



**MAINE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR PROPOSALS  
FOR  
CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC)  
PRECONSTRUCTION SERVICES  
FOR THE  
OLD TOWN, LLEWELLYN ESTES BRIDGE #1 AND #2  
WIN 022511.01; 022512.01**

**DATE OF REQUEST FOR PROPOSALS (RFP) POSTING: 10/03/2022**

**I. PROJECT DESCRIPTION AND INTRODUCTION**

**A. PROJECT DESCRIPTION**

The Maine Department of Transportation (MaineDOT) is seeking Proposals for Construction Manager/General Contractor (CM/GC) Preconstruction Services for bridge replacement of the Old Town Llewellyn Estes Bridges #1 and #2 which carry Stillwater Avenue over the Stillwater River in Old Town.

MaineDOT advertised a combined Highway and Bridge project on February 16<sup>th</sup>, 2022. The Highway portion included intersection improvements with safety, drainage, pedestrian, and pavement upgrades to sections of Stillwater Avenue, Bennoch Road, and College Avenue. The Bridge portion included the replacement of the Llewellyn Estes Bridges #1 and #2. The Department elected to reject all bids and will re-advertise the Highway portion separately under Project WIN 022950.01. For the bridge work, the Department will re-examine the bridge design and construction assumptions presented in the Preliminary Design Report and prior bid documents. MaineDOT will use this opportunity to design and build a highly durable bridge that showcases the innovation and advances being made in composite bridge construction, especially those being led by the University of Maine.

On July 25<sup>th</sup>, 2022 the Old Town Llewellyn Estes Bridge #2 was posted with a 30-ton weight limit with a two-mile by-pass detour. MaineDOT seeks opportunities to expeditiously restore this corridor to all legal loads. To accommodate this, preliminary design and final design will move quickly, with the potential for portions of construction to begin during design. Further, amendments to the original preliminary design report are anticipated to be completed in early 2023.

The project will establish stakeholder groups, as necessary, to discuss design, materials, construction means & methods, utilities, maintenance of traffic, and aesthetics among other topics.

The main components of this Project include:

1. Design and construction of a composite beam bridge or bridges to accommodate an alignment that is located within the vicinity of the existing bridge.
2. Design and construction of approach roads.

- a. Horizontal and vertical tie-ins for the bridge road approaches shall match into the re-advertised Highway Intersection Improvements Project (WIN 022950.01) at stations 21+00 and 31+00.
3. Removal of the existing structures.
4. Design and construction with innovative materials to provide a corrosion-free bridge by showcasing the innovation and advances being made in composite bridge construction, especially those being led by the University of Maine, Advanced Infrastructure Technologies (AIT Composites), and MaineDOT.
5. Avoidance and minimization of Project impacts.
6. Maintenance of traffic during construction.
7. Utility accommodation and relocation.
8. Detailed construction schedules.
9. Detailed construction cost estimates.

MaineDOT intends to retain the services of an Independent Cost Estimator (ICE). The ICE will assist the MaineDOT by providing independent estimates of construction costs throughout the project. Any firm selected for the CM/GC role shall not be eligible for the ICE contract either in a prime or subcontractor role

Project information has been gathered and developed for the Project. Proposers need to be familiar with the available information which can be viewed or downloaded at:

[https://file.ac/DP9mm4qTA\\_M/](https://file.ac/DP9mm4qTA_M/)

## **B. CM/GC INTRODUCTION**

Construction Manager/General Contractor (CM/GC) is a contracting method that involves contracting with a firm (Contractor) to provide constructability and other services during the design phase of the Project. During this preconstruction phase, the Contractor performs a Construction Manager role. Once the preconstruction phase of the project reaches the appropriate stage, the Contractor is given an opportunity to provide a proposed cost to construct the project. The Owner and Contractor then attempt to negotiate an agreed upon price, and if agreement is reached, the Contractor becomes the General Contractor for the construction phase of the project. If the Owner and Contractor fail to reach agreement on price, the Owner may select a different General Contractor procurement method, such as traditional low bid. This RFP uses the term "Contractor" when indicating the construction firm that will provide preconstruction services as Construction Manager and that may become the General Contractor if a construction contract can be successfully negotiated.

The intent is to form partnerships with MaineDOT, GZA GeoEnvironmental (Geotechnical Consultant), Advanced Infrastructure Technologies (AIT Composites), Design Consultant, and the Contractor.

The goals of this partnership are to mitigate risk, improve the construction schedule, streamline the design process, improve overall quality, develop a Project that adheres to the budget, and expeditiously restores the Stillwater Avenue corridor to all legal loads. An important role of the Contractor is to evaluate the constructability of the design concepts to reduce risks and costs in all phases with innovative approaches to meet project goals. We anticipate the involvement of the Contractor will help minimize design elements that unnecessarily increase cost and improve the overall constructability of the Project.

The Integrated Project Team (MaineDOT, GZA, AIT, Design Consultant, and the Contractor) will collaborate to deliver the project in less time, at a lower total cost, and meet the Project goals.

The Project Team offers:

1. Expertise in design, constructability, and project phasing.
2. The skills and knowledge to estimate the quantities of materials, labor, and equipment needed for construction.
3. The skills and knowledge to determine the tasks needed to complete the Project and estimate the costs, duration, and sequence of these tasks.
4. An understanding of the availability, cost, and capacities of materials, labor, and equipment.
5. The skills and knowledge to identify potential risks (including financial risks) and methods to mitigate them during the design process.
6. A Contractor provided model for estimating construction costs.

During the design process the Contractor works with the Design Consultant and the MaineDOT Project Management Team to:

1. Lead the development of an open cost model for the Engineer's Estimator and Independent Cost Estimator (ICE) so that assumptions, contingency, and approach to the estimate are similar.
2. Lead the identification and discussion of risk items, risk mitigation, and risk management and how they impact scope, schedule, and budget.
3. Propose options to reduce risk and identify how those options impact scope, schedule, and budget.
4. Provide for open-book examination of an open cost model by MaineDOT, the Independent Cost Estimator, and the Design Consultant.
5. Continually update, at the 30%, 50%, and the 80% design submissions, a project estimate and construction schedule.
6. Participate in formal reviews of each design PS&E package at the 30%, 50%, and 80% design submissions.
7. Provide progressively refined Construction Cost Estimates at the 30%, 50%, and 80% design submissions.
8. Continually provide informal input on constructability, value engineering, and cost as requested.
9. Prepare Construction Bid Price Proposals for MaineDOT with appropriate backup documentation for all construction, early work, and procurement PS&E packages.
10. Develop, propose, and track innovations for project construction.

If the Contractor is awarded the construction contract, their role will be to construct the Project within the Construction Bid Price Proposal and propose solutions that will help achieve the goal of staying within the budget. If the MaineDOT and the Contractor cannot reach agreement on a construction contract, MaineDOT retains the option to cancel the Project, reduce the scope, or deliver the Project by other methods. If the Project is publicly advertised for bids, the Contractor will be allowed to submit a bid for the project.

Early procurement or construction work may be considered for acquisition of long lead items or to complete early construction tasks that can be completed and turned over to another

Contractor, should negotiations for final construction cease. Early construction work may be performed by the Contractor with the understanding that work on early phases does not guarantee the Contractor will receive a contract for the remaining phases. Early phases will be independent and severable from the final construction package, with a well-defined end point. Construction will not begin until a Construction Bid Price Proposal has been accepted for a substantially complete Plans, Specifications, and Estimate (PS&E) package.

The CM/GC process is further described in Section XVII.

## **II. PROJECT GOALS**

This project is intended:

1. Replace the two deficient bridges and improve the Stillwater Avenue/College Avenue intersection.
2. To facilitate and foster collaboration, communication, and partnership with all members of the Project Team and stakeholders.
3. To encourage innovation.
4. To deliver a cost-effective Project.
5. To produce a high quality, aesthetic, durable, and maintainable Project.
6. To minimize impacts to roadway traffic, local businesses, and the community during construction.
7. To generate local community pride in the finished product.

## **III. PRELIMINARY PROJECT SCHEDULE (KEY MILESTONES)**

<b>MILESTONE</b>	<b>DATE</b>
CM/GC Design Workshops Begin	11/07/22
Preliminary Design Complete	2/28/23
Bridge specifications released for pricing	10/28/23
Final Pricing on bridge package due	11/15/23
Notice to proceed for Construction*	12/15/23

\* Early release construction packages could occur sooner

## **IV. PROCUREMENT SCHEDULE**

<b>MILESTONE</b>	<b>DATE</b>
CM/GC RFP Issued	10/03/22
Deadline for Proposers to Submit Requests for Clarification on the RFP	10/11/22 By 4:00pm EST
Responses to Requests for Clarification on RFP Issued	10/14/22
Deadline for Proposers to Submit Technical Proposals	10/21/22 By 4:00pm EST
Contractor Selected*	10/28/22
Preconstruction Services Contract Negotiated	11/04/22

\* The Department may, at its discretion, add one-on-one interviews to the evaluation process.

## **V. COMMUNICATIONS IN REFERENCE TO THIS RFP**

Any communication in reference to this RFP shall be in writing via fax or email and directed to the attention of:

Name: George MacDougall, P.E.  
Title: Contracts and Specifications Engineer  
Fax: 207-624-3431  
Email: [George.MacDougall@maine.gov](mailto:George.MacDougall@maine.gov)  
\*please copy e-mails to: [Andrew.W.Lathe@maine.gov](mailto:Andrew.W.Lathe@maine.gov)

## **VI. PROPOSAL SUBMITTAL REQUIREMENTS**

The proposal shall consist of two parts, a Technical Proposal and a Price Proposal.

### **A. TECHNICAL PROPOSAL**

The Technical Proposal shall consist of one hard copy and one electronic copy in PDF format organized as follows:

1. Cover Letter
2. Table of Contents
3. Body of Technical Proposal
  - a. Proposers Organization
  - b. Key Personnel Resumes  
Firm Qualifications and Experience
  - c. Approach to the work

No facsimile, email, or other web-based type submittals for the Technical Proposal are allowed.

### **B. CM/GC PRECONSTRUCTION PRICE PROPOSAL**

The submittal shall consist of one (1) copy of the CM/GC Preconstruction Price Proposal in a separately sealed envelope. CM/GC Preconstruction Price Proposals may be submitted in electronic or hard copy format. Electronic format shall be submitted via DVD, CD, or flash drive only in PDF file format. The separately sealed envelope shall be clearly marked as follows:

Proposer' Name  
CM/GC Preconstruction Price Proposal  
Old Town, Llewellyn Estes Bridge #1 and #2 Project

No facsimile, email, or other web-based type submittals for the CM/GC Preconstruction Price Proposal are allowed.

### **C. TIME AND LOCATION OF SUBMISSION**

Technical and Price Proposals shall be delivered to MaineDOT's receptionist or mailroom prior to the time and date specified in Section IV. The address for U.S. mail, hand, overnight, or courier delivery is:

Maine Department of Transportation

ATTN: George M. A. Macdougall, P.E.  
16 State House Station  
24 Child Street  
Augusta, ME 04333-0016

#### **D. LATE PROPOSALS**

Any Proposal, portion of a Proposal, or un-requested Proposal revision received at MaineDOT after the time and date specified in Section IV of this RFP **will not** be accepted.

#### **VII. MATERIALS AND INFORMATION SUPPLIED BY MAINEDOT**

The following items are available for downloading at MaineDOT's project website at:

[https://file.ac/DP9mm4qTA\\_M/](https://file.ac/DP9mm4qTA_M/)

1. Utility listing with contact information.
2. MaineDOT team member listing with contact information.
3. Existing bridge plans.
4. Inspection and Condition Reports for the Llewellyn Estes Bridge #1 (dated 5/17/2022, 9/29/2020, 6/04/2020) and the Llewellyn Estes Bridge #2 (dated 5/17/2022, 9/29/2020, 6/05/2020).
5. Load Ratings, dated 2/09/1989 & 5/18/2010.
6. Geotechnical Reports, dated 01/24/1951 & 12/06/2021.
7. Environmental Summary, dated 2/14/2022.
8. Hydrology Report.
9. Bathymetry Data.
10. Preliminary Design Report, dated 6/02/2020.
11. Environmental contract package, dated 02/14/2022.
12. Plans and Specifications from the combined Highway & Bridge project previously advertised on 2/16/2022.

#### **VIII. REQUESTS FOR INFORMATION AND RFP AMENDMENTS**

During the Proposal preparation period, all requests for clarification and/or additional information shall be submitted in writing via e-mail to [George.MacDougall@maine.gov](mailto:George.MacDougall@maine.gov) or by fax at (207) 624-3431, no later than the date and time specified in Section IV. Late requests for clarification will not be accepted. If you are using e-mail to submit your request for information, please copy the e-mail to [Andrew.W.Lathe@maine.gov](mailto:Andrew.W.Lathe@maine.gov).

These requests for clarification and/or additional information shall be marked as follows:

SUBJECT: Clarification to RFP for CM/GC Preconstruction Services for the Old Town, Llewellyn Estes Bridges #1 and #2.

When appropriate, responses to requests, as well as any MaineDOT-initiated changes, will be provide to all prospective Proposers as amendments to the RFP, and will be placed in writing on the MaineDOT website at: <http://www.maine.gov/mdot/cpo/rfps/> no later than the date specified in Section IV.

**IT IS THE PROPOSER'S RESPONSIBILITY TO CHECK THE REFERENCED WEBSITE FOR ANY NEW AMENDMENTS.**

## **IX. GENERAL INFORMATION**

- A. A copy of the Consultant General Conditions is available on the MaineDOT website at: <http://www.maine.gov/mdot/cpo/docs/general/consultant-general-conditions.pdf>
- B. This RFP does not commit MaineDOT to pay any costs incurred by proposers for their costs or expenses associated with meeting the requirement of this RFP or otherwise pursuing the award of a contract for these services.

## **X. REQUIRED AVAILABILITY OF KEY PERSONNEL**

Listed personnel in the Proposer's Organization and Key Personnel Expertise section of the Proposal constitutes an agreement by the Proposer to make the personnel available to complete work on the contract at whatever level the Project requires. It is expected that the Contractor's Key Personnel will remain assigned and active in the Project until completion. Any changes in assignment, roles, or activity of the Key Personnel will require written review and approval by the Department and will be resolved through a contract modification. Modifications to the Proposer's Team or Key Individuals and other personnel listed in the Proposal will not be approved without justification. Examples of possible justification include death of a team member, changes in employment status, bankruptcy, inability to perform, organizational conflict of interest, or other such significant cause. In order to secure MaineDOT's approval, a written request shall be forwarded to the person and address as shown in **Section V** of this RFP. The request shall include:

1. The nature of the desired change,
2. The reason for the desired change, and
3. A statement of how the desired change will meet the required qualifications for the position/responsibility.

No such modification will be made without prior MaineDOT approval.

## **XI. PROPOSAL EVALUATION, SELECTION, AND AWARD**

### **A. MAINEDOT SELECTION PANEL**

A Selection Panel of Three to Five members will be appointed by the MaineDOT Director of Project Development.

### **B. EVALUATION PROCESS**

All Proposals received will be reviewed according to the responsiveness requirements listed in Section XII-A.

The Selection Panel members will receive copies of all responsive proposals. Each member will review the proposals independently based on the specified evaluation criteria. Selection

Panel members will be given a minimum seven calendar days for independent review of the proposals.

The Selection Panel will meet to discuss the individual proposals. The discussion will identify and document the strengths and weaknesses in each evaluation criteria for each Proposer. The Selection Panel will develop a consensus score for each category for each proposer. The scores for each category will be added together to become the Final Technical Score.

After Final Technical Scores are computed, the highest rated Proposer and MaineDOT will schedule a negotiation session to agree on estimated work hours and costs of the scope of work for preconstruction CM/GC services. If costs cannot be agreed to, MaineDOT reserves the right to negotiate with the next highest ranked Proposer.

The successful Proposer will be awarded a contract for the scope of work detailed in Appendix B for preconstruction CM/GC services. Award of contract will be contingent on availability of key proposed Project Management Team staff.

## **XII. PROPOSAL CONTENT AND EVALUATION CRITERIA**

### **A. RESPONSIVENESS CRITERIA FOR TECHNICAL PROPOSAL**

1. Submit up to a two-page cover letter indicating the following:
  - a. A statement that the firm desires to be considered for the subject project.
  - b. A statement that the firm commits to actively participate in the CM phase in order to develop appropriate and constructible design plans.
  - c. Evidence that the firm has a bonding capacity of at least \$20 Million for a single contract.
  - d. Acknowledgement that the firm is required to have a Bridge Prequalification with MaineDOT to be considered. For information and applications to obtain a MaineDOT prequal, go to <http://www.maine.gov/mdot/contractors/prequal/>
2. As part of the Technical Proposal include descriptions of at least 3 active or completed similar and comparable major bridge projects within the past 5 years. Project references with contact information must be included.

### **B. EVALUATION CRITERIA FOR TECHNICAL PROPOSAL**

1. **Proposer's Organization and Key Personnel Expertise - 30 Points**
  - a. Provide an organizational chart showing the structure of the Proposer's organization. The chart must show the functional structure of the organization and must identify Key Personnel by name and position.
  - b. Provide job descriptions, responsibilities, and authority for each working title. Identify the following Key Personnel:
    1. Project Manager - This individual is responsible for the overall management and coordination of the project. The Project Manager is

expected to be involved in all preconstruction and construction services and is the main point of contact to the Project Team.

2. Construction Engineer - This individual is responsible for engineering support of the construction operations, including but not limited to layout, concrete form design, false work design, lifting plans, and erection plans. The Construction Engineer is expected to provide input on constructability and risk during the preconstruction phase.
  3. Cost Estimator - This individual is responsible for developing construction cost estimates at various preconstruction stages. The Cost Estimator is expected to provide input on price and risk during the preconstruction phase.
  4. Scheduler - This individual is responsible for creating, updating, and maintaining construction schedules at various preconstruction stages as well as during construction.
  5. Up to two additional individuals the Proposer considers as key to the success of the Project.
- c. For each of the Key Personnel, provide a narrative response to the following:
1. Describe why the named individual was selected to fill this role for this Project.
  2. Describe the areas of expertise this individual will provide to the Project Team in either or both the Preconstruction and Construction phase of the Project.
  3. Describe the individual's experience interacting and collaborating with design firms and/or owners on the development and construction of highway and/or bridge projects.
- d. Provide resumes for each of the Key Personnel. Resumes shall include the individual's education, work history, length of tenure with the Proposer, and relevant experience with similar projects. Resumes shall be limited to two (2) pages per person.

## **2. Proposer's Past Performance and Experience - 30 Points**

- a. Provide a narrative response for the Proposers' firm responding to **all** of the following (*if the Proposer is a partnership or a joint venture, provide responses for each partner or member*):
1. Describe the firm's resources and commitment to supporting and ensuring the success of this Project.
  2. Describe the firm's experience in construction and management of construction on Bridge projects with similar size, complexity, and challenges as this Project.

3. Describe the firm's experience with alternate project delivery methods, such as Design-Build, CM/GC, Progressive Design-Build, etc.
- b. Select up to a total of three complete or substantially complete relevant projects constructed by the Proposer. If the Proposer is a partnership or joint venture, all firms shall be represented by one or more of the three projects allowed. Provide, at a minimum, the following:
  1. The project/contract name, including a description of the scope and how it is relevant to the Project
  2. Description of services provided
  3. Overall construction cost of project, as applicable, including initial contract value and change orders, including reasons for change orders
  4. Organizational structure of service delivery under the contract (include the owner's organization as it interfaced with the respondent's contract)
  5. State the role that key personnel proposed for the Lewellyn Estes Bridge project played in the reference projects.
  6. Schedule history (was the project completed on time?)
  7. Reference(s) for Owner and Design Consultants
  8. Claim history of the project.

**3. Project Approach - 40 Points**

- a. Provide a description of your team's planned approach to this Project. Describe each of the following:
  1. Proposers understanding of the Project.
  2. Include discussion of your firm's approach in providing successful construction services based on prior experience and how it applies to meeting the Project goals. Include specific examples of your firm's processes (estimates, progress reports, schedules, constructability reviews, value engineering studies, forms, cost savings, plan reviews, general conditions budgets, organizational structures, quality control, etc.).
  3. Propose a construction approach and sequence that optimizes value to the Project, with a realistic view of known constraints and goals. Discuss factors that would affect schedule and cost such as outside constraints, seasonal work, materials, equipment, and labor availability, etc.
  4. Identify other Resources and Capabilities. Describe additional unique resources and capabilities that your company will bring to the Project and

how these unique resources and capabilities will be beneficial in achieving the Project goals.

5. Discuss the potential Project challenges. Describe any Project challenges that are anticipated by your company and how you plan to mitigate the risk of these challenges.
  6. Discuss your approach to safety during the design and construction phases that will keep the traveling public and workers safe.
- b. In conjunction with your team's Project Approach, your team may have some innovative ideas that may or may not meet the requirements of the RFP that could increase the likelihood for success. Please discuss these further as follows:
1. Describe specific technical or production ideas or innovations related to design or construction that may further improve reaching Project goals.
  2. Describe impacts of the idea or innovation(s) on time, cost, and/or quality.

### **XIII. CONTRACT TERM, TYPE, AND PAYMENT METHOD**

The initial contract term for Preconstruction CM/GC Services will be for a period through December 31<sup>st</sup>, 2023, commencing upon contract execution.

The contract type utilized for this Project will be a Construction Manager/General Services Preconstruction Contract, and the method of payment will be commercial hourly rate.

### **XIV. ADVANTAGEME**

The State of Maine requires vendors register in the AdvantageME (financial) system. If the Firm has not registered already, go to the Bureau of Purchases website at <http://www.maine.gov/purchases/> and register. If there are any questions about the registration process for AdvantageME, the telephone number of the Vendor Help Desk is (207) 624-7889. If the Firm has already registered, fill in the correct Vendor ID number to assure that payments are sent to the correct address.

### **XV. CONFIDENTIALITY**

Except as provided below regarding Sections XVII.C and D, the information contained in the Proposals submitted for the State of Maine's consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the Proposals becomes public record and is therefore available for public inspection upon request.

According to State of Maine procurement law, the content of all Proposals, correspondence, addenda, memoranda, working papers, or any other medium which disclose any aspect of the RFP process will be considered public information when the award decision is announced. This includes all Proposals received in response to this RFP, both the selected Proposal and the

Proposal(s) not selected and includes information in the Proposals that a Proposer may consider to be proprietary in nature.

If, MaineDOT terminates the CM/GC process under Section XVII.C or D, and decides to procure through a competitive bidding process, then such plans, specifications, and other work product generated by the Contractor during the CM process will be disclosed in the bid package as would, in the sole discretion of MaineDOT, create a level playing field amongst all bidders.

## **XVI. CONTRACTOR PROTEST RULES**

This section sets forth the exclusive protest remedies available with respect to this RFP. By submitting a Proposal, each Proposer expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies, and agrees that the decision on any protest, as provided herein, shall be final and conclusive. Every Proposer who submits a Proposal will be notified of their selection status via email. To protest a determination that a Proposer is unsuccessful, Proposers must file a written Notice of Protest with the Commissioner within five (5) days after receiving notification. At a minimum, the Notice of Protest must contain:

- A. The specific legal and/or factual errors that the Proposer alleges were made by MaineDOT in determining that the Proposer was unsuccessful;
- B. The specific relief sought;
- C. A request to submit additional written evidence and arguments, (if desired); and
- D. A designation of counsel or any other party that will be representing the parties in the protest (if any).

Within five (5) Days of the filing of a Notice of Protest, the protesting Proposer, the Contract Representative, and the Apparent Successful Proposer must file with the Commissioner (or such other person as the Commissioner may designate in writing):

- A. all additional written evidence and arguments that the parties desire the Commissioner to consider in evaluating the protest, and
- B. a request for a hearing, if desired. No hearing will be held unless such written evidence and arguments are submitted by the party requesting a hearing. Within said time period, copies of all such material submitted must be delivered to said other parties.

If held, the hearing will take place within ten (10) Days of the filing of written evidence and arguments by the protesting Proposer, the Contract Representative, or the Apparent Successful Proposer, whichever occurs later, at a time and place determined by the Commissioner. The parties agree to accept twenty-four (24) hour telephone notice of such hearing. The protesting Proposer, the Apparent Successful Proposer, and the Contract Representative or their designees shall each be afforded an opportunity to be heard by the Commissioner or his designee.

Within ten (10) Days of (a) the close of the hearing (if held), or (b) the last filing of written evidence and arguments (if no hearing is held), the Commissioner or his designee(s) will:

- A. In writing, affirm the determination that the protesting Proposer is unsuccessful;
- B. In writing, revise, amend, or reverse said determination; or
- C. Take no action, which shall be considered an affirmation of said determination.

This shall constitute the final agency action of the Maine Department of Transportation regarding the protest.

## **XVII. CMGC PROCESS**

### **A. PRECONSTRUCTION SERVICES**

The selected Contractor will be awarded a preconstruction services contract, prepared and administered by MaineDOT. The cost of the contract will be based upon negotiated commercial hourly rates for key personnel and support staff identified on the Project Team that will participate on the project. This contract will be subject to the MaineDOT Consultant General Conditions. Specific project requirements (further outlined in Appendix B – Preconstruction Phase Services – Scope of Work) will be identified in the contract. These requirements can include, but are not limited to:

1. Constructability reviews of the design.
2. Assistance in shaping the project scope of work to the available budget.
3. Assistance in improving project schedule.
4. Providing detailed cost estimates and cost estimate breakdowns of elements of the work as the design is developed using open-book methods.
5. Design reviews to ensure that the package is complete and without ambiguity, errors and omissions.
6. Assistance in improving the quality of the design.

### **B. CONTRACTOR SUBMITS BID FOR PROJECT (EARLY PROCUREMENT)**

The Contractor may be asked to procure long lead materials such as bridge girders, retaining wall panels, piling, and other materials that may be in short supply or require longer than desired lead times from purchase to delivery. MaineDOT may also procure through the Contractor such services as pavement cores, pipe videos, borings, or other investigations to facilitate the design. MaineDOT may choose to exercise this option if the early procurement saves significant construction time, money, or avoids potential delays once the project begins. MaineDOT reserves the right to procure long lead items independent of the Contractor.

If MaineDOT elects to use this early procurement option, it proceeds as follows:

1. The Contractor will prepare a bid to supply the item(s), including all other costs associated with the procurement (such as transportation, storage, etc.). The bid is only for purchased items and should not include mobilization for construction or other unrelated costs.

2. The Contractor will submit the bid to MaineDOT. MaineDOT may secure an independent cost estimate (ICE) for the item(s). Upon opening the Contractor's bid, MaineDOT will determine the acceptability of the bid by comparing it to MaineDOT bid averages, similar projects, the independent cost estimate (if applicable) and the engineer's estimate.

MaineDOT personnel reviewing these costs may include: the Project Manager, members of the design team, the resident engineer, the ICE, FHWA representatives, and staff from Project Development.

If the prices are not acceptable, MaineDOT may enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the items may be re-bid. If this is not successful, MaineDOT has the option to accept the revised price, negotiate a price with the Contractor, or to procure the items later as part of the bid process for the construction project or by some other method. The construction contract is prepared and executed to cover only the defined procurement services. Site preparation to support the procurement or additional procurement services may be made a part of this contract.

### **C. CONTRACTOR SUBMITS BID FOR PROJECT (EARLY CONSTRUCTION CONTRACT)**

If time and/or money can be saved by allowing the Contractor to start initial work prior to the completion of the total design package, MaineDOT may ask the Contractor to prepare a lump sum or unit cost bid for all or a portion of the work.

If MaineDOT elects to use this contracting option, it proceeds as follows:

1. MaineDOT and the Contractor will agree upon a scope of work to accomplish in this phase of the contract. The agreement may take the form of a set of plans or it may consist of something less formal such as sketches, drawings, or written descriptions. Both parties must agree that the scope of work is clear and unambiguous.
2. The Contractor will prepare a bid to perform the agreed to scope of work. The bid will be based on the estimating model and the most recent Construction Cost Estimate for the agreed scope of work.
3. The Contractor will prepare and submit the bid and supporting cost model through MaineDOT Contracts Section. MaineDOT will secure an independent cost estimate for the work. Upon opening the Contractor's bid, MaineDOT will determine the acceptability of the bid by comparing it to MaineDOT bid averages, similar projects, the independent cost estimate and the engineer's estimate.

MaineDOT personnel reviewing these costs may include: the Project Manager, members of the design team, the resident engineer, the ICE, FHWA representatives, and staff from Project Development.

If the prices are acceptable, MaineDOT will prepare a construction contract for this portion of the work. If a previous construction contract had been entered into, a separate contract may be prepared, or the work may be added to that contract by supplemental agreement at the discretion of MaineDOT.

If the prices are not acceptable, MaineDOT may enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the work will be re-bid. MaineDOT has the option to accept the revised price, negotiate a price with the Contractor, or to terminate the CM/GC process and procure the construction project by some other method.

#### **D. CONTRACTOR SUBMITS BID FOR PROJECT (DESIGN IS SUBSTANTIALLY COMPLETE)**

When MaineDOT, the designer, and the Contractor agree that the project has been designed to a sufficient level of detail to allow the Contractor to accurately bid the project, the following procedure will be used:

1. The designer will produce a set of plans and specifications showing all work to be accomplished. The plans will also show all work accomplished under any previous Early Construction packages.
2. The Contractor will prepare and submit the bid and supporting cost model through MaineDOT Contracts Section. MaineDOT will secure an independent cost estimate for the work. Upon opening the Contractor's bid, MaineDOT will determine the acceptability of the bid by comparing it to MaineDOT bid averages, similar projects, the independent cost estimate and the engineer's estimate.

MaineDOT personnel reviewing these costs may include: the Project Manager, members of the design team, the resident engineer, the ICE, FHWA representatives, and staff from Project Development.

If the prices are acceptable, MaineDOT will prepare a construction contract. If a previous construction contract had been entered into, a separate contract may be prepared, or the work may be added to that contract by supplemental agreement at the discretion of MaineDOT.

If the prices are not acceptable, MaineDOT will enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the project will be re-bid. MaineDOT has the option to accept the revised price, negotiate a price with the

Contractor, or to terminate the CM/GC process and procure the construction Project by some other method.

#### **E. CONTRACTOR BUILDS PROJECT**

The Construction Manager begins the role of General Contractor utilizing the Contractor's Key Personnel.

**PRECONSTRUCTION PHASE CM/GC SERVICES PROPOSAL**

**PROJECT: OLD TOWN, LLEWELLYN ESTES BRIDGE #1 AND #2**

**WIN 022511.01; 022512.01**

**PROPOSER:** \_\_\_\_\_

**Instructions:** Proposer shall identify their proposed Key Personnel and resource staff, the estimated hours, the proposed fully burdened hourly rate and the total cost for all personnel required for completing the Preconstruction Phase Services Work identified in the RFP and Appendices. Add personnel as needed to the list below.

Once completed, Form PP-1 shall be submitted with the Proposal in a separate, sealed envelope as required by the RFP.

The estimated hours shown in the table below represent only a conceptual estimate of the magnitude of expected hours. The successful proposer and the MaineDOT will refine the estimated hours and costs prior to executing the CM/GC Preconstruction Contract. Payment will be made on the actual number of hours worked.

<b>KEY PERSONNEL OR RESOURCE STAFF</b>	<b>ESTIMATED HOURS</b>	<b>PROPOSED HOURLY RATE (\$)</b>	<b>COST (Rate x Hours = \$)</b>
Project Manager	1000		
Construction Engineer	500		
Cost Estimator	500		
Scheduler	200		
		<b>TOTAL:</b>	<b>\$</b>