

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

## **Kentucky Transportation Cabinet, Department of Highways Professional Services Procurement Bulletin 2013-05A Oversight Assistance for the Downtown Crossing and Section 4A 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. Refer to the location map on Page 10. 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 Construction Oversight and Inspection, estimated to be 65% of the contract value (approximately \$32.5 million)
- Assistance with Material Sampling and Testing and Quality Assurance, estimated to be 20% of the contract value (approximately \$10 million)

KYTC is also seeking assistance with the following:

- Assistance with Communication Coordination
- Assistance with Environmental Compliance Inspection
- Assistance with Disadvantaged Business Enterprise and Equal Employment Opportunity Oversight

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 for Section 4A of the East End Crossing. Section 4A is that portion of the East End

Crossing from the southern limits to the northern abutment of the proposed Harrods Creek Bridge near Station 149+08. To protect its interests as they relate to the operations and maintenance of Section 4A, KYTC is seeking the following service related to Indiana's development and delivery of Section 4 of the East End Crossing:

- Assistance with quality assurance audits

## **II. PROJECT INFORMATION**

Technical Project Coordinator – Andy Barber, P.E.

User Division – State Highway Engineer's Office

Approximate Fee – \$50,000,000 Estimated

(Contract Method for Fee may include: Specific Rate of Compensation; Lump Sum Unit Price; and 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 delivery of the Downtown Crossing of the LSIORB Project and in performing quality assurance audits of Indiana's 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 construction oversight, inspection, quality control, and quality assurance, of the Downtown Crossing.

1. The Consultant shall assist KYTC in the overall construction oversight of the Downtown Crossing. The Consultant shall attend all meetings as directed, be responsive to the schedule and review times, and provide all technical assistance necessary to assure the contract requirements, as they pertain to the construction of the Downtown Crossing, are being met. The Consultant shall assign a Project Manager that assists KYTC in the management and coordination between the various construction elements of the project. The position shall serve as a single point of contact for KYTC regarding all construction related elements of the project.
2. The Consultant shall assist KYTC with construction inspection. This includes sampling, testing, and control of materials utilized in the construction of the Downtown Crossing. The Consultant shall designate a Construction Oversight Manager and a Materials Oversight

manager to lead this effort. 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, materials testing equipment and visual inspection to inspect the contractor's 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.

3. The Consultant shall assist KYTC in providing effective communications with the public for the construction of the Downtown Crossing. In consultation with KYTC, this includes day-to-day communications on construction impacts, traffic management, progress reports and other pertinent, factual information regarding the Downtown Crossing. The Consultant will work with KYTC and its project consultants, including the Design Build Team, to clearly and effectively communicate, on KYTC's behalf, factual information to the public through the news media and other information channels.
4. 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 (OCSBD).
5. The Consultant shall provide sufficient resources to assist KYTC in quality assurance audits of the construction of Section 4A of the East End Crossing. The Consultant shall attend meetings, as requested and be responsive to the schedule and review times with comments as established by the State of Indiana.
6. The Consultant shall assist KYTC in design review functions that could include the following: review of proposed shop drawings; review of sheeting/shoring plans; review of cofferdam designs; review of falsework designs; erection plans; other construction related design review functions that may arise but not specifically listed.
7. The Consultant may be required to establish appropriate field office(s) to accommodate their required numbers of inspectors requested by KYTC.

## **VI. SPECIAL INSTRUCTIONS**

The construction inspection and materials sampling portions will be negotiated as specific rate of compensation and estimated fee. Laboratory space and equipment will be negotiated as a Lump Sum Unit Price. All other work will be negotiated as a cost-plus/fixed fee contract.

### **Oversight and Technical Assistance**

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.

### **Construction Inspection Experience & Capabilities**

The inspector must be qualified by having at least five (5) years of roadway and/or bridge construction experience. Engineering education may be substituted on a year by year basis with the KYTC's Engineer's approval. 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 on any construction project.

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).

Certifications listed below shall be held and maintained throughout the duration of the contract:

- ACI Level I Certification
- Sampling Technician
- Grade Level I Technician
- Asphalt Field Technician
- Structural Inspection Level I
- KEPSC-RI qualification

Grade I certification requires use of nuclear density machine (furnished by the selected firm). The consultant inspector will be required to furnish his own badge and will track and report to appropriate safety organization. Consultant inspector will have to transport nuclear density machine from storage area to job site and be in compliance with policy on transportation and storage and supervision while in his possession until stored properly at end of work day. State inspectors are required to attend safety classes presented by Troxler and the consultant inspectors shall have that same level of training.

The inspectors MUST have all qualifications before reporting to duty.

Responses should include a list of inspectors with these qualifications.

Inspectors that fail to show experience and understanding of construction practices, record keeping and workmanship in regard to inspections may be dismissed from the project without two weeks notice.

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 construction inspector (includes materials sampling) for up to (3) three levels of construction 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.

These hourly rates should be submitted in a sealed envelope with the response to announcement.

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

### **Materials Testing Services**

The selected firms must be capable of performing a variety of materials sampling and laboratory testing services as required by the 2012 Kentucky Standard Specifications, Downtown Crossing RFP, 2006 KYTC Sampling Manual and other contract documents. The selected firm will be required to collect all required samples, perform all testing that would be performed by the District Materials Engineer and transport samples that are required to be sent to the KYTC Central Lab in Frankfort, KY. All selected firms must have staffs who demonstrate proficiency in the field of materials engineering and laboratory testing for transportation facilities on highway projects for KYTC and/or for federal, local or other state governmental agencies; experience on challenging projects and applicable continuing education are desirable. The firms must clearly demonstrate qualifications, experience, and capabilities in the areas below; they may not necessarily meet all these criteria, but the criteria do represent a benchmark. The firms will prepare and report materials testing results in accordance with KYTC requirements and the Downtown Crossing DBT's document reporting system. The selected firm will also be required to prepare a quarterly report for KYTC outlining that all required sampling and testing is current, and the status of clearing any failing materials issues.

### **Conventional Materials Testing Experience & Capabilities**

In addition to the qualifications for Construction Inspectors, listed above, the following qualifications will be required of Materials Sampling and Testing Inspectors working in the on-site laboratory:

- KRMCA Level II
- Superpave Plant Technologist
- Aggregate Technician
- Grading Level II
- Pavement Markings Inspector
- Precast Prestress Concrete Inspector Level II (for inspectors who provides inspection at prestress/precasting facilities if required)

### **Materials Testing Laboratory Qualifications & Capabilities**

The selected firm will be required to provide an on-site materials testing laboratory and to have it certified by KYTC. The minimum testing equipment that will be required to be provided in the on-site laboratory is as follows and must meet AASHTO, Kentucky Methods, ASTM test methods as well as KYTC 2012 Standard Specifications:

- Asphalt Gyratory Compactor and all accessories
- Asphalt Max Gravity testing equipment
- Ovens that maintain temperatures within testing procedures high range tolerances
- Lab Weigh Scales
- Water Baths with temperature controls
- Aggregate Shakers with various sieve sizes with exhaust hoods over shakers
- Aggregate Sand Equivalent equipment
- Aggregate Wash Testing equipment

- Desks, tables, chairs, filing cabinets
- Concrete plastic testing equipment
- Concrete Compressive strength testing machine
- Cylinder storage tanks for storing cylinders in lime saturated water and at appropriate temperature
- Proctor Equipment and molds
- Other routine incidental items such as thermometers, etc.
- Any computer equipment and software required to run required tests and report the results utilizing the Downtown Crossing DBT's document management system.
- All field testing equipment, in sufficient numbers, that may be required for the Construction Inspectors to properly field sample and test materials as required (could include but may not be limited to: Nuclear Density machines, slump cones, Air Meters, Infrared Thermometers, Thermometers, incidentals, etc.,)
- All ancillary equipment that the Materials Inspectors may need to properly sample materials
- All disposable and/or one-use material that is required to sample and test materials.

Sampling Manual is available on KYTC Materials website. The manual that will apply is the 2006 version. The Sampling Manual details how to properly sample materials used in construction and maintenance of Kentucky's highways and bridges.

<http://transportation.ky.gov/Materials/Pages/Sampling-Manual.aspx>

For Materials Testing Inspector, the inspection fee must be for (1) hourly rate for a Level 4 Inspector. The rate should be all inclusive of overhead, travel, per diem expenses, management fee, profit and any direct expenses. KYTC will pay for the actual hours worked and time records will be required.

For laboratory testing services, the Department will pay a monthly rate for maintenance and operation of an on-site materials laboratory. The Department will also pay a mobilization and demobilization fee for the materials laboratory. A monthly rate and a mobilization and demobilization fee should be submitted in a sealed envelope with the response to announcement.

### **Professional Liability**

Firms must provide proof of \$1,000,000 of professional liability.

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 font smaller than 10 point throughout but all text must remain legible
- Page 3: Project Team Organizational Chart and Page 5: Available Team Workload Capacity, KYTC will allow for 11" x 17" pages to be used and to count as two pages
- 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); again 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). As standard procedure, the DBE participation plan should also be included in this portion of the response

## **VII. PREQUALIFICATION REQUIREMENTS**

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

### Construction Engineering

- Construction Project Supervision
- Construction Schedule/Claims Analysis

### Roadway Design

- Rural Roadway Design
- Urban Roadway Design

### Traffic Engineering

- Traffic Engineering Services

### Structure Design

- Spans under 500ft
- Spans over 500ft

### Environmental Archaeology and Other Services

- EIS Writing and Coordination

## **VIII. INTERVIEW**

All Proposers who submit a responsive proposal will participate in an oral interview. The oral interview will last no more than 60 minutes. Each Proposer will be allowed a 15 - 30 minute presentation followed by 30 - 45 minute question and answer session. The presentation shall not be used to fill in missing or incomplete information in the written proposal. KYTC will ask the Proposers specific questions relative to their proposal. Follow-up questions from KYTC will be permitted. The oral interview will not be scored separately. The interview is used solely for KYTC to seek clarification of the Proposer's proposal. Proposers will not be permitted to ask questions of KYTC.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter. Request for accommodations must be made one week in advance of the meeting, to allow time to arrange the accommodation.

The following key personnel from each Proposer shall attend the oral interview: Project Manager, Construction Oversight Manager Materials Oversight Manager, DBE and EEO Compliance Liaison and up to five other individuals.

Members of the KYTC's Selection Committee will attend each oral interview. Additional subject matter experts may also attend the interviews. Elected officials will not be permitted to attend. The KYTC may elect to conduct all interviews on two (2) consecutive days as necessary. KYTC will terminate the interview promptly at the end of the allocated time.

KYTC may audio tape, videotape and/or use a court reporter to document the oral interviews. All interviews will be held at the Kentucky Transportation Building at 200 Mero Street, Frankfort, Kentucky.

## **IX. ORGANIZATIONAL CONFLICTS OF INTEREST**

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 will make written determinations of whether the prospective Proposer's interests created an actual or potential organizational conflict of interest. KYTC will determine 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.

A complete listing of firms that have requested determination of an organizational conflict of interest and have been determined to have none will be posted on the KYTC's Division of Professional Services website.

Firms that have been determined to have no organizational conflict of interest are listed [<here>](#)



Any firm that is not listed must request in writing to Mike Hill a formal determination of conflict of interest before 4:00pm on Monday, January 7th, 2013 to be considered for this contract.

The Walsh Construction Company proposal and plans will be posted on the KYTC's Division of Construction Procurement website.

## **X. PROCUREMENT SCHEDULE**

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

RESPONSE DATE • January 9, 2013 4:00 p.m. E.S.T. (Frankfort Time)

1<sup>st</sup> SELECTION COMMITTEE MEETING • January 14, 2013

INTERVIEWS • January 18, 2013

2<sup>nd</sup> SELECTION COMMITTEE MEETING • January 25, 2013

CONTRACT SCOPING CONFERENCE • January 31, 2013

NOTICE TO PROCEED • March 1, 2013

## **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 July, 2017.

## **XII. EVALUATION FACTORS**

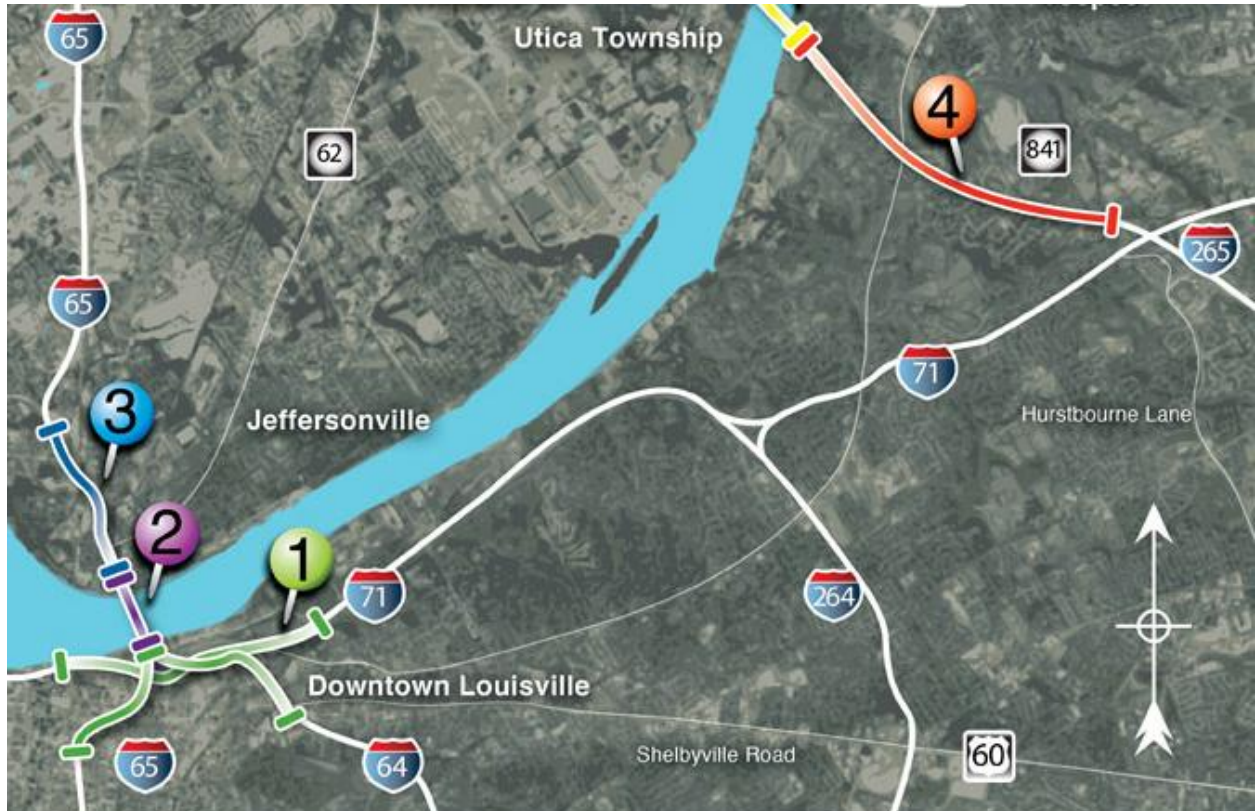
1. Relative experience of Proposer personnel and inspection staff assigned to the project team with mega transportation project(s), complex interchange project(s), cable stay bridge project(s) and other bridge and roadway construction projects of a similar nature for KYTC, and/or other federal, local 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. Rob Harris, P.E., User Division
2. Kevin Rust, P.E., User Division
3. Rachel Mills, P.E., Secretary's Pool
4. Sam Hale, P.E., Secretary's Pool
5. Brad Rister, P.E., Governor's Pool

### **XIV. LOCATION MAP**



For interactive, detailed maps of each section of the project, click below.

1. [Kennedy Interchange](#)
2. [Downtown Bridge](#)
3. [Downtown Indiana Approach](#)
4. [East End Kentucky Approach](#)