MAINE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PROPOSALS
FOR
CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC)
PRECONSTRUCTION SERVICES
FOR THE
WESTERN MAINE PAVING BUNDLE
(WINs 25129.00, 25131.00, 25443.00, 25845.00, and 25915.00)

DATE OF REQUEST FOR PROPOSALS (RFP) POSTING:

February 2nd, 2022

I. INTRODUCTION AND PROJECT DESCRIPTION

A. Project Description

The Maine Department of Transportation is seeking Technical and Price Proposals for Construction Manager/General Contractor (CM/GC) Services for Preconstruction Services for a Western Maine Paving Bundle. The Paving Bundle consists of a package of 5 total segments located on Route 26 (Woodstock, Greenwood, and Bethel), Route 108 (Peru), and the Parkway Road (Bethel).

B. CM/GC Introduction

Construction Manager/General Contractor (CM/GC) is an alternative delivery method that involves engaging a contractor or contractor team in the design phase to provide constructability, cost estimating, scheduling and other services. During the design phase of the project, the Contractor performs a Construction Manager (CM) role. Once the design phase has reached an appropriate stage, the Contractor is given the opportunity to provide a proposed cost to the owner to construct the project. The Owner and Contractor then attempt to negotiate an agreed price. If an agreement is reached, the Contactor is awarded the construction contract and then becomes the General Contractor (GC). If agreement cannot be reached, the CM phase ends and the Owner may deliver the project by a different method. The CM/GC Process for the Western Maine Paving Bundle is described in more detail in Section X.

II. PROJECT GOALS

The goals for this CM/GC Process are to:

minimize and mitigate risk;
optimize construction schedule;
improve overall quality; and
reduce costs.

III. PROJECT AND PROCUREMENT SCHEDULE

CMGC RFP Issued:	February 2nd, 2022
Proposal Submission Deadline:	March 2nd, 2022
CM Contractor Selected:	March 16th, 2022
CM/GC Design Workshops:	week of March 28th, 2022
Adjusted specifications released for pricing:	April 11th, 2022
CM Contractor Bid Due (by 4:00 p.m.)	April 25th, 2022
Project contract offer/negotiations:	week of May 2nd, 2022
Notice to proceed for Construction:	May 20th, 2022

Construction Complete: November 10th, 2023

IV. PROPOSAL SUBMITTAL REQUIREMENTS

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

The Price Proposal shall consist of one completed copy of the Price Proposal Form supplied by the Department in a sealed envelope clearly marked as follows:

Proposer's Name
CM/GC Price Proposal
Western Maine Paving Bundle

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

Cover Letter
Proposers Organization
Key Personnel Resumes
Firm Qualifications and Experience

This RFP does not commit MaineDOT to pay any costs incurred by proposers for their costs or expenses associated with meeting the requirements of this RFP.

A. Time and Location of Submission

Technical and Price Proposals shall be delivered to MaineDOT by mail or courier delivery by 4:00 P.M. on Wednesday, March 2nd, 2022. Proposals received after March 2nd, 2022 will not be accepted.The address for US Mail and 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

V. MATERIALS AND INFORMATION SUPPLIED BY MAINEDOT

The following documents are available on the MaineDOT contracts webpage:

- Location Map with proposed scopes
- Preliminary Contract Quantities (basis of price proposal)
- Preliminary Major Item Quantities per Project
- Preliminary Typical Sections
- Preliminary Environmental Restrictions
- Preliminary Work Restrictions
- Paving Specifications

VI. REQUESTS FOR INFORMATION AND RFP AMENDMENTS

RFIs may be emailed directly to RFI-Contracts.MDOT@maine.gov with the subject of "RFI – Northern Maine Paving Bundle". Answers will be posted as 'Amendments' on the website with this Notice. Bidders shall not contact any other departmental staff. The Department will not be responsible for any answers given or information not posted on the website. RFIs will be received up to12:00 noon of the Monday prior to the submission deadline.

VII. PROPOSAL CONTENT AND EVALUATION CRITERIA

A. Basis of Award

The basis of award for the CM phase of the project will be the lowest adjusted price which will be the Price Proposal divided by the Technical Score.

B. Evaluation Criteria of Technical Proposal

The Technical Proposal will be reviewed for responsiveness and if responsive, consensus scored by a selection panel of three to five members appointed by the MaineDOT Director of Project Development. The maximum technical proposal score is 100 points, the minimum responsive score will be 75 points.

1. Responsiveness Criteria for Technical Proposal:

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 the amount of their price proposal.
d) Acknowledgement that the firm is required to have a Paving 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. Scoring Criteria for Technical Proposal:

a) Proposers Organization and Key Personnel Experience (20 Points)
    1) 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.
    2) Identify and provide job descriptions, responsibilities, and authority for the following Key Personnel that will be assigned to this project:
        i. Project Manager – This individual is responsible for the overall management and coordination of the project.
        ii. Project Superintendent – This individual is responsible for planning and execution of the related construction work in the field.
        iii. Quality Control Administrator – This individual is responsible for planning and execution of all Quality Control related activities in the field, plants, and pits
    3) Provide resumes for each of the Key Personnel
    4) Future substitution of submitted Key Personnel will require Department approval.
b) Proposer's Past Performance and Experience (20 Points)
    1) Describe the firms experience in construction and management of similar size Highway projects
    2) Provide descriptions of active or completed similar and comparable highway paving projects. Project references with contact information must be included.
c) Project Schedule (20 Points)
    1) At a minimum, the Schedule of Work shall include a bar chart which shows the major Work activities, milestones, durations, submittals and approvals, and a timeline. Milestones to be included in the schedule

include: (A) start of Work, (B) beginning and ending of planned Work suspensions, (C) Completion of Physical Work, and (D) Completion. If the Contractor Plans to Complete the Work before the specified Completion date, the Schedule shall so indicate.

2) Any restrictions that affect the Schedule of Work such as paving restrictions or In-Stream Work windows must be charted with the related activities to demonstrate that the Schedule of Work complies with the Contract.

d) Describe the Proposers resources and commitment to ensuring the success of the project (30 Points)
   i. Proposed Mix Plant Location
   ii. Proposed aggregate sources (Pits) and Mix Designs (JMFs) meeting MaineDOT requirements.
   iii. QC approach including a draft QC plan to manage all operations (See Special Provision 401 – Section 401.191)

e) Approach to Traffic Control (10 Points)

C. Price Proposal & Determination of Successful Proposer

The Price Proposal shall consist of the total sum of all unit price items listed on the included price proposal form. The Price Proposal will remain sealed until the normally scheduled bid opening on March 16th, 2022 at which time it will be opened and read publicly. The Department will compute an adjusted price by dividing the price proposal by the cumulative technical score at the opening. The Apparent Successful Proposer will be determined by the lowest adjusted price. Formal notification of the successful and unsuccessful proposers will be done by email following the meeting.

VIII. CONTRACT TERM, TYPE, AND PAYMENT

To offset the cost of participation in the CM Process, the selected CM will be paid a lump sum stipend of $10,000 at the conclusion of the CM process if the Department and the CM are unable to reach an agreement on a construction contract.

IX. CONTRACTOR PROTEST PROCEDURE

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).

If the protesting proposer's price proposal is such that if awarded the maximum technical score would not change the determination of successful proposer, then the protest is considered invalid and the

protesting proposer will be notified that their protest is unsuccessful. If a valid protest, MaineDOT will transmit a copy of said Notice of Protest to the Apparent Successful Proposer within twenty-four (24) hours of receipt.

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.

X. CMGC PROCESS

The selected contractor will be required to participate in an expedited design review process with the Department. This process is expected to last one to two months and will require the Contractor to attend and participate in up to two design review meetings per week. Attendance may be in person or remote but it is expected that the Contractor will make every effort to provide access to the Key Personnel listed in the Proposal.

The focus of the design review process will be to examine the proposed scope(s) and contracting requirements of the Western Maine Paving Bundle for opportunity to reduce cost and risk and improve overall quality. The Department may consider any ideas to meet those goals, but expects to focus on the following:

1. Overall Traffic Control Parameters
2. Time requirements
3. Materials and mix designs
4. Warranty
5. Haul distances and locations
6. Schedule of Work

The Department will be responsible to evaluate, design, and detail any proposed changes to the contract package.

After the Department has adjusted the bid package, the Contractor will then price the work and submit an offer amount for the entire contract. Unit Prices for the Highway work already submitted as part of the CM price proposal are the maximum prices and will not be increased unless the Department and the Contractor mutually agree that the nature of the Highway work has been changed and those prices are no longer valid. The Department will also develop their own independent cost estimate based on the adjusted bid package to use as a basis of negotiation for the project.

Upon submission of the offer by the Contractor, the Department and the Contractor will attempt to negotiate a final price and terms of a construction contract. If successful, the Department and Contactor will execute a standard construction contract. If unsuccessful, the CM process is ended, and the Department may accomplish the project through a different delivery method.