

**A REQUEST FOR PROPOSAL
FOR
PERSONAL SERVICES CONTRACT**

Kentucky Transportation Cabinet, Department of Highways
Professional Services Procurement Bulletin 2013-XX
Oversight Assistance for the Downtown Crossing and Section 4 of the East
End Crossing of the Louisville-Southern-Indiana Ohio River Bridges Project

This document constitutes a Request for Proposals (RFP) for Personal Service Contract from qualified individuals and organizations to furnish those services as described herein for the Kentucky Transportation Cabinet (KYTC).

I. PROJECT DESCRIPTION

The Downtown Crossing of the Louisville-Southern Indiana Ohio River Bridges (LSIORB) Project includes the reconstruction and operational improvements to the interchange junctures of I-65, I-64, and I-71; the southern approaches to a new Ohio River Bridge; the construction of a new I-65 Ohio River Bridge; the reconfiguration and rehabilitation of the existing I-65 Kennedy Bridge; and the Indiana northern approaches to the bridges with the various local egresses and ingresses to I-65 [\(see map\)](#) (Downtown Crossing). This portion of the LSIORB project is considered a mega-project by itself. The Downtown Crossing is to be developed and delivered by KYTC through a Design-Build Team (DBT). The DBT contract will be awarded by KYTC pursuant to the procurement documents available at <http://transportation.ky.gov/Ohio-River-Bridges/Pages/default.aspx>. As the lead agency for the Downtown Crossing, KYTC is seeking the following services related to the obligations of the DBT:

- Assistance with Program Management
- Assistance with Design Oversight
- Assistance with Construction Oversight
- Assistance with Construction Inspection
- Assistance with Environmental Compliance Inspection
- Assistance with Disadvantaged Business Enterprise and Equal Opportunity Employment Oversight
- Assistance with other duties as determined through the life of the contract.

The East End Crossing of the LSIORB Project includes a four lane facility from I-71 in Kentucky to SR 62 in Indiana, connecting the Gene Snyder Freeway (KY 841) in Kentucky with the Lee Hamilton Highway (SR 265) in Indiana. The approach in Kentucky includes a twin 2000 ft bored shaft tunnel (East End Crossing). This East End Crossing is also a mega-project by itself. The East End Crossing is to be developed and delivered by Indiana through a Developer pursuant to the procurement documents issued by Indiana using its Public Private Partnership statutes. Indiana is the lead agency for the procurement of the East End Crossing. However, upon final acceptance of the East End Crossing by Indiana, KYTC will be responsible for operations and maintenance of at least some portion of Section 4 of the East End Crossing (as that section is described in the above referenced procurement documents). To protect its interests as they

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relate to the operations and maintenance of Section 4, KYTC is seeking the following services related to Indiana's development and delivery of Section 4 of the East End Crossing:

- Assistance with Design Reviews
- Advice as to effects on environmental commitments,
- Attendance at meetings and inspections to be performed by Indiana,
- Assistance providing comments to Indiana regarding design changes, and
- Assistance, as needed, in the dispute resolution process.

II. PROJECT INFORMATION

Project Manager – Gary Valentine, P.E.

User Division – State Highway Engineer's Office

Approximate Fee – \$54,000,000 Cost Plus a Fixed Fee

Project Funding – (Federal, State and Toll Revenue Bonds)

Project Webpage - <http://www.kyinbridges.com/>

III. PURPOSE AND NEED OF CONTRACT

Assist KYTC in the development and delivery of the Downtown Crossing of LSIORB Project and in performing review of Indiana's development and delivery of the East End Crossing of the LSIORB Project.

IV. DBE REQUIREMENT

Those submitting a proposal in response to this RFP, whether as a team or as an individual entity (Proposers), shall include a DBE Participation Plan with their response to the announcement. The plan needs to demonstrate how DBE companies will be mentored or used to assist in the area(s) pertaining to this contract. An additional page will be allowed in the project approach to demonstrate this plan. A maximum of 10 points will be considered in the evaluation factors for the DBE Participation Plan.

V. SCOPE OF WORK

The consultant selected as a result of this RFP (Consultant) shall be responsible for assisting KYTC in the management, quality control, and quality assurance, of the Downtown Crossing.

1. The Consultant shall assist KYTC in the overall program management of the Downtown Crossing. The Consultant shall assign a single point of contact that assists KYTC in the management and coordination between the various program functions. These areas include but are not limited to project development/project delivery, financial, legal, communications and workforce.
2. The Consultant shall provide sufficient resources to assist KYTC with Design oversight. The Consultant shall attend all reviews, be responsive to the schedule and review times, and provide all technical assistance necessary to assure the contract requirements of the Downtown Crossing for the design function are being met. The Consultant shall designate a Design Oversight Manager to lead this effort.

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3. The Consultant shall assist KYTC with Construction oversight. The Consultant shall attend all reviews, be responsive to the schedule and review times, and provide all technical assistance necessary to assure the contract requirements of the Downtown Crossing for the construction function are being met. The Consultant shall designate a Construction Oversight Manager to lead this effort.
4. The Consultant shall assist KYTC with oversight of design and construction activities to the extent necessary to assure environmental commitments are properly and appropriately incorporated within the design documents and reflected in the construction. The Consultant shall designate an Environmental Compliance Inspector who shall attend all appropriate reviews, be responsive to the schedule and review times, and provide all technical assistance necessary to assure the contract requirements of the Downtown Crossing for the environmental compliance function are being met.
5. The Consultant shall assist KYTC with construction inspection. The Consultant and KYTC will review the DBT's CPM every 6 months. KYTC will direct the number of inspectors needed for the upcoming 6 month period based on this review. The Consultant shall provide the number of inspectors KYTC directs. The inspectors shall use inspection instruments and visual inspection to inspect the contractors work and ensure compliance with all contract provisions. The inspectors shall keep complete and accurate daily records of all work performed, preparation of final paperwork, and the materials used in accordance with KYTC's current policies for work in Kentucky including the major river crossing and INDOT's current policies for work in Indiana. The Consultant shall provide inspectors who have successfully completed the certifications as specified in the prequalification section of this bulletin and are required to maintain these qualifications for the duration of the contract. The inspectors shall demonstrate experience and knowledge of onsite roadway construction inspection and record keeping; the inspectors shall be capable of handling the physical requirements needed to access and perform arms length inspection of the entire project.
6. The Consultant shall assist KYTC with oversight of DBE and Workforce/EEO compliance. The Consultant shall designate a DBE and EEO Compliance Liaison who shall attend all appropriate reviews, be responsive to the schedule and review times, and provide all technical assistance necessary to assure the contract requirements of the Downtown Crossing for the DBE and Workforce/EEO compliance functions are being met, in cooperation with the KYTC Office for Civil Rights and Small Business Development (OCRSBD).
7. The Consultant shall provide sufficient resources to assist KYTC with design reviews of the East End Crossing. The Consultant shall attend reviews, as requested, and be responsive to the schedule and review times with comments as established by the State of Indiana.

VI. SPECIAL INSTRUCTIONS

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A cost-plus/fixed fee contract will be negotiated except for the construction inspection portion which will be negotiated as a cost per unit of work contract.

The cost-plus component of the contract will be revisited annually through the life of the contract based on the DBT's CPM schedule. The cost per unit of work contract will be revisited every 6 months based on the DBT's CPM schedule through the life of the contract.

The cost per unit of work for inspection services is defined by the cost of the Services of One Inspector and the unit will be an hour. The cost per hour will include the pay rate for the personnel classifications providing the inspections, any overtime, overhead, travel expenses, profit and all other direct and indirect costs incurred by the Consultant to accomplish the work.

The inspection fee must be one (1) hourly rate for each level of inspector including up to (3) three levels of inspector. A fee must also be included for a licensed land surveyor and a SuperPave Technician. Inspectors needed to help these last two designations shall fall under the other three levels of inspectors. The rate should be all inclusive of overhead, travel, per diem expenses, management fee, profit and any direct expenses.

The Consultant shall not supply QC technicians for the DBT. This is considered a conflict of interest.

Instructions for Response to Announcement can be found at:
<http://transportation.ky.gov/Professional-Services/Pages/Respond-to-an-Announcement.aspx>

KYTC will allow the following modifications to the standard response format for response to this project advertisement only.

- KYTC will allow for 11" x 17" pages to be used and to count as two pages with the "Page 3: Project Team Organizational Chart" and the "Page 5: Available Team Workload Capacity."
- KYTC will allow for legible font and pitch smaller than 12 pitch and 10 point "font."
- Page 4 (A-E) Resumes, may be expanded, not to exceed 20 pages total (A-T).
- Page 5 (A-B) Workload / commitments, may be expanded, not to exceed 4 pages total (A-D). (11" x 17" pages will count as 2 pages)
- Page 6 (A-E) Project Experience, may be expanded, not to exceed 10 pages total (A-J).
- Page 7 (A-C) Project Approach, may be expanded, not to exceed 20 pages total (A-T).. These pages will be added to the page allowance for the Project Approach which also includes the additional page for DBE participation plan and additional pages to convey Qualifications for the Tunnel.

VII. PREQUALIFICATION REQUIREMENTS

To respond to this project, a Proposer must be prequalified in the following areas by the date of this advertisement.

Roadway Design

- Rural Roadway Design
- Urban Roadway Design

Traffic Engineering

- Traffic Engineering Services

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Structure Design

- Span under 500 ft
- Spans over 500ft

Construction Engineering

- Construction Project Supervision
- Construction Schedule/Claims Analysis

Environmental Archaeology and Other Services

- EIS Writing and Coordination

VIII. OTHER QUALIFICATIONS AND REQUIREMENTS

Tunnel Design – Proposed consultants or sub-consultants should submit their qualifications for "Tunnel Design" as part of their response. The selection committee will determine if the responding firms have the Tunnel Design qualifications necessary for this project.

The Environmental Compliance Inspector must demonstrate involvement in the development of complex EA/FONSI or EIS documents having significant environmental commitments. All other inspectors, prior to performing inspection services, must be qualified by having at least 5 years of roadway and/or bridge construction experience. The inspector must have experience and understanding of construction practices, record keeping and workmanship in regard to inspections. The inspector must be capable of handling the physical requirements needed to access and perform all inspection activities. Certifications listed below shall be held and maintained throughout the duration of the contract:

- ACI Level I Certification
- Aggregate Sampling Technician
- Grade Level I Technician
- Asphalt Lay-Down Technician
- Structural Inspection Level I
- Kentucky Erosion Prevention & Sediment Control Roadway Inspectors (KEPSC-RI)

Grade I certification requires use of Nuclear Density machine(s). The Consultant shall provide a sufficient number of machine(s) to manage the workload. The Consultant inspector shall be required to furnish his own badge and the Consultant will track and report to appropriate safety organization.

For Inspection services under this RFP, Consultant inspection staff shall have experience in inspecting major bridge structures and be certified to perform required inspection and testing of all activities associated with construction of a Major River Crossing.

For Inspection services to be performed within the state of Indiana, Consultant inspection staff shall have experience with INDOT's Standard Construction Specifications and General Instructions to Field Employees (GIFE).

IX. ORGANIZATIONAL CONFLICTS OF INTEREST

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All Proposers are directed to the requirements of 23 CFR § 636.116 and 23 CFR § 637.209(c) as it relates to organizational conflicts of interest on federal design-build contracts.

Pursuant to 23 CFR § 636.116 and to the Notice to Prospective Proposers for the Design-Build Administration of the Downtown Crossings of the Louisville-Southern Indiana Ohio River Bridges Project on Organizational Conflicts of Interest (Notice), issued in compliance therewith, all prospective Proposers provided KYTC with disclosures concerning organizational conflicts of interest. Those disclosures provided all information regarding any potential organizational conflict of interest; provided all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest; stated how the prospective Proposer's interests, or those of its chief executives, directors, key project personnel, or any proposed subconsultant may result or could be viewed as an organization conflict of interest; and, where organizational conflicts of interests were identified, the prospective Proposers described any actions that could be taken to avoid, neutralize or mitigate such conflict. Where no potential organizational conflicts of interest were present, the prospective Proposers provided a certification stating as such.

Based on a review of the information submitted by the prospective Proposers, KYTC made written determinations of whether the prospective Proposer's interests created an actual or potential organizational conflict of interest. KYTC determined for each prospective Proposer that (1) there is no organizational conflict of interest; (2) there is an organizational conflict of interest and it can potentially be mitigated; or (3) there is an organizational conflict of interest and it cannot be mitigated. Those prospective Proposers for whom KYTC determined that there was no organizational conflict of interest or that there is an organizational conflict of interest that can potentially be mitigated are eligible to submit a response to this RFP. KYTC's previous determination, however, shall not be binding on it if any of the material facts regarding the prospective Proposers past, present, or current interests change, or its proposed role in the LSIORB Project changes in any material manner.

Any prospective Proposer for whom KYTC determined that there is an organizational conflict of interest that cannot be mitigated shall not be eligible to submit a proposal in response to this RFP. Any response submitted shall be disqualified from consideration.

All documentation regarding the Proposer's submission in response to the Notice shall be attached to any Proposal made in response to this RFP. Any Proposer that failed to make a submission as directed in the Notice or that fails to attach the related documentation to the response to this RFP shall be disqualified from consideration.

Any Proposer for whom KYTC determined that there is an organizational conflict of interest that can be potentially mitigated, if selected, shall agree to perform the acts necessary to avoid, neutralize, or mitigate such conflict as KYTC deems necessary, in its sole discretion.

If the Proposer fails to agree to the required mitigation actions, that Proposer shall not receive the award and negotiations shall begin with the Proposer with the next highest rank.

X. PROCUREMENT SCHEDULE

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Dates other than Response Date are tentative and provided for information only.

RESPONSE DATE • October 12, 2012 4:00 p.m. E.S.T. (Frankfort Time)

1st SELECTION COMMITTEE MEETING • October 19, 2012

INTERVIEWS • October 23, 2012

2nd SELECTION COMMITTEE MEETING • October 30, 2012

CONTRACT SCOPING CONFERENCE • November 1, 2012

NOTICE TO PROCEED • December 3, 2012

XI. PROJECT SCHEDULE

Contracts will be in effect from Notice to Proceed until 6 months after Formal Acceptance of DBT work. Estimated date of contract completion is October 2018.

XII. EVALUATION FACTORS

1. Relative experience of Proposer personnel and inspection staff assigned to the project team with mega transportation project(s), complex interchange project(s), cable stay bridge project(s) and other bridge and roadway design and construction projects of a similar nature for KYTC, and/or other federal, local or state governmental transportation agencies. Proposers will need to demonstrate appropriate qualifications with inspection staff as identified in the pre-qualification section (40 points)
2. Organizational structure of Proposer and approach of Proposer to managing quality control and quality assurance on behalf of owner. Approach needs to demonstrate strong understanding of the project. (40 points)
3. Capacity and availability of team members over the life of the contract. (40 points)
4. DBE participation plan (10 points)
5. Proposer's offices where work is to be performed. (2 points)

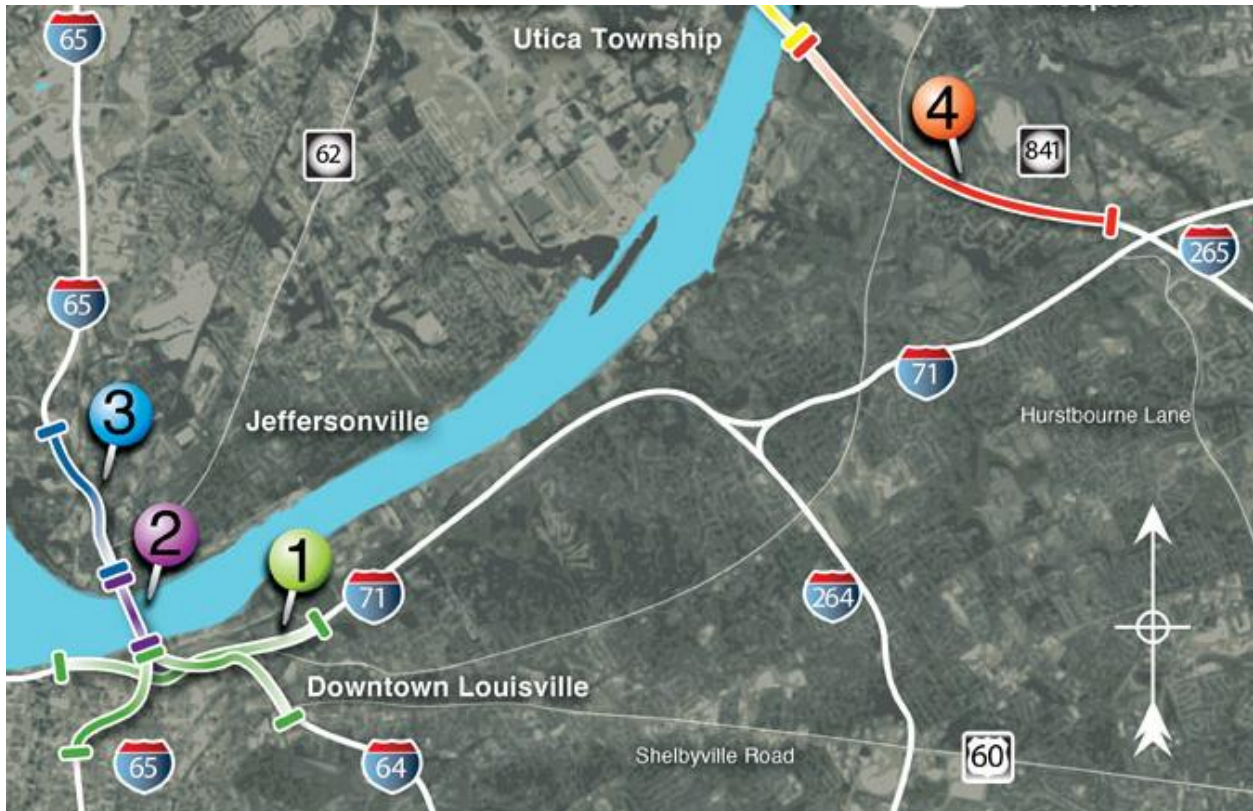
For state-funded projects, if a Selection Committee vote results in a tie between two (2) firms, one (1) of which will perform more of the work tasks in Kentucky than the other, then the former firm shall be ranked one (1) place ahead of the latter.

XIII. SELECTION COMMITTEE MEMBERS

1. TBD, PE, User Division
2. TBD, PE, User Division
3. TBD, PE, Secretary's Pool
4. TBD, PE, Secretary's Pool
5. TBD, PE, Governor's Pool

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IX. LOCATION MAP



1. [KENNEDY INTERCHANGE](#)
2. [DOWNTOWN BRIDGE](#)
3. [DOWNTOWN INDIANA APPROACH](#)
4. [EAST END KENTUCKY APPROACH](#)