requirements. Additionally, a determination should be made for whether certain disciplines are prohibited from being assigned multiple project positions/responsibilities. The PM should ensure the final point breakdown is consistent with what is shown in the SOQ Evaluation and Scoring table in the RFQ;

- Past and Current Performance of Team – The contents of this section should be applicable to all design-build projects. The PM will establish the point distribution assigned to this section. The PM should ensure the final point breakdown is consistent with what is shown in the SOQ Evaluation and Scoring table in the RFQ;
- SOQ Evaluation and Scoring – The PM should populate the table with the appropriate point values associated with the evaluation criteria.
- Protest – The PM will ensure that the most recent language remains in the RFQ during development;
- Due Date, Time, and Location – The PM should define the name, room number, and email address of the individual to which the SOQ hard copies should be delivered.
- Procurement Phase 2 – The PM should ensure the information provided in this section is consistent with the procurement process approved for the project (i.e., DBE goal, allowing ATCs, award of stipends, discussions, etc.);
- Conflict of Interest – The PM needs to ensure that this section is updated to identify the firms that cannot be part of a team responding to this advertisement.

The PM should begin assembling the Attachment B and C documents in ProjectWise with project and preliminary design information as it becomes available. The contents of these attachments are further discussed in Section 6.1.1 of this Manual.

### **5.1.2 Review**

The PM will provide each member of the Evaluation Committee a copy of the draft RFQ along with the SOQ Scoring Spreadsheet and allow sufficient time for review to accommodate the RFQ milestone schedule. The PM should schedule a non-mandatory meeting with the Evaluation Committee to discuss comments and is responsible for appropriately addressing each comment prior to finalizing the RFQ. Typically, a total of two weeks should be allotted for the Evaluation Committee to review and the PM to finalize the RFQ. For federal-aid projects, the PM will obtain approval from FHWA prior to advertising the RFQ, if required by FHWA's project oversight plan. For non-federal-aid projects, no further approvals are required to advertise the RFQ.

## **5.2 Advertisement**

### **5.2.1 Procedures**

In most situations, the RFQ will not be advertised until a NEPA determination has been made. However, there may be situations that require an earlier RFQ advertisement in order to maintain the milestone schedule. In these situations, the PM may advertise the RFQ prior to the conclusion of the NEPA review process as long as the RFQ informs the Design-Build Teams of the general status of the NEPA process.

Once the RFQ has been finalized and approved, if necessary, the PM is responsible for preparing the advertisement by referring to the [Advertisement Template](#). The advertisement should contain a brief description of the project, define a submittal deadline, provide the name of the POC, and provide a link to the [SCDOT design-build website](#). The PM is responsible for ensuring the advertisement fees are charged to the appropriate charge code. The PM will forward a copy of the advertisement to the PO for publication in the newspaper and SCBO, as outlined below, and for placement in the procurement file. The PM will also notify the DCM that the RFQ is ready for posting and the DCM will be responsible for uploading the RFQ and Attachments B and C to the SCDOT design-build website.

### **5.2.2 Methods of Advertising**

In order to comply with state law, the process requires advertisement in one or more daily newspapers in the state of South Carolina. The advertising period is a minimum of three weeks, but typically four weeks is utilized. The three methods of advertisement that will be used are:

- Daily newspaper;
- [SCBO](#);
- [SCDOT design-build website](#).

### **5.2.3 Request for Qualifications Addendums**

If revisions or modifications to the RFQ or Attachment B are warranted, the PM should publish these updates as an Addendum with a [Notice to Proposers](#). Revisions or modifications to Attachment C do not require the issuance of an addendum. The PM should be cognizant of the SOQ submittal date such that the addendum is not issued within ten business days of the due date. If this is unavoidable, the PM should consider extending the due date. The review process for addendums should follow the guidance outlined in Section 5.1.2 of this Manual. The mechanism for issuing an addendum is via the [SCDOT design-build website](#) because the design-build teams are charged with reviewing the website on a continual basis for any changes to the RFQ or Attachments.

## **5.3 Evaluation of Statement of Qualifications**

### **5.3.1 Conflict of Interest**

Design-Build Teams are required to submit a [Disclosure of Potential Conflict of Interest Certification](#) representing the team. This shall be submitted with their SOQ disclosing any potential **conflict of interest** as outlined the RFQ template. If a Design-Build Team identifies a potential conflict of interest on the disclosure form, or if SCDOT determines that a potential conflict of interest exists during this phase of the procurement, the PO will determine the appropriate measures to address the potential conflict. To resolve the potential conflict, the determination

needs to take into consideration the best interests of SCDOT and the contract itself. If the conflict cannot be resolved, the PO, in consultation with the PM, Legal, and FHWA (if applicable), will deem the Design-Build Team ineligible and the team will be informed of the reason by the PO.

### 5.3.2 Receipt of SOQs

Both electronic and hard copies of the **SOQs** are required to be submitted by the date and time established in the RFQ. ProjectWise will document the time and date of receipt of each electronic SOQ. If hard copies of the SOQs are required by the RFQ, the Procurement Office will time and date stamp each Design-Build Team's submittal. The PO will verify that the electronic SOQs were uploaded to ProjectWise by the time and date specified in the RFQ. After verification, but prior to distribution of the SOQs to the Evaluation Committee, the PO should prepare an [SOQ Submitters List](#) of all SOQs received by the deadline date and time. The PO is responsible for posting this list on the [SCDOT design-build website](#).

Upon notification of the receipt of SOQs from ProjectWise, the DCM will relocate the SOQs to a SCDOT project-specific, confidential folder in ProjectWise. This folder will not be available to the Evaluation Committee until after the PO distributes the SOQs.

The PO will review all SOQs and confirm preliminary responsiveness and responsibility. If issues arise with responsibility and/or responsiveness, the PO should consult with the PM, Legal, and FHWA (if applicable). Upon determining a team to be non-responsive, the Design-Build Engineer should brief SCDOT senior staff and the PO, in coordination with the PM, is responsible for notifying the team with a [Non-Responsive Letter](#). The DCM should be notified so that any non-responsive SOQs can be separated in ProjectWise to ensure only the preliminary responsive SOQs are accessible for review by the Evaluation Committee.

### 5.3.3 Distribution of SOQs

After determining preliminary responsiveness, the PO, in collaboration with the PM, will establish the time frame that the **SOQ evaluation meeting** will be in executive session. The PM is responsible for coordinating with the PO to ensure that the RFQ milestone schedule is maintained. The PO will schedule this meeting and will advise the public at least 24 hours prior to the meeting by posting a [Public Notice](#) on the [SCDOT design-build website](#).

The SOQ evaluation meeting will begin with the distribution of SOQs and will initiate in open session. During the distribution, it is mandatory that all voting committee members be present either in-person or via conference call and the PO will:



- Identify the project and who submitted SOQs;
- Make a motion for the Evaluation Committee to enter into executive session when discussing the procurement;
- Verify Conflict of Interest and Confidentiality Forms have been signed by all Evaluation Committee Members (voting and non-voting) and that there are no conflicts;
- Instruct the evaluators on how to submit their comments and scores in ProjectWise;
- Distribute the hard copies of the SOQs and advise the Evaluation Committee on the location of the SOQs in ProjectWise;
- Make a motion to return to open session and adjourn the SOQ evaluation meeting;
- Prepare minutes of the open sessions of meeting.

#### **5.3.4 Clarifications; Minor Informalities and Irregularities**

The POC is responsible for obtaining any **clarifications** from the Design-Build Teams to assure full understanding of the requirements of the SOQs. Clarification of a SOQ will be documented in writing by the PO.

A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the RFQ having no effect or merely a trivial or negligible effect on total cost, quality, quantity, or performance of the contract, and the correction or waiver of which would not be prejudicial to Design-Build Teams. The POC will either give the Design-Build Team an opportunity to resolve any deficiency resulting from a minor informality or irregularity in their SOQ or waive any such deficiency when it is in the best interest of SCDOT. Such communication or determination will be in writing.

#### **5.3.5 Evaluation**

After disbursement of the SOQs, each voting member of the Evaluation Committee will read all SOQs in their entirety and conduct his or her own independent assessment of each Design-Build Team's conformance with the evaluation criteria. The Evaluation Committee may request that the POC obtain additional clarification from the Design-Build Teams via written request, as outlined in Section 5.3.4 of this Manual.

After having an opportunity to review and soft score the SOQs, the PO, in coordination with the PM, will convene a second SOQ evaluation meeting to discuss the SOQs. The PO will advise the public at least 24 hours prior to this second meeting by posting a Public Notice on the [SCDOT design-build website](#)

The second SOQ evaluation meeting will initiate in open session. It is mandatory that all voting committee members be present either in-person or via conference call. The PO will begin this meeting by:

- Stating the purpose of the meeting;
- Making a motion for the Evaluation Committee to enter into executive session to begin discussing evaluations.

While no soft scores are to be disclosed, each voting member will finalize their scores based on discussions during the meeting. The individual, final scores will be populated in the [SOQ Scoring Spreadsheet](#). The scoring will adequately reflect the written evaluation comments. Strengths, weaknesses, references, and responsiveness should be discussed. Evaluations should include current and past projects. It is important that the PO seek input from SCDOT staff, including District and Preconstruction personnel, regarding performance on current and past projects. Should the Evaluation Committee determine that a team is non-responsive; no numerical score will be provided for that team.

### 5.3.6 Short-Listing

The PO, in conjunction with the PM, will present the voting members of the Evaluation Committee with the final scores ranking from highest to lowest, without identifying the Design-Build Teams. The Evaluation Committee will discuss the scores and the voting members will determine by majority a tentative number of teams to **short-list**. A short-list greater than five teams or less than three should only be recommended if it is in the best interest of SCDOT and is consistent with the purposes and objectives of the two-phase selection procedures. Once a tentative short-list is determined, the PO will make a motion for the SOQ evaluation meeting to return to open session. During the open session, the Evaluation Committee will take action, which may include finalizing the short-list, determining responsiveness, etc. The PO will obtain signatures from the committee on the SOQ Scoring Spreadsheet to be retained in the procurement file. The PO will then make a motion to adjourn the SOQ evaluation meeting and document the meeting minutes for the open session.

The PO, in coordination with the PM, is responsible for notifying any team found to be non-responsive per Section 5.3.2 of this Manual. After notifying any non-responsive team (if applicable), the PO is responsible for preparing the [SOQ Evaluation and Short-List Recommendation Memorandum](#) for approval by the Deputy Secretary for Finance and Administration. The PO will then ensure the Deputy Secretary for Engineering and the Secretary of Transportation are notified. Once the PO receives the Deputy Secretary's approval or rejection in the short-listing, the PO will advise the PM so that the decision can be posted on the [SCDOT design-build website](#). If rejected, the PM, in coordination with the PO, will follow a similar cancellation procedure as outlined in Section 6.4.9 of this Manual.

## 5.4 Debriefings

Design-Build Teams that have not been short-listed have an opportunity to request a **debriefing** meeting after the RFQ phase of the procurement process is complete.

However, no team should be debriefed if any team protests or takes legal action against the procurement. If this occurs, debriefings will be delayed until the conclusion of the protest or legal process.

To request a debriefing, the Design-Build Teams should submit a written request by letter or email to the POC. All requests for debriefings shall be received from the team within the timeframe outlined in the RFQ. The RFQ debriefings should be conducted after the short-listing process is complete, but not before the end of the protest period listed in the RFQ. Once the protest process is complete, the POC will contact the teams requesting the debriefing to coordinate and schedule the meeting times. The meeting date is outlined in the RFQ milestone schedule. Debriefings can be conducted either through face-to-face meetings or via conference call.

The PM will be responsible for organizing and facilitating debriefing meetings. While preparing notes for these debriefing meetings, the PM should also prepare for the potential debriefing meetings for the short-listed Design-Build Teams as described in Section 7.3.3. The PM and PO should attend all debriefing meetings. The PM will offer FHWA (if applicable) the opportunity to attend the debriefing meetings. The content of debriefing meetings should typically follow the procedures below:

- Approximately one hour in length;
- An informal discussion between SCDOT and the Design-Build Teams;
- A review of the Evaluation Committee's comments;
- A scoring breakdown by category;
- Feedback on the RFQ phase of the procurement process;
- Do not discuss the contents of another team's SOQ;
- No documentation will be provided to the debriefed teams except through a formal FOIA request and not until after execution of the design-build contract.

# CHAPTER 6. REQUEST FOR PROPOSALS

## 6.1 Two-Phase Request for Proposals

### 6.1.1 Preparation of Request for Proposals for Industry Review Documents

At least three months prior to issuing the **RFP** for Industry Review, the PM should obtain the [Two-Phase RFP Template](#). Attachments B and C will require continued population on a project-specific basis.

Typically, the RFP template will contain a draft of the RFP Instructions and Attachment A, i.e. the Agreement, Cost Proposal Bid Form, Schedule of Values, Design References, Special Provisions and Contract Requirements, and Railroad and Utilities; all of which will require revisions, additions, and/or deletions. The template will include a sample Scope of Work and a placeholder for the Project Design Criteria exhibits that will be written on a project-specific basis.

Once the template has been selected by the PM, coordination with the DM should commence. The PM should regularly collaborate with the DM during the updating and development of the necessary RFP documents.

The PM should only update the sections of the template that warrant editing due to specific project requirements. Other sections should not be modified by the PM on a project-by-project basis without the approval of the Design-Build Engineer. The sections to be addressed by the PM are as follows:

#### 1. RFP Instructions

- Project Description – Information provided in this section should mirror the language provided in the RFQ. Details should be general to avoid conflicts with the scope of work;
- NEPA Document – This section should be updated to briefly describe the type of NEPA document approved for this project. Only in special cases should the RFP for Industry Review be issued without a final NEPA document. In these cases, the status should be identified in this section. The PM will in no case issue the Final RFP without a final NEPA document;
- Design-Build Procurement Method – Based on the decision of whether or not to use ATCs, the PM should revise steps 1 through 12 of the template as necessary;
- Preliminary and Formal ATCs – If utilized, the only decision in this section is the number that will be allowed. Consideration should be given to complexity, innovation potential, constructability, schedule, etc. If ATCs will not be accepted, the PM will indicate this decision in this section and delete all other related ATC language from the template;
- Stipends – If utilized, the PM should insert the stipend amount from the [Pre-Advertisement Activities Approval Memorandum](#) into this section

and in the Stipend Agreement. Otherwise remove the Stipend Acknowledgement Form and the Stipend Agreement from the template and identify in this section that stipends will not be used on the project;

- Technical Proposal – Based on the award criteria identified in the [Pre-Advertisement Activities Approval Memorandum](#), the PM will select the appropriate language from the available examples in the template. The language selected should then be adjusted based on complexity, innovation potential, constructability, schedule, other scoping items and/or other project concerns;
- Technical Evaluation – The PM will select the appropriate language from the available options in the template. The PM will then adjust language and assign values taking into consideration complexity, innovation potential, constructability, schedule, other scoping items and/or other project concerns;
- Opening of Cost Proposals/Bid Opening Meeting – The PM will select the appropriate language from the available options in the template;
- Discussions – The PM will ensure that the most recent language remains in the RFP during development;
- Bid Determination – The PM will select the appropriate language for calculating the bid from the available options in the template;
- Protest – The PM will ensure that the most recent language remains in the RFP during development;
- Selection of Contractor – The PM should revise this section based on the award criteria options selected above;
- Milestones - The PM should incorporate the RFP milestone schedule that was developed in accordance with Section 3.2.2 of this Manual after verifying that no revisions to the schedule are required;
- Cost Proposal Bid Form – The PM should select the appropriate Bid Form and revise accordingly, including daily cost of project.

## 2. Agreement

For those sections that warrant editing, the PM, in coordination with the Legal Office and the DOC's Office, should update the Agreement based on the project scope. Several sections within the Agreement that typically require modification on a project-specific basis include the following:

- Recitals – The PM should update the template to identify the project and indicate FHWA participation;
- Contract Time – The Project Schedule section should be adjusted based on the need for multiple Notices to Proceed and any need to modify the description of substantial work and final completion. The PM will request the amount of Liquidated Damages from the DOC's Office;
- Insurance and Bonding – The PM will coordinate with the DOC's Office and Legal Office to determine appropriate dollar amounts of coverages along with the necessity for Builder's Risk;

- Utilities and Railroad Coordination – If there are existing utility and railroad agreements, the PM will add initial paragraphs in each applicable location to provide instructions and assign risk;
- Right-of-Way Acquisition – If SCDOT has or intends to purchase ROW for the project, the PM will add an initial paragraph to provide instructions;
- Permits – If SCDOT has or intends to acquire any project permit, the PM will add an initial paragraph to provide instructions;
- Environmental Compliance – The PM should adjust the Article based on the need for a Community and Public Relation Plan;
- Hazardous Materials – Based on the assessments that were performed during the design-build preparation services, this Article should be adjusted accordingly;
- Disadvantage Business Enterprises – The PM should ensure that the goal determined in Section 4.4 of this Manual is incorporated in this Article;
- On-The-Job Training Requirements – The PM should ensure that the goal determined in Section 4.4 of this Manual is incorporated in this Article.

### 3. Schedule of Values

This is an exhibit that serves as a placeholder for the incorporation of the Design-Build Team’s schedule of values.

### 4. Scope of Work

The scope of work must be a clear, accurate, and detailed description of the work necessary for the design and construction of the project. The PM and DM will collaborate very early in the development of the scope of work. However, the PM is responsible for the final drafting of the scope language. This exhibit should typically be one to two pages in length and provide a thorough description of the “what” and the “where” of items to be permanently constructed as a part of the proposed project.

### 5. Design References

These design references, along with the Project Design Criteria and Special Provisions, provide the requirements for “how” the proposed project must be designed and constructed. The DM will ensure that the list of design references provided in the template are current. This will ensure that each RFP includes the latest, approved design and construction standards. Each discipline lead should review the design reference list on a project-specific basis.

### 6. Project Design Criteria

These discipline-specific exhibits will be drafted for each project by the appropriate discipline lead with oversight from the DM. The exhibit format

should be consistent between each discipline, with each containing General Information, Criteria, and Deliverables sections.

The criteria provided for each design discipline should not be a reiteration of language provided in the design references. However, the criteria section can be used to reinforce a design reference by reiterating in the form of “shall” rather than “should”. The intent of the criteria in this section is to provide the short-listed Design-Build Teams with design requirements that are specific to the proposed project.

The required deliverables should be as consistent as possible such that the language in this section is generally standard.

## 7. Special Provisions and Contract Requirements

The DBG maintains a standard set of Special Provisions that have been compiled to specifically accommodate the design-build delivery method. The DM is responsible for ensuring that this part of the RFP is updated by the applicable discipline leads. This is facilitated by the DCM, who routes the standard Special Provisions to the discipline leads and the DOC’s office during the development of the RFP. This is typically done about one month prior to submitting the draft RFP to Preconstruction Support and the Evaluation Committee for review. A Microsoft Word document is used to track whether a specific Special Provision will be revised or deleted, or if new Special Provisions will be added.

## 8. Railroad and Utilities

If railroad and utility coordination is required for a project, the associated project requirements are typically incorporated into the RFP as separate exhibits. These exhibits may include or refer to the preliminary engineering and/or construction agreements. The PM, with assistance from the Assistant Design Manager (ADM), is responsible for ensuring the necessity of these exhibits along with collaborating with the Director of ROW’s Office on the development of any required railroad and/or utility documents.

## 9. Attachment B

Attachment B, i.e. Supplemental Project Design Criteria, is included as part of the contract documents, not simply for information only. The PM should give serious consideration to incorporating those documents that have been signed and sealed by a registered professional engineer in state of South Carolina. The PM should also use caution when incorporating documents where conditions have the potential to change between the completion of the design preparation services and incorporation into this RFP. Items that should be considered include, but are not limited to, the following:

- Surveys

- Any final plans developed by SCDOT that are expected to be incorporated into the project by the Short-listed Design-Build Teams (ROW, bridge, utility relocation, etc.)
- Interchange Justification Report
- Interchange Modification Report
- Design exceptions
- Project commitments (ROW, access, etc.)
- Environmental
  - Jurisdictional determinations
  - NEPA reports
  - Approved permits
- Geotechnical
  - Geotechnical Baseline and Subsurface Data reports
  - Geotechnical data and analysis files
  - Contractor certification forms
  - Drilled shaft forms
  - Pile and driving equipment data form
- Hydraulics
  - Stormwater management report
  - Video pipe inspections and reports
  - Hydraulic design files
- Pavement
  - Paving limits details/drawings
  - Traffic data
- Asbestos and lead-based paint reports
- Interim standard drawings
- Special details (project specific)
- Railroad and other agreements
- Active fee appraisers and reviewers list (ROW)
- On-call ROW consultant list
- Special provisions
- Concept interstate signing plans
- Utilities
  - Preliminary utilities report
  - Design files

## 10. Attachment C

Attachment C, i.e. Project Information Package, is for information only. SCDOT does not assume the responsibility for the accuracy or reliability of this information. Items that may be included, but not limited to, are as follows:

- Environmental
  - Preliminary noise wall plans
  - Public information meeting data
- Roadway



- Existing plans
- Conceptual plans (PDF & DGN files)
- Structures
  - Existing plans
  - Bridge inspection reports
  - Structure inventory and appraisal reports
  - Conceptual plans (PDF & DGN files)
- Traffic
  - Conceptual intelligent traffic system (ITS) plans

### **6.1.2 Review of Request for Proposals for Industry Review**

Once RFP preparation is complete, the PM, in coordination with the DM, should provide a quality control review of the RFP documents. The PM will then provide each member of the Evaluation Committee and the applicable Preconstruction Support design leads a copy of the draft RFP for Industry Review and typically allows two weeks for a quality assurance review. The PM should then schedule a non-mandatory meeting with the Evaluation Committee to discuss comments. The PM, in consultation with the DM, is responsible for appropriately addressing each comment provided by the Evaluation Committee and Preconstruction Support prior to finalizing the RFP for Industry Review. Typically, four weeks should be allotted for the Evaluation Committee and Preconstruction Support to review and the PM to finalize the RFP for Industry Review. For federal-aid projects, the PM will obtain approval from FHWA prior to issuing the RFP for Industry Review, if required by FHWA's project oversight plan. For non-federal-aid projects, no further approvals are required to issue the RFP for Industry Review. The PM must be mindful of the RFP milestone schedule when executing this review process.

### **6.1.3 Issuance of Request for Proposals for Industry Review**

Once the RFP for Industry Review is completed and approved by FHWA (if necessary), the PM will notify the DCM that the document is ready for distribution. The DCM will be responsible for posting the document on the [SCDOT design-build website](#). Once the document has been posted to the website, the PM will notify the POC, who in turn, will notify the short-listed Design-Build Teams via email. In general, the RFP milestone schedule in the RFP for Industry Review will provide approximately a two-week comment period for short-listed Design-Build Teams.

### **6.1.4 Comments/Questions on the Request for Proposals for Industry Review**

After issuing the RFP for Industry Review, questions will be accepted to provide a method for exchanging information between short-listed Design-Build Teams and SCDOT. Short-listed Design-Build Teams shall upload the [Question Submittal Form](#) to their specific folder in ProjectWise. Upon notification of the upload, the DCM will relocate the forms to an SCDOT project-specific folder in

ProjectWise. The DCM will consolidate all questions into the [Non-Confidential Questions Spreadsheet](#) and will notify the PM and DM once complete.

The PM and DM will assign a **champion** to each question. The PM will distribute the spreadsheet to the champions, who will be responsible for populating the spreadsheet with a proposed response. Their response will include whether or not a revision to the RFP is necessary. Typically, a one week review period will be allowed for answering questions. Once proposed responses are completed, the PM will convene a meeting with the champions, the DM, and the Evaluation Committee to review the responses. Participation by all Evaluation Committee members in this meeting is non-mandatory. The PM is responsible for making a final determination on the responses. After the responses are finalized, the PM will organize an open-forum meeting with the short-listed Design-Build Teams in accordance with the RFP milestone schedule.

### **6.1.5 Open-Forum Meeting**

The purpose of the **open-forum meeting** is to provide verbal responses to all questions received from short-listed Design-Build Teams. Prior to the meeting, the PM will coordinate with the DCM, who will prepare a spreadsheet with only the questions, and without responses and references to the individual short-listed Design-Build Teams. This spreadsheet may be sent to the short-listed Design-Build Teams by the POC prior to the open-forum meeting. The DCM may also prepare hard copies to be shared with the short-listed Design-Build Teams during the meeting. In addition, the DCM will prepare hard-copies of the questions and answers for use by the DBG and the Evaluation Committee during the meeting.

The PM, in coordination with the PO, will conduct this meeting as set forth in the RFP Instructions. The PM will verbally provide whether a revision to the RFP is necessary, followed by a brief explanation of the responses to the questions. After the PM provides all responses, the PM will ask if any short-listed Design-Build Team wants to further discuss responses or ask additional questions. If necessary, at the discretion of the PM and PO, SCDOT may verbally respond to any additional questions. The PM will be responsible for coordinating the attendance of SCDOT personnel.

### **6.1.6 Final Request for Proposals**

Upon completion of the open-forum meeting, the PM, in coordination with the DM, should ensure that all necessary revisions to the RFP are made. In addition to revisions made as a response to short-listed Design-Build Team questions, revisions may be made based on new or updated information received by SCDOT. Items that are revised, inserted, or deleted should be readily identified either through an errata sheet or may be highlighted in a copy of the Final RFP. A clean version of the Final RFP, where all revisions, insertions, and deletions are not highlighted, must also be created. This version will be utilized if any future

addendums are required. The PM should allow the Evaluation Committee a brief period of time for review of the Final RFP prior to issuance.

### **6.1.7 Authorization**

#### Federal-Aid Projects

The Final RFP for federal-aid projects is not to be issued until construction authorization is obtained from FHWA. It will be the responsibility of the PM to transmit the [RFP Authorization Memorandum](#) to FHWA and copy the Director of Program Controls. The memo should include the following:

- A formal request for FHWA's approval of the Final RFP and authorization to proceed with the issuance of the Final RFP;
- An electronic copy of the Final RFP;
- The final total construction cost estimate developed in Section 3.2.1 of this Manual;
- Railroad, utility, and right-of-way certification regarding status of any necessary coordination or relocations.

Once the PM obtains FHWA approval to issue the Final RFP, the Obligations Management Office will be notified and will:

- Enter the request into the Financial Management Information System (FMIS) and advise the PM when this has occurred;
- Advise the PM when FHWA has authorized the construction funding.

#### Non-Federal-Aid Projects

For projects with no federal-aid funding, the Final RFP is not to be issued until approval is obtained from the Design-Build Engineer. It will be the responsibility of the PM to transmit the RFP Authorization Memorandum to the Design-Build Engineer and copy the Director of Program Controls. The memo should include the following:

- A formal request for the Design-Build Engineer's approval of the Final RFP and authorization to proceed with the issuance of the Final RFP;
- An electronic copy of the Final RFP;
- The final total construction cost estimate developed in Section 3.2.1 of this Manual;
- Railroad, utility, and right-of-way certification regarding status of any necessary coordination or relocations.

Once the PM obtains Design-Build Engineer approval to issue the Final RFP, the Obligations Management Office will be notified and will:

- Enter the request into P2S and advise the PM when this has occurred;

- Advise the PM when construction funding has been authorized.

### **6.1.8 Issuance of Final Request for Proposals**

Upon finalization of the Final RFP and after authorization by FHWA (if necessary), the PM will notify the DCM that the documents are ready for distribution. The DCM will be responsible for posting the documents on the [SCDOT design-build website](#). Once the documents have been posted to the website, the PM will notify the POC, who in turn, will notify the short-listed Design-Build Teams via email. In general, the Final RFP is issued within two weeks of the open-forum meeting associated with the RFP for Industry Review.

### **6.1.9 Non-Confidential Question Procedures and Open-Forum Meetings**

After issuing the Final RFP, non-confidential questions will be accepted to provide a method for exchanging information between short-listed Design-Build Teams and SCDOT. Typically, questions will be accepted on two separate dates between issuance of the Final RFP and completion of the formal ATC process. However, if deemed necessary by the PM, any number of acceptance dates may be scheduled. Short-listed Design-Build Teams shall upload the [Question Submittal Form](#) to their specific folder in ProjectWise. Upon notification of the upload, the DCM will relocate the forms to an SCDOT project-specific folder in ProjectWise. The DCM will consolidate all the questions from the short-listed teams into the [Non-Confidential Questions Spreadsheet](#) and will notify the PM and DM once complete.

The PM and DM will assign a champion to each question. The PM will distribute the spreadsheet to the champions, who will be responsible for populating a proposed response. Their responses will include whether or not a revision to the RFP is necessary. Typically, a one week review period is allowed for answering the questions. Once proposed responses are completed, the PM will convene a meeting with the champions, the DM, and the Evaluation Committee to review the responses. Participation by all Evaluation Committee members in this meeting is non-mandatory. The PM is responsible for making a final determination on the responses.

After the responses are finalized, the POC may schedule an open-forum meeting with all the short-listed Design-Build Teams, preferably a conference call. The PM will coordinate with the DCM, who will prepare a spreadsheet with only the questions, and without responses and reference to the individual short-listed Design-Build Teams. This spreadsheet may be sent to short-listed Design-Build Teams by the POC prior to the open-forum meeting. The PM, in coordination with the PO, will conduct this meeting as set forth in the RFP Instructions. The PM will verbally provide whether a revision to the RFP is necessary, followed by a brief explanation of the responses to the questions. After the PM provides all responses, the PM will ask if any short-listed Design-Build Team wants to further discuss responses or ask additional questions. If necessary, at the discretion of the

PM and PO, SCDOT may verbally respond to any additional questions. The PM will be responsible for coordinating the attendance of SCDOT personnel.

#### **6.1.10 Alternative Technical Concepts and One-on-One Confidential Meetings**

The PM and POC are responsible for maintaining confidentiality and ensuring that the information exchanged during the ATC review and approval process remains confidential. Typically, preliminary and formal ATCs will each be accepted on two separate dates between issuance of the Final RFP and completion of the formal ATC process. However, if deemed necessary by the PM, any number of acceptance dates may be scheduled.

Short-listed Design-Build Teams shall upload the [ATC Summary Form](#) and the [ATC Submittal Forms](#) to their specific folder in ProjectWise. Upon notification of the upload, the DCM will relocate the ATC Forms to an SCDOT project-specific, confidential folder in ProjectWise. The DCM will consolidate all the ATCs from the ATC Summary Forms for each short-listed Design-Build Team into the appropriate [ATC Spreadsheet](#) and will notify the PM and DM once complete.

The PM and DM will assign a champion to each ATC in the spreadsheet. The PM will distribute the spreadsheet to the champions, who will be responsible for populating a proposed response and a justification. Typically, a review period of less than one week is needed for determining ATC responses so that the RFP milestone schedule is maintained. Once proposed responses are completed, the PM may convene a meeting with the champions, the DM, and the Evaluation Committee to review the responses. Participation by all Evaluation Committee members in this meeting is non-mandatory. The PM is responsible for making a final determination, drafting the formal response, and forwarding to the POC for issuance to the short-listed Design-Build Teams.

SCDOT will typically offer **one-on-one confidential meetings** with each short-listed Design-Build Team during the preliminary ATC process, and may schedule additional one-on-one confidential meetings during the formal ATC process. The PM, in coordination with the PO, will conduct these meetings as set forth in the RFP Instructions on the dates identified in the RFP milestone schedule. The PM will be responsible for coordinating the attendance of SCDOT personnel.

#### **6.1.11 Confidential Question Procedures and One-on-One Confidential Meetings**

Confidential questions will be accepted to provide a method for exchanging confidential information between short-listed Design-Build Teams and SCDOT. Typically, questions will be accepted on two separate dates between issuance of the Final RFP and completion of the formal ATC process. However, if deemed necessary by the PM, any number of acceptance dates may be scheduled. Short-listed Design-Build Teams shall upload the [Question Submittal Form](#) to their specific folder in ProjectWise. Upon notification of the upload, the DCM will relocate the forms to an SCDOT project-specific, confidential folder in

ProjectWise. The DCM will consolidate all the questions from the short-listed teams into the [Confidential Questions Spreadsheet](#).

The PM and DM will assign a champion to each question. The PM will distribute the spreadsheet to the champions, who will be responsible for populating a proposed response. Typically, a one week review period is allowed for answering the questions. Once proposed responses are completed, the PM will convene a meeting with the champions, the DM, and the Evaluation Committee to review the responses. Participation by all Evaluation Committee members in this meeting is non-mandatory. The PM is responsible for making a final determination on the responses.

Responses may be discussed at the one-on-one confidential meetings held during the preliminary ATC process. Additional one-on-one confidential meetings may be held to discuss any unresolved confidential questions. The PM, in coordination with the PO, will conduct these meetings as set forth in the RFP Instructions. The PM will verbally provide a brief explanation of the responses to the questions. After the PM provides all responses, the PM will ask if the short-listed Design-Build Team wants to further discuss responses or ask additional confidential questions. If necessary, at the discretion of the PM and PO, SCDOT may verbally respond to any additional questions. The PM will be responsible for coordinating the attendance of SCDOT personnel.

#### **6.1.12 Final Request for Proposals Addendums**

If an addendum is warranted to modify or update the final RFP or Attachment B, the PM should publish the updates with a [Notice to Proposers](#). Revisions or modifications to Attachment C do not require the issuance of an addendum. The PM should be cognizant of the technical proposal submittal date, such that the addendum is not issued within ten business days of the due date. If this is unavoidable, the PM should consider extending the due date. The PM should allow sufficient time for the Evaluation Committee to review addendums and obtain FHWA approval, if required in FHWA's project oversight plan. The mechanism for issuing an addendum should follow the process outlined in Section 6.1.8 of this Manual.

## **6.2 One-Phase Request for Proposals**

At least three months prior to advertising the RFP, the PM should obtain the [One-Phase RFP Template](#). The PM should only update the sections of the template that warrant editing due to specific project requirements. Other sections should not be modified by the PM on a project-by-project basis without the approval of the Design-Build Engineer. In general, the sections to be addressed during preparation will be a combination of those outlined in Section 5.1.1 and 6.1.1 of this Manual. Typically, the RFP is not issued for industry review for a one-phase selection; only a final RFP is advertised. Non-confidential questions and open-forum meetings should be considered, while ATCs and stipends are not typically utilized in one-phase RFPs.



SCDOT's review of the draft RFP should be completed as outlined in Section 6.1.2 of this Manual. Approval of the Final RFP and authorization to proceed with advertisement of the Final RFP should be completed as outlined in Section 6.1.7 of this Manual. After authorization, the Final RFP should be advertised in accordance with Sections 5.2.1 and 5.2.2 of this Manual. If non-confidential questions and open-forum meetings are utilized, the PM should adhere to the general approach provided in Section 6.1.9 of this Manual. If any addendums are required after advertisement of the Final RFP, the guidelines in Section 6.1.12 of this Manual should be followed.

### **6.3 Emergency Request for Proposals**

The use of an emergency procurement will only be utilized when there is an immediate and serious need to accomplish scope that otherwise cannot be completed using normal procurement procedures. This process follows [Engineering Directive Memorandum 35](#) and [S.C. Code of Laws, §57-5-1620](#).

Once an emergency has been designated and it has been determined that the project will be delivered via design-build, the DOC's Office will forward the approved memorandum naming the Design-Build Teams to the Director of Preconstruction and the Design-Build Engineer. Once assigned, the PM should obtain the [Emergency RFP Template](#) as soon as possible. This process requires no development or advertisement of a RFQ. The PM will also prepare and distribute an Evaluation Committee Memorandum, as outlined in Section 4.1 of this manual, which will also be incorporated into procurement file. The PO will obtain a copy of the emergency decision document for the procurement file from the DOC's Office. All aspects of an emergency project must be developed and procured on an accelerated schedule. This should be reflected in the RFP milestone schedule developed by the PM.

Prior to the issuance of the RFP for Industry Review, the PM should follow the project development process outlined in Section 3.1 of this Manual. This includes, but is not limited to, the following:

- P2S planning and programming;
- Development of project cost and schedule;
- Limited survey;
- NEPA decision;
- Limited geotechnical exploration;
- Limited preliminary engineering;
- Utilities, railroad, and ROW coordination, where applicable;
- Conflict of interest considerations;

The PM, in coordination with the DOC's Office, should consider an on-site scoping meeting with the Design-Build Teams while the RFP for Industry Review is being developed.

While developing the project, as outlined above, the PM will concurrently prepare the RFP for Industry Review. The RFP should be prepared and issued as outlined in Sections

6.1.1 through 6.1.8 of this Manual. Typically, ATCs and stipends are not utilized on emergency projects and due to time constraints, non-confidential/confidential questions along with associated meetings are not used after the issuance of the Final RFP. If any addendums are required after issuance of the Final RFP, the guidelines in Section 6.1.12 of this Manual should be followed.

## 6.4 Evaluation of Technical and Cost Proposals

### 6.4.1 Receipt of Proposals

**Technical and cost proposals** are required to be submitted by the date and time established in the RFP. The technical and cost proposals may be submitted independent of each other if specified in the RFP. ProjectWise will document the time and date of receipt of each electronic technical proposal. The PO will verify that the electronic technical proposals were uploaded to ProjectWise by the time and date specified in the RFP. If hard copies of the technical proposal are required by the RFP, the Procurement Office will time and date stamp each short-listed Design-Build Team's submittal.

The Procurement Office will also time and date stamp the cost proposal. The PO will verify the cost proposal is submitted by the time and date specified in the RFP and ensure that each cost envelope is secure and unopened.

Upon notification of the receipt of technical proposals from ProjectWise, the DCM will relocate the technical proposals to an SCDOT project-specific, confidential folder in ProjectWise. This folder will not be available to the Evaluation Committee until after the PO distributes the proposals.

The PO will review all proposals and confirm preliminary responsiveness and responsibility. If issues arise with responsibility and/or responsiveness, the PO should consult with the PM, Legal, and FHWA (if applicable). Upon determining a team to be non-responsive, the Design-Build Engineer should brief SCDOT senior staff and the PO, in coordination with the PM, is responsible for notifying the team with a [Non-Responsive Letter](#). The DCM should be notified so that any non-responsive technical proposals can be separated in ProjectWise to ensure only the preliminary responsive proposals are accessible for review by the Evaluation Committee.

### 6.4.2 Distribution of Proposals

After determining preliminary responsiveness, the PO, in collaboration with the PM, will establish the time frame that the **technical proposal evaluation meeting** will be in executive session. The PM is responsible for coordinating with the PO to ensure that the RFP milestone schedule is maintained. The PO will schedule this meeting and will advise the public at least 24 hours prior to the meeting by posting a [Public Notice](#) on the [SCDOT design-build website](#).



The technical proposal evaluation meeting will begin with the distribution of technical proposals and will initiate in open session. During the distribution, it is mandatory that all voting committee members be present either in-person or via conference call and the PO will:

- Identify the project and who submitted technical proposals;
- Make a motion for the Evaluation Committee to enter into executive session when discussing the procurement;
- Verify Conflict of Interest and Confidentiality Forms have been signed by all Evaluation Committee Members (voting and non-voting) and that there are no conflicts;
- Instruct the evaluators on how to submit their comments and scores in ProjectWise;
- Instruct the evaluators on whether a pass/fail scoring will be used, or in the case of adjusted low bid or weighted criteria, consensus or individual scoring will be used;
- Distribute the hard copies of the technical proposals and advise the Evaluation Committee on the location of the technical proposals in ProjectWise;
- Make a motion to return to open session and adjourn the technical proposal evaluation meeting;
- Prepare minutes for the open sessions of this meeting.

### **6.4.3 Clarifications; Minor Informalities and Irregularities**

The POC is responsible for obtaining any clarifications from the short-listed Design-Build Teams to assure full understanding of the technical proposals. Clarification of a technical proposal will be documented in writing by the PO.

A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the RFP having no effect or merely a trivial or negligible effect on total cost, quality, quantity, or performance of the contract, and the correction or waiver of which would not be prejudicial to short-listed Design-Build Teams. The POC will either give the short-listed Design-Build Team an opportunity to resolve any deficiency resulting from a minor informality or irregularity in their technical proposal or waive any such deficiency when it is in the best interest of SCDOT. Such communication or determination will be in writing.

### **6.4.4 Oral Presentations**

The Evaluation Committee should consider whether to request oral presentations, which would allow SCDOT to ask questions before scoring the technical proposals. If oral presentations are determined necessary, they will be held with each responsive team individually. Presentations may be performed in person, by teleconference, or by video conference. The Evaluation Committee may prepare questions and must be present during the presentations. These questions may be

sent to the short-listed Design-Build Teams prior to the presentation. The presentation details, such as the date, times, location, and format, will be developed by the Evaluation Committee and conveyed to the short-listed Design-Build Teams by the POC. A suggested format for the short-listed Design-Build Team presentation is:

- Introduction of key individuals (5 minutes)
- Presentation by Design-Build Team (10-20 minutes)
- Questions from the Evaluation Committee on the presentation (5-10 minutes)
- Wrap-up (5-10 minutes)

#### **6.4.5 Evaluation and Scoring**

After disbursement of the technical proposals, each voting member of the Evaluation Committee will read all SOQs in their entirety and conduct his or her own independent assessment of each short-listed Design-Build Team's conformance with the evaluation criteria. The Evaluation Committee may request that the POC obtain additional clarification from the short-listed Design-Build Teams via written request, as outlined in Section 6.4.3 of this Manual.

After having an opportunity to review the technical proposals, the PO, in coordination with the PM, will convene a second technical proposal evaluation meeting to discuss the evaluation and score the technical proposals. The PO will schedule this second meeting and will advise the public at least 24 hours prior to the meeting by posting a Public Notice on the [SCDOT design-build website](#).

The second technical proposal evaluation meeting will initiate in open session. It is mandatory that all voting committee members be present either in-person or via conference call. The PO will begin this meeting by:

- Stating the purpose of the meeting;
- Making a motion for the Evaluation Committee to enter into executive session to begin discussing evaluations and scoring the technical proposals.

Based on the scoring method identified during the distribution of the technical proposals, one of the following will be used to evaluate and score the technical proposals.

- **Consensus (numerical scoring)**

With this scoring technique, the voting members of the Evaluation Committee will develop a consensus score of the technical proposals. The consensus scoring will be populated in the [Evaluation and Consensus Scoring Spreadsheet](#). The spreadsheet will contain consensus comments and consensus scores from the Evaluation Committee for each technical proposal. The technical scoring will adequately reflect the written evaluation comments. Strengths, weaknesses, and responsiveness should be discussed. If issues are

identified during the evaluation, additional resources should be consulted prior to the population of the applicable scoring spreadsheet. Should the Evaluation Committee determine that a team is non-responsive during the evaluation; no numerical score will be provided for that team. If a technical proposal does not meet the minimum technical score, the team is deemed non-responsive and a numerical score will be provided in the letter outlined in Section 6.4.1 of this Manual.

After population of the applicable scoring spreadsheet, the PO will make a motion for the technical proposal evaluation meeting to return to open session. During the open session, the Evaluation Committee will take action, which will include formalizing the technical scores and responsiveness. The PO, in coordination with the PM, will obtain signatures from the Evaluation Committee on the Evaluation and Consensus Scoring Spreadsheet to be retained in the procurement file. The PO will then make a motion to adjourn the technical proposal evaluation meeting and document the meeting minutes for the open session. Prior to the bid opening meeting, the PM should schedule a briefing with the Design-Build Engineer, PO, Legal, and any other applicable SCDOT and FHWA staff to summarize the results of the evaluation.

The PO, in coordination with the PM, is responsible for notifying any team found to be non-responsive per Section 6.4.1 of this Manual. This notification will be provided to any non-responsive Design-Build Team prior to the bid opening meeting.

- **Individual (numerical scoring)**

With this scoring technique, the voting members of the Evaluation Committee will soft score each technical proposal prior to the meeting. While no soft scores are to be disclosed, each voting member will finalize their scores based on discussions during the meeting. The individual, final scores will be populated in the [Evaluation and Individual Scoring Spreadsheet](#). The technical scoring will adequately reflect the written evaluation comments. Strengths, weaknesses, and responsiveness should be discussed. If issues are identified during the evaluation, additional resources should be consulted prior to the population of the applicable scoring spreadsheet. Should the Evaluation Committee determine that a team is non-responsive during the evaluation; no numerical score will be provided for that team. If a technical proposal does not meet the minimum technical score, the team is deemed non-responsive and a numerical score will be provided in the letter outlined in Section 6.4.1 of this Manual.

After population of the applicable scoring spreadsheet, the PO will make a motion for the technical proposal evaluation meeting to return to open session. During the open session, the Evaluation Committee will take action, which will include formalizing the technical scores and responsiveness. The PO, in

coordination with the PM, will obtain signatures from the Evaluation Committee on the Evaluation and Individual Scoring Spreadsheet to be retained in the procurement file. The PO will then make a motion to adjourn the technical proposal evaluation meeting and document the meeting minutes for the open session. Prior to the bid opening meeting, the PM should schedule a briefing with the Design-Build Engineer, PO, Legal, and any other applicable SCDOT and FHWA staff to summarize the results of the evaluation.

The PO, in coordination with the PM, is responsible for notifying any team found to be non-responsive per Section 6.4.1 of this Manual. This notification will be provided to any non-responsive Design-Build Team prior to the bid opening meeting.

- **Pass/Fail (non-numerical scoring)**

With this scoring technique, the voting members of the Evaluation Committee will discuss responsiveness associated with the criteria without assigning points. If issues are identified during the evaluation, additional resources should be consulted prior to returning to open session. After determining responsiveness, the PO will make a motion for the technical proposal evaluation meeting to return to open session. During the open session, the Evaluation Committee will take action and formalize the determination. The PM will prepare the [Evaluation and Pass/Fail Scoring Spreadsheet](#) that will be signed by the Evaluation Committee and provided to the PO for insertion into the procurement file. The PO will then make a motion to adjourn the technical proposal evaluation meeting. Prior to the bid opening meeting, the PM should schedule a briefing with the Design-Build Engineer, PO, Legal, and any other applicable SCDOT and FHWA staff to summarize the results of the evaluation.

The PO, in coordination with the PM, is responsible for notifying any team found to be non-responsive per Section 6.4.1 of this Manual. This notification will be provided to any non-responsive Design-Build Team prior to the bid opening meeting.

#### **6.4.6 Bid Opening Meeting and Bid Analysis**

If consensus or individual scoring is performed, the PM will provide each responsive Design-Build Team with their score in separate envelopes at the bid opening meeting. Furthermore, the PM will populate the [Bid Opening Spreadsheet](#) with the final engineer's estimate, and if applicable, the construction time and the technical scores. The [Bid Opening Script](#) should be used by the PM when facilitating the bid opening meeting. The PO is responsible for bringing the sealed cost proposals to the meeting for the responsive teams.

After scores have been distributed to the responsive Design-Build Teams by the PM, the PO will open each bid in no particular order. After the bids are opened, the PM enters the required bid information into the Bid Opening Spreadsheet. The PM will analyze the bids using the guidelines outlined in the [FHWA Guidelines on Preparing Engineer's Estimate, Bid Reviews, and Evaluation](#). This analysis is summarized within the Bid Opening Spreadsheet and furthermore, in the Bid Summary Report. If this analysis determines that the bids are within an acceptable range and there are no apparent concerns, the PM should publically read aloud the results. The PM will adjourn the meeting and continue with the award procedures as outlined in Section 7.1 of this Manual.

If the results are not within an acceptable range or there are apparent concerns with the technical proposals or cost proposals, the bids will not be read aloud. The PM will then adjourn the meeting so the bids can be further analyzed in coordination with the Design-Build Engineer, the PO, FHWA (if applicable), and other appropriate staff. If further analysis results in a decision to proceed with an award, a description of the difference and basis of award must be documented in the bid analysis and the procurement file. The PM should then proceed with providing the DOC's Office with the award information as outlined in Section 7.1 of this Manual. If further analysis determines that discussions are necessary, the PM should begin the process outlined in Section 6.4.7 of this Manual. If further analysis determines cancellation is appropriate, the PM should follow the procedures described in Section 6.4.9 of this Manual.

The timeframe for this further analysis may necessitate a revision to the RFP milestone schedule through an addendum. In the case of discussions, a revised RFP milestone schedule would be necessary.

The Bid Opening Spreadsheet will identify the responsive Design-Build Team with the low bid, the lowest adjusted bid, or highest weighted score; or the Design-Build Team that provides the maximum scope at the fixed price. In the Bid Opening Spreadsheet, the PM will recommend a Design-Build Team for award and obtain the required signatures, unless the project is canceled. A copy of the Bid Opening Spreadsheet will be provided to the PO. The PM will post the Bid Summary Report on the [SCDOT design-build website](#).

#### **6.4.7 Discussions**

If discussions are determined to be necessary after the bids are opened, the PM will convene a **Discussion Committee** consisting of the Evaluation Committee, Design-Build Engineer, DM, and any other applicable technical resource personnel. Participation by all Evaluation Committee members in this meeting is non-mandatory. The purpose of this meeting is to determine possible uncertainties, suspected mistakes, deficiencies in the cost and/or technical proposal, and issues with the RFP. The talking points determined from this meeting may be Design-Build Team specific, or generic to all teams. The PM will prepare a [Discussion Invitation Letter](#) for each responsive Design-Build Team,

which includes the one-on-one meeting date and time along with the talking points. The PM should consider the proposal acceptance period identified in the RFP when establishing these dates and times. The POC will forward this written invitation to all responsive Design-Build Teams.

The PM, along with the PO, will conduct the one-on-one discussion meetings with all short-listed, responsive Design-Build Teams. The PM will be responsible for coordinating the attendance of SCDOT personnel. After the one-on-one discussion meetings with the Design-Build Teams are complete, the PM will reconvene the Discussion Committee and decide a course of action as outlined in the RFP Instructions.

#### **6.4.8 Best and Final Offers**

If the course of action is to request a Best and Final Offer (**BAFO**), then the Discussion Committee should assist the PM with the development of the [Request for BAFO](#), which includes a revised RFP milestone schedule. If technical proposal revisions are warranted, the PO will notify the Evaluation Committee so that a second evaluation of the technical proposals may be completed as outlined in Sections 6.4.1 through 6.4.6. The POC will issue the Request for BAFO to the responsive Design-Build Teams.

#### **6.4.9 Cancellation**

If the decision is not to award or if the recommendation to award is not approved, the project will be cancelled. The PM, in consultation with the PO, is responsible for providing a [Procurement Cancellation Memorandum](#) on behalf of the Director of Preconstruction to the Deputy Secretary for Engineering and the Deputy Secretary for Finance and Administration for approval and FHWA concurrence (if applicable). The POC will notify the short-listed Design-Build Teams using the [Cancellation Letter](#). A copy of the cancellation memo and cancellation letters should be provided to the PO for the procurement file. The cancellation memo along with results of the procurement will be posted by the DCM on the [SCDOT design-build website](#). Additionally, the PM will complete the stipend process per Section 7.3.1 of this Manual.

If the decision is made to re-advertise the project using the design-build delivery method, the entire procurement process will start over.

# CHAPTER 7. POST BID OPENING ACTIVITIES

## 7.1 Contract Award

The PM will provide the DOC's office with the approved Bid Opening Spreadsheet, which includes the Bid Summary Report, and the Microsoft Word version of the agreement that incorporates all addendums. The DOC's Office will verify that the Contractor has been pre-qualified, in accordance with [S.C. Code of Regulation, §63-300](#), and is not suspended or debarred. In addition, the DOC's Office will request an updated evaluation of the cash flow as outlined in Section 4.8. Once this information is verified, the DOC's Office will obtain concurrence in award from FHWA, if required by the project oversight plan. After FHWA concurrence has been obtained, if required, the DOC's Office will prepare the Secretary of Transportation [Record of Approval Form](#). This form will include a request to award and execute the contract along with an updated cash flow analysis. For emergency projects, the DOC's Office will also prepare a memorandum to be provided to the Commission for information.

Upon receipt of the signed Secretary of Transportation Record of Approval, the DOC's Office will prepare a [Notice of Award](#) letter and will finalize the agreement with the successful Design-Build Team's information, such as cost, time, etc. The DOC's Office will send the Notice of Award letter to the PM and PO, and the PM will post the letter to the [SCDOT design-build website](#). The DOC's Office will also send the Notice of Award letter and agreement to the successful Design-Build Team and the award will be subject to the satisfactory submission of the following:

- Signature of successful Design-Build Team on two (2) original agreements;
- Insurance and bonding documents;
- Schedule of values.

If the successful Design-Build Team fails to submit the required documents, the DOC should advise the PM. The PM should determine whether the next lowest ranked Design-Build Team should be recommended for award, or the procurement be cancelled. The PM will either prepare a second bid analysis with an explanation, or follow the cancellation procedures outlined in Section 6.4.9 of this Manual. The bid analysis is subject to FHWA concurrence (if applicable). The DOC's Office will then follow the award procedures outlined in this section.

## 7.2 Contract Execution

As outlined above, the approval to enter into a contract will be concurrently requested by the DOC with the Record of Approval Form. Once approval to execute the contract is obtained from the Secretary of Transportation and the required documents outlined in Section 7.1 are received, the procedure is as follows:



- The DOC is authorized to sign the two original, partially executed Agreements. One of the executed Agreements is retained in the DOC's Office and the other is sent to the Contractor;
- Upon full execution of the Agreement, the DOC's Office activates the contract in the SiteManager System;
- The DOC's Office will immediately notify the District Office, PM, and PO of the execution date;
- The District Office will issue the [Notice to Proceed](#) no later than 45 days from the effective date of the Agreement, which will initiate the design submittal process.

### **7.2.1 Escrow Proposal Documents**

The DOC's Office notifies the Contractor to schedule the escrowing of bid documents. The Contractor shall submit the bid documentation in accordance with the [Escrow Bid Documentation Supplemental Specification](#).

### **7.2.2 Distribution of Contract Documents**

The DOC's Office sends all contract documents (RFQ, SOQ, RFP with addendums, technical and cost proposals, ATCs and fully executed Agreement) to the Resident Construction Engineer (RCE). The DCM is responsible for making these documents available to the appropriate district staff in ProjectWise.

## **7.3 Final Procurement Activities**

### **7.3.1 Stipends**

The PM is responsible for completing [Form 608](#) and obtaining the required signatures for the stipend payment to be sent to the responsive, unsuccessful Design-Build Teams who signed Stipend Agreements.

### **7.3.2 Authorization**

The PM, in coordination with the DOC's Office, will send an authorization adjustment request to the Obligations Management Office, outlining the necessary revisions to the original authorization. The Obligations Management Office will then enter a modification request in FMIS and request FHWA's approval.

### **7.3.3 Debriefings**

Short-listed Design-Build Teams have an opportunity to request a debriefing meeting after the RFP phase of the procurement process is complete. However, no team should be debriefed if any team protests or takes legal action against the procurement. If this occurs, debriefings will be delayed until the conclusion of the protest or legal process.

To request a debriefing, the Design-Build Teams should submit a written request by letter or email to the POC. All requests for debriefings shall be received from



the team within the timeframe outlined in the RFP. The RFP debriefings should be conducted after the protest process is complete and after the contract has been executed. Once these conditions have been met, the POC will contact the teams requesting the debriefing to coordinate and schedule the meeting date and times. Debriefings can be conducted either through face-to-face meetings or via conference call.

The PM will be responsible for organizing and facilitating debriefing meetings. The PM and PO should attend all debriefing meetings. The PM will offer FHWA (if applicable) the opportunity to attend the debriefing meetings. The content of debriefing meetings should typically follow the procedures below:

- Approximately one hour in length;
- An informal discussion between SCDOT and the Design-Build Teams;
- A review of the Evaluation Committee's comments;
- A scoring breakdown by category;
- Feedback on the design-build procurement process;
- Do not discuss the contents of another team's technical proposal;
- No documentation will be provided to the debriefed teams except through a formal FOIA request and not until after execution of the design-build contract.

#### **7.3.4 Finalizing the Procurement File**

The PO will finalize the procurement file by obtaining all documents outlined in the [Procurement File Checklist](#).

## REFERENCES

1. [State of Georgia Department of Transportation, Design-Build Manual](#)
2. [Virginia Department of Transportation, Design-Build Procurement Manual](#)
3. [Washington State Department of Transportation Project Delivery Method Selection Guidance](#)
4. [University of Colorado Guidebook for Selecting Alternative Contracting Methods for Roadway Projects: Project Delivery Methods, Procurement Procedures, and Payment Provisions](#)
5. [State of Colorado Department of Transportation, Design Build Manual](#)
6. [Minnesota Department of Transportation, Design-Build Manual](#)

## RESOURCES

1. [SCDOT Standard Specifications for Highway Construction](#)
2. [SCDOT Preconstruction Project Development Process](#)
3. [SCDOT Survey Manual](#)
4. [SCDOT Environmental Reference Guide](#)
5. [SCDOT Right-of-Way Manuals](#)
6. [SCDOT Utility Accommodation Policy](#)
7. [SCDOT Highway Design Manual](#)
8. [SCDOT Bridge Design Manual](#)
9. [SCDOT Geotechnical Design Manual](#)
10. [SCDOT Requirements for Hydraulic Design Studies](#)
11. [SCDOT Traffic Engineering Manuals](#)
12. [S.C. Code of Laws, §57-5-1625](#)
13. [Title 23, Section 112 of the United States Code](#)
14. [FHWA Design-Build Effectiveness Study dated January 2006](#)
15. [AASHTO Guide for Design-Build Procurement](#)
16. [Preconstruction Advisory Memorandum 4](#)
17. [South Carolina Business Opportunities \(SCBO\)](#)
18. [Title 23 CFR 636 \(Design-Build Contracting\)](#)
19. [S.C. Code of Laws, §30-4-40\(a\)\(5\)](#)
20. [S.C. Code of Laws, §30-4-10, et seq.](#)
21. [Records Management Retention Procedures](#) (only access via SCDOT computers)
22. [General Records Retention Schedule for Administrative Records of State Agencies](#)
23. [Engineering Directive Memorandum 35](#)
24. [DB Projects in Development and Under Contract](#)
25. [SCDOT Design-Build Website](#)
26. [SCDOT Manual for Procurement, Management and Administration of Engineering and Design Related Services](#) (only access via SCDOT computers)
27. [Title 23 CFR 636.115](#)
28. [Title 23 CFR 636.113\(a\)](#)
29. [Disclosure of Potential Conflict of Interest Certification](#)
30. [Question Submittal Form](#)

31. [ATC Summary Form](#)
32. [ATC Submittal Form](#)
33. [S.C. Code of Laws, §57-5-1620](#)
34. [FHWA Guidelines on Preparing Engineer's Estimate, Bid Reviews, and Evaluation](#)
35. [S.C. Code of Regulation, §63-300](#)
36. [Record of Approval Form](#)
37. [Escrow Bid Documentation Supplemental Specification](#)
38. [Form 608](#)

## ATTACHMENTS

The attachments listed below are for internal use only.

The checklists outlined below should be used as guidance to ensure compliance with the Design-Build Procurement Manual.

For template documents, the user should only modify the documents by populating the fillable areas.

For sample documents, the user should only update the highlighted areas if those areas warrant editing due to specific project requirements. Other language within the sample shall not be modified on a project-by-project basis without the approval of the Design-Build Engineer.

1. Project Development Checklist
2. Procurement File Checklist
3. Project Definition Report Template
4. Project Delivery Selection Matrix Template
5. Project Delivery Selection Memorandum Sample
6. Project Cost Estimate Guidelines and Template
7. Milestone Schedule Template – Microsoft Excel
8. Milestone Schedule Template – Primavera
9. Preparation Services Scope Sample
10. Standard Release Letter Sample
11. Risk Matrix Template
12. Evaluation Committee Memorandum Sample
13. Conflict of Interest and Confidentiality Certification Form Template
14. Early Coordination Advertisement Sample
15. Stipend Estimate Spreadsheet Template
16. Pre-Advertisement Activities Approval Memorandum Sample
17. RFQ Template
18. Advertisement Sample
19. Notice to Proposers Sample
20. SOQ Submitters List Template
21. Non-Responsive Letter Sample
22. Public Notice Sample
23. SOQ Scoring Spreadsheet Template

24. SOQ Evaluation and Short-List Recommendation Memorandum Sample
25. Two-Phase RFP Template
26. Non-Confidential Questions Spreadsheet Template
27. RFP Authorization Memorandum Sample
28. ATC Spreadsheet Template
29. Confidential Questions Spreadsheet Template
30. One-Phase RFP Template
31. Emergency RFP Template
32. Evaluation and Consensus Scoring Spreadsheet Template
33. Evaluation and Individual Scoring Spreadsheet Template
34. Evaluation and Pass/Fail Scoring Spreadsheet Template
35. Bid Opening Spreadsheet Template
36. Bid Opening Script Sample
37. Discussion Invitation Letter Sample
38. Request for BAFO Sample
39. Procurement Cancellation Memorandum Sample
40. Cancellation Letter Template
41. Notice of Award Sample
42. Notice to Proceed Sample