

Listed below are corrections and clarifications for projects included in the Kentucky Transportation Cabinet's Procurement Bulletin for Engineering and Related Services, Bulletin No. 2000-05 dated November 23, 1999.

Cumberland Gap Tunnel/US 25E ITS Project

1. The first seven dates on page 2 have been revised as follows:

Response Due Date-January 19, 2000; First Committee Meeting-January 25, 2000; Second Comm. Meeting-February 15, 2000; Pre-Design Conference-February 15, 2000; Consultant Fee Proposal Due-March 14, 2000; Negotiations-March 28, 2000; Notice to Proceed- April 25, 2000.

2. Under Special Instructions on Page 5, add the following statements:

The Cabinet will enter into a separate agreement with the UK Transportation Center for part of the services included in Tasks 1 and 2. The selected consultant shall partner with the UK Transportation Center regarding the services to be provided under Tasks 1 and 2.

3. Under available KTC Studies/Agreements, three links that include two agreements (KYTC-FHWA, KY-TN) and the CGT and Regional ITS Deployment Plan have been added. Please disregard the statement about the availability of the two agreements and the Deployment Plan at Lynn Copies, Frankfort, KY..

The following Q & A's posted Jan 4, 2000:

Question: Can the Prime (or a Team Member) do the construction/ installation work without going through the bid process if they are prequalified by either the Kentucky Transportation Cabinet or Tennessee DOT?

Answer: No-We must follow the Kentucky Modal Procurement Code and Federal requirements.

Question: If a bid process will be mandatory, can the Prime (or a Team Member) bid to do the proposed construction/installation work if they are prequalified by either KYTC or TNDOT?

Answer: The prime will be assuming the role of the Cabinet in procuring all goods, services and work. If the procuring entity bid on the work upon which it was requesting bids, a conflict of interest would exist.

QUESTION: If a professional services firm is the prime, how is construction bonding to be handled? That is, typically a professional services firm does not bond for construction. And, as a subcontractor, the construction firm would bond to the prime. This would in effect leave the governmental agencies with no direct contractual/bonding relationship with the party that is conducting construction activities on agency-owned infrastructure. Is that acceptable?

ANSWER: Yes, this is acceptable. The selected professional services firm will be a "Systems Integrator" for this project. The cabinet will only contract with the selected professional services firm. The selected professional services firm will contract with several firms to complete the project. Any contracts will be with the approval of the KTC and under applicable state or federal law. The selected professional services firm shall require a construction performance bond.

QUESTION: Who will responsible for letting the construction contracts associated with this project? The professional services firm, or the Cabinet? Clearly, there is a desire to not have the entire system project be subject to low-bid procurement because low-bid and high-tech simply does not produce quality results. Yet the high-tech portion of this project is substantially smaller than the construction part with is best suited for low-bid.

ANSWER: The selected professional services firm shall be responsible for letting the construction contracts associated with the project. The selected professional services firm will procure all services, equipment, and materials required for the completion of work under the project. All services, equipment, and materials shall be procured in accordance with KRS 45 A, and the regulations associated with the Kentucky Model Procurement Code. This would include any services, equipment, and materials not provided by the professional services firm directly. A certification that installation activities have been done in accordance with the Department of Highways requirements shall be provided for any activity that can be defined as construction, either accomplished by the consultant or through an approved bidding process where the work is done by others. All such work shall be coordinated through the Division of Contract Procurement and satisfy current Department of Highways requirements. The selected professional services firm will estimate the amount of work in both states and provide wage rates for both states. Nothing in the professional services bulletin would preclude the selected professional services firm from requesting and using a SEP 14 procurement for any or all of the services, equipment, and materials required for the completion of work under the project.

QUESTION: Is a "System Manager" approach the desire of the agencies involved? This approach would entail the System Manager being a professional services firm, providing engineering, design and software development services. The System Manager would prepare all procurement/bid documents, manage the

selection process, manage the implementation process, and be responsible for system integration, start-up and operations. In this scenario, the Cabinet's responsibility would be as a party to the construction contracts developed by the System Manager (see comment 2 above).

ANSWER: The Cabinet desires the "System Integrator" approach. This would involve planning, designing, deploying, managing, and operating the system. The "System Integrator" will act at the cabinet level for this project.

QUESTION: What happens if the construction bids, gained following the design/specification process, exceed the construction budget made available to the professional services firm? It is assumed that the design work will be conducted in close coordination with the agencies. Thus, any procurement efforts would necessarily have the tacit approval of the agencies. Would cost overruns not attributable to the professional services firm or agency actions be funded by some source other than the professional services firm?

ANSWER: This is a build to cost project. No funds are available for cost overruns. As part of the deployment plan, the selected professional services firm will provide a PS&E including an engineers estimate. The deployment of roadway construction will be scaled to that estimate.

QUESTION: Is the Cabinet expecting to see a team that includes designers and contractors? Or, will the consultant select the contractor(s) after the design process?

ANSWER: The cabinet expects to see the selected professional services firm to team with partners to provide the professional services for planning, designing, deploying, managing, and operating the system. The contractor(s) will be selected in accordance with KRS 45 A, applicable FARs, and the regulations associated with the Kentucky Model Procurement Code.

QUESTION: Is Vaughn & Melton eligible to be a team member? Or, does their present work at the Tunnel preclude them from working on the project?

ANSWER: The firm of Vaughn & Melton may team as they desire and provide professional services in the categories where they are pre-qualified.

Does the prime consultant have to be pre-qualified in all the listed areas? Or, does the team required to have members who are pre-qualified in all areas?

ANSWER: The selected professional services firm must be IVHS pre-qualified.

The team must include members who are pre-qualified in the other listed categories.

Does a firm have to be prequalified in both IVHS (ITS) and electrical engineering in order to be eligible?

ANSWER: No.

Mr. Stephen A. Williams, P.E.
Director
Division of Professional Services
Kentucky Transportation Cabinet
(502) 564-4555

Revised: Thursday, May 17, 2001