

October 23, 2017

**CONTRACT NO. 4400011080  
FEDERAL AID PROJECT NO. H004100  
I-10 (LA 415 TO ESSEN ON I-10 AND I-12)  
ROUTE I-10  
WEST BATON ROUGE AND EAST BATON ROUGE PARISHES**

Q1: For the guidance in the advertisement under evaluation criteria “A TABLE IS NOT REQUIRED FOR SECTIONS 8A AND 8B IN THE 24-102 SUBMITTAL FOR THIS ADVERTISEMENT”, does this mean that 8a and 8b can be left blank?

A1: Section 8b still needs to represent the percentage of work that will be done by each firm.

Q2: Which ASCE 38-02 Quality Level will be required to “investigate all known utilities along the length of the proposed corridor” in the effort of preparing the conflict matrix?

A2: In a separate contract, QLD and QLB will be required for the entire length of the corridor. ASCE-3802 services are not part of the constructability contract. They will be provided by others.

Q3: Is it anticipated that the prime consultant is to perform more than 50% of the work on this project?

A3: It is anticipated that the prime will provide a majority of the work.

Q4: The advertisement states, “The selected consultant will be excluded from providing competing bids on the final construction package at letting”. Can you remove this language?

A4: This was edited under an addendum.

Q5: Will DOTD consider a pre-submittal meeting?

A5: A mandatory pre-submittal meeting has been held. Firms were provided at least a 14-day notice of the meeting. The advertisement deadline was extended. An addendum addressing Q4, Q5 and other ancillary issues were issued.

Q6: Could the minimum personnel requirement “3.c” for an estimator to perform independent contractor estimate be met with a contract employee?

A6: Yes

Please note: Q7, A7 and Q8, A8 supplement Q&A 4 from the original Q&A's and Q&A 4 from the pre-submittal meeting from the initial advertisement.

Q7. If the design build procurement method is used to construct the project, would the “selected consultant” that would perform the constructability review services be excluded from being on the design build team?

A7. At this stage of the process, this question is premature. Guidance, policies, procedures, statutes, regulations, etc., at the time of a design build procurement would govern. However, according to 23 CFR 636.116, if the design build procurement method is used, DOTD will be required to review the information submitted and make a written determination as to whether the submitter's interests create an actual or potential organizational conflict of interest. Subsequently, DOTD must then identify any actions that must be taken to mitigate an extant conflict. Only once this review is complete and any potential mitigating steps are identified will DOTD be able to finally determine whether a conflict would prevent the “selected consultant” from participating on a design build team.

That said, according to federal law, whether a “selected consultant” that has performed the constructability review services will be excluded from being on the design build team hinges on a few key factors. One of the most important factors is whether the NEPA process has been completed prior to the issuing of the RFP. If so, a *consultant* or *subconsultant* that completed the NEPA document may be part of the design build team. If the NEPA process has not been completed, only a *subconsultant* that has been released by the state transportation department from any further responsibilities regarding preparation of the NEPA document would be able to be part of the design build team.

In addition to the minimum federal requirements set forth in 23 CFR 636.116, DOTD will disallow consultants selected to perform constructability review services from participating on a design build team if a design build RFP is issued prior to the completion of the NEPA process. This cautious approach to potential conflicts displays DOTD's commitment to being open and transparent in its business practices, preventing any possible organizational conflicts of interest, and helping to ensure public trust in the manner in which its business is conducted.

Q8. If the P3 procurement method is used to construct the project, would the “selected consultant” that would perform the constructability review be excluded from being on the P3 team?

A8. Again, at this current time, this question is premature. Pursuant to 23 CFR 636.119, the applicability of Federal-aid procurement procedures will depend upon the nature of the public-private agreement and whether DOTD wishes to use Federal-aid funds for the project. Without knowing the specific terms that might be included in a possible public-private agreement, it would be mere speculation to speak on what possible conflicts of interest might arise under such an agreement.