

NEBRASKA DEPARTMENT OF TRANSPORTATION

Design-Build
Request for Qualifications
50th Street to I-480 Project
Interstate 80 (I-80)

Project Number: NH-MTIS-80-9(203)

Control Number: 22855

Issued:

January 30, 2026



Table of Contents

1.1	Introduction	1
1.2	Initialisms and Definitions.....	1
1.3	RFQ Documents	1
1.4	Overview of Procurement.....	1
1.5	Project Goals	1
1.6	Project Information.....	1
1.7	State and Federal Requirements	2
1.7.1	Equal Employment Opportunity	2
1.7.2	Disadvantaged Business Enterprises	2
1.7.3	Prevailing Wages	2
1.7.4	On the Job Training (OJT).....	2
1.8	Bonds, Insurance, Guarantees and Indemnity	2
1.8.1	Bonds.....	2
1.8.2	Insurance	3
1.8.3	Indemnity.....	3
1.8.4	Guarantors	3
2.1	Procurement Method	4
2.2	Authorized Representatives	4
2.3	Procurement Schedule	4
2.4	Rules of Contact	5
2.5	Questions and Requests for Clarifications Regarding the RFQ	5
2.6	Amendments.....	6
2.7	Confidentiality of Submitted SOQs.....	6
2.7.1	Release of Information and Open Records.....	6
2.7.2	Observers During Evaluation.....	7
2.7.3	Non-Disclosure Requirement.....	7
2.8	Required Percentage of Work.....	7
2.9	Organizational Conflicts of Interest	7
2.10	Ineligible Individuals and Firms	7
2.11	Changes in Proposer Organization	8
2.11.1	Changes in Proposer Organization.....	8
2.11.2	Changes in Category A & B Key Personnel.....	8
2.12	Qualification to Do Business and Necessary Certifications	9
2.12.1	Prequalification Requirements.....	9
2.12.2	Required Licenses.....	10
2.13	Non-Collusion	10
2.14	Protest Procedures	10
2.14.1	Applicability	10
2.14.2	Deadlines for Protests	10
2.14.3	Content of Protest	10
2.14.4	Filing of Protest	10
2.14.5	Burden of Proof	11
2.14.6	Decision on the Protest	11
2.14.7	Protestor's Payment of Costs	11
2.15	Procurement Expenses and Stipend.....	11
3.1	General Submittal and Format Requirements	12

3.1.1	Letter of Interest	12
3.2	Contents of SOQ.....	13
3.3	Submittal Requirements.....	15
3.3.1	Transmittal Letter and Attachments	15
3.3.2	Legal Structure	15
3.3.3	Financial Capacity	16
3.3.4	Safety Program	16
3.3.5	Category B Key Personnel Experience.....	16
3.3.6	Firm Experience and Past Performance	17
3.3.7	Team Organization and Category A Key Personnel Experience.....	19
3.3.8	Project Understanding and Approach	21
4.1	Initial Responsiveness Review.....	22
4.2	Pass/Fail Review	22
4.3	SOQ Evaluation and Scoring	23
4.3.1	Firm Experience and Past Performance	23
4.3.2	Team Organization and Category A Key Personnel Experience.....	24
4.3.3	Project Understanding and Approach	24
4.4	Notification of Shortlisting.....	25
5.1	Proposer Debrief Meeting	26
5.2	Reserved Rights	26

EXHIBITS

- Exhibit A Initialisms and Definitions
- Exhibit B Project Description, Status, and Schedule

FORMS

- Form A Transmittal Letter
- Form B-1 Proposer's Organization Information
- Form B-2 Major Participant and Designer Certification
- Form B-3 DBE Goal Declaration Affidavit
- Form D Safety Questionnaire
- Form E Category B Key Personnel Experience and Resumé Instructions
- Form F-1 Firm Experience
- Form F-2 Past Performance
- Form G-1 Category A Key Personnel Experience and Resumé Instructions
- Form G-2 Category A Key Personnel Work Assignment Commitment of Availability
- Form H Proposer Questions

1 GENERAL

1.1 Introduction

The Nebraska Department of Transportation (NDOT) is pleased to present this Request for Qualifications (RFQ) to prospective entities (Proposers) interested in submitting a Statement of Qualifications (SOQ) to design and construct improvements along approximately 2 miles of Interstate 80 consisting of an added travel lane and reconstructing the existing main lanes from 50th Street to I-480, including modifications to the 42nd Street interchange in Cuming and Dodge Counties of Nebraska (Project), through a Design-Build Agreement (DBA).

1.2 Initialisms and Definitions

Capitalized terms and Initialisms have the meaning shown in [Exhibit A](#).

1.3 RFQ Documents

This RFQ consists of the following documents and any other documents that may be issued by Amendment or supplement:

- 1) This RFQ and associated Exhibits, Forms and Attachments
- 2) Reference Information Documents (if any)

1.4 Overview of Procurement

This RFQ is the first step of a two-step procurement as further described in [Section 2.1](#) (Procurement Method). The purpose of the RFQ is to solicit information, in the form of a SOQ, which NDOT will evaluate in order to select a shortlist of Proposers eligible to participate in the next step of the procurement. Only the Shortlisted Proposers will be eligible to submit Proposals for the Project.

For the next step of the procurement process, NDOT will be seeking Proposals from Shortlisted Proposers in response to a Request for Proposals (RFP), one of whom will be selected to enter into a DBA to design and construct the Project.

1.5 Project Goals

NDOT's vision for delivering the Project is to increase capacity and make operational improvements. Consistent with NDOT's vision, NDOT has established the following Project goals:

1. Minimize impacts to the travelling public during construction.
2. Prioritize the safety of the workers and the public during construction.
3. Provide schedule and budget certainty while meeting quality standards.
4. Maintain good public relations during construction.

1.6 Project Information

See [Exhibit B](#) for Project information including Project description, status, funding and schedule information. Note that the information in [Exhibit B](#) is currently under further development by NDOT and may be modified, reduced, or expanded with the release of the RFP.

1.7 State and Federal Requirements

All procurement documents and any agreements thereunder will conform to requirements of applicable State and federal law, regulations, and policies.

1.7.1 Equal Employment Opportunity

Proposers shall not discriminate against any employee or applicant for employment based on race, color, religion, sex, national origin, age, marital status, sexual orientation, or being physically challenged. Proposers shall take affirmative action to ensure that all applicants are treated without regard to their race, color, religion, sex, national origin, age, marital status, or being physically challenged. Such action shall include, but not be limited to, the following: layoff or termination; rates of pay or other forms of compensation; employment; job assignment; upgrading; demotion; transfer recruitment/recruitment advertising; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training. Davis-Bacon wage rates are required.

1.7.2 Disadvantaged Business Enterprises

Proposers responding to this RFQ must include with their submission a signed affidavit, Form B-3 (DBE Goal Declaration Affidavit), acknowledging the Firm's commitment to comply fully with U.S. DOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115) and the DBE Goal requirements as further defined in the RFP, when issued.

The U.S. Department of Transportation (USDOT) issued the Interim Final Rule for Disadvantaged Business Enterprise Program. NDOT has suspended all DBE goal setting until further reevaluation under the revised certification standard (49 CFR 23.3 & 26.67). An assessment will be made during the RFP-phase and a DBE Participation Goal, if any, will be established at that time. Proposers should be prepared and capable of fulfilling a DBE Participation Goal between 0 and 5% of the contract value.

1.7.3 Prevailing Wages

Davis-Bacon wage rates will apply.

1.7.4 On the Job Training (OJT)

Proposers shall comply with NDOT's Training Special Provisions (1-8-0420), including participation in the OJT Program and meeting contractor-specific OJT goals assigned by NDOT. Proposers responding to this RFQ acknowledge such requirements and commit to fully comply with the OJT trainee participation goal. A project specific OJT participation goal will not be established.

1.8 Bonds, Insurance, Guarantees and Indemnity

1.8.1 Bonds

As part of NDOT's evaluation of Proposer's financial capacity in Section 3.3.3 (Financial Capacity), each Proposer is required to demonstrate its capacity to obtain a payment and performance bond (**Payment and Performance Bond**) in the amount listed in Section 3.3.3. Proposer shall attach a notarized statement from an eligible surety committing to issue the bond.

1.8.2 Insurance

Proposer shall provide evidence of capability to obtain insurance as provided in Section 3.3.3 (Financial Capacity).

1.8.3 Indemnity

The selected Best Value Proposer that enters into an agreement to design and construct the Project will be required to indemnify NDOT and others with respect to certain third-party claims arising out of the Work. The indemnity provisions will be set forth in the RFP.

1.8.4 Guarantors

Proposers are advised that if it is not capable of obtaining a Payment and Performance Bond, NDOT will not allow the use of a Guarantor in lieu of obtaining a Payment and Performance Bond.

2 RFQ PROCESS

2.1 Procurement Method

NDOT is issuing the RFQ in accordance with the provisions of Nebraska Revised Statutes Section 39-2813 and other applicable provisions of law.

NDOT will use a two-step process to select the Design-Builder. This RFQ represents the first step in the process to solicit information from Proposers in the form of SOQs. In accordance with Section 4 (SOQ Evaluation Process), NDOT will evaluate the SOQs received in response to this RFQ and, on the basis of these evaluations, intends, but is not bound, to **shortlist up to three Proposers** in accordance with the procedures and evaluation criteria described in this RFQ. **NDOT will use the evaluation scores from the SOQ, price, and Proposal to determine the Apparent Best Value Proposer.**

In the second step, NDOT intends to invite shortlisted Proposers to participate in the industry review process and submit Proposals in response to the RFP (Proposals) in accordance with Nebraska Revised Statutes Section 39-2814 through 39-2816. NDOT will evaluate and score all Proposals and select one of the shortlisted Proposers in accordance with the criteria and procedures to be set forth in the RFP.

NDOT anticipates that the Apparent Best Value Proposer will enter into the DBA with NDOT to design and construct the Project. The DBA will set forth the terms of the Design-Builder's compensation.

2.2 Authorized Representatives

NDOT has designated the following individual to be its authorized representative for the procurement (**Authorized Representative**) who will provide all official Project communications:

Kyle Keller, P.E.
Project Development Engineer
1500 Nebraska Parkway, Lincoln, NE 68502
402-479-4798

ndot.alternativedelivery@nebraska.gov

2.3 Procurement Schedule

NDOT anticipates the following dates as Project milestones leading to DBA award. This schedule is subject to revision by Amendment and the RFP.

Activity	Anticipated Date
Issue RFQ	January 30, 2026
Deadline to Submit Questions on RFQ	February 9, 2026 (12:00 p.m. CT)
Issue Responses to Questions on RFQ and RFQ Amendment 1 (if required)	February 13, 2026
Letter of Interest Due	February 17, 2026 (12:00 p.m. CT)
SOQ Due Date	March 3, 2026 (12:00 p.m. CT)
Announce Shortlist	March 31, 2026
Issue Draft RFP	April 9, 2026

2.4 Rules of Contact

The rules of contact remain in effect until execution of the DBA or until the formal cancellation of the procurement by NDOT. Proposer shall comply with all applicable Laws and refrain from lobbying any governmental authority in connection with the procurement process.

Contact includes face-to-face, telephone, facsimile, electronic mail (e-mail), social media, instant messages, texts, or formal written communication.

No employee, member, agent, advisor, or consultant of any Proposer, or Major Participants may undertake any ex-parte communications, directly or indirectly, regarding this procurement with any other Proposer or representative of NDOT, or FHWA, including staff, advisors, contractors, or consultants, except for communications expressly permitted by this RFQ.

Proposers may contact stakeholders regarding the Project, including employees, representatives, members and consultants of stakeholders only after receiving prior written approval from NDOT. Requests for such contact shall be submitted in writing to NDOT's Authorized Representative.

The list of stakeholders for this Project includes the following:

- 1) Environmental regulatory and permitting agencies;
- 2) Utility owners along the project corridor; and
- 3) City of Omaha, NE

Any official information regarding the Project will be in writing and signed by NDOT's Authorized Representative.

2.5 Questions and Requests for Clarifications Regarding the RFQ

Proposer may submit questions and request written clarifications using Form H (Proposer Questions) prior to the dates specified in Section 2.3 (Procurement Schedule). In completing Form H, Proposer shall specify the relevant document and include the relevant page and section number for reference.

Proposer shall submit any questions or requests for clarification regarding the language of the RFQ that it considers ambiguous, contrary to legal requirements applicable to the procurement, and items which appear to exceed NDOT's authority. Failure to identify such items during the question-and-answer period shall signify a waiver of Proposer's rights to protest such terms that Proposer considers ambiguous, contrary to legal requirements applicable to the procurement, and items which appear to exceed NDOT's authority.

NDOT will only consider questions submitted using Form H (Proposer Questions) via email to the NDOT Authorized Representative in accordance with the requirements described below. All communication with respect to questions regarding the RFQ between NDOT and Proposer shall be in writing.

NDOT will consider questions in issuing RFQ Amendment 1, if required. NDOT evaluates all questions or requests submitted and may elect, at its discretion, to respond to questions through written responses. Responses to questions will be issued on the date specified in the Procurement Schedule. NDOT will post any or all answers to Proposer questions for all Proposers without any Proposer identification.

2.6 Amendments

NDOT reserves the right to revise this RFQ by issuing Amendments to this RFQ up to a week prior to the SOQ Due Date specified in Section 2.3 (Procurement Schedule). NDOT will post Amendments on the Website.

Proposers shall monitor the Website identified above for information concerning this procurement, as teams responding to this RFQ must acknowledge in the transmittal letter (Form A (Transmittal Letter)) that they had access to and reviewed all materials posted on the Website. Courtesy notifications by NDOT of Amendment issuance will not be made. Failure by Proposer to acknowledge, using Form A (Transmittal Letter), that they have reviewed all materials and Amendments may, in NDOT's sole discretion, result in the disqualification of Proposer's SOQ.

The Receipt of Amendments issued prior to submission of the SOQ shall be acknowledged in the Transmittal Letter (Form A (Transmittal Letter)).

2.7 Confidentiality of Submitted SOQs

2.7.1 Release of Information and Open Records

All SOQs will be deemed, once submitted, to be the property of NDOT. NDOT will not disclose any portion of any SOQ prior to award to anyone outside of NDOT, other than representatives of FHWA, if required.

NDOT will have the right to duplicate, use, or disclose all SOQ data, except proprietary data, submitted by Proposers in response to this RFQ as a matter of public record. Although NDOT recognizes each Proposer's possible interest in preserving selected data in a SOQ, NDOT will treat such information as provided by Proposer pursuant to Nebraska's Public Records Act.

If the SOQ contains information that Proposer declares proprietary in nature, each sheet containing such information shall be clearly designated as proprietary at the top and bottom of the page and shall be watermarked "CONFIDENTIAL".

NDOT will endeavor to advise Proposer of any request pursuant to the Nebraska Public Records Acts and any other applicable laws for the disclosure of any material properly labeled as proprietary, trade secret, or confidential so as to allow Proposer the opportunity to seek a court order to protect such materials from disclosure. Under no circumstances, however, will NDOT be responsible or liable to Proposer or any other party for the disclosure of any such labeled materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of NDOT or its officers, employees, contractors, or consultants. NDOT will not be required to advise a Proposer as to the nature or content of documents entitled to protection from disclosure under the Nebraska Public Records Act, as to the interpretation of the Nebraska Public Records Act, or as to the definition of trade secret. Proposer shall be solely responsible for all determinations made by it under applicable laws and for clearly and prominently marking each and every page or sheet of materials in the SOQ with "TRADE SECRET" or "CONFIDENTIAL" as it determines to be appropriate. **Blanket designations that do not identify the specific information or pages shall not be acceptable and may be cause for NDOT to treat the entire SOQ as public information.** Each Proposer is advised to contact its own legal counsel concerning the Nebraska Public Records Act and other applicable laws and their application to Proposer's own circumstances. In the event of litigation concerning the disclosure of any material submitted by Proposer, to the extent legally permissible NDOT's involvement will be limited to that of a stakeholder retaining the material until otherwise ordered by a court and Proposer shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk. Proposer shall reimburse NDOT for any expenses it incurs in connection with any such litigation.

2.7.2 Observers During Evaluation

Proposer is advised that observers from federal or other agencies including FHWA, as well as NDOT consultants, may observe the SOQ evaluation process and will be permitted to view the SOQs. All persons provided with access to the SOQs will maintain confidentiality of the information contained therein in accordance with NDOT policy. All scoring members will be employees of NDOT.

2.7.3 Non-Disclosure Requirement

Proposer team may be given access to records, which are confidential under State laws, solely for the purpose of performing the required services under the DBA. Proposer shall be required to sign a non-disclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents.

2.8 Required Percentage of Work

NDOT will not allow Proposer to subcontract more than seventy percent (70%) of the Work, excluding specialty items, with labor provided by employees of Proposer and equipment owned or rented by Proposer. Specialty items are those services or items that are not usually furnished by a Proposer performing the particular type of service in the DBA and will be further defined in the DBA.

2.9 Organizational Conflicts of Interest

An organizational conflict of interest for this Project shall be understood as the participation by a Major Participant, or an affiliate of any Major Participant, on more than one Proposer team. With respect to Proposer, the term “affiliate” shall mean any other organization that is under common ownership with Proposer.

Proposer shall include a full disclosure of all potential organizational conflicts of interest, including all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116 (the Rules).

Proposer is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement process with anyone with an organizational conflict of interest.

Proposer and each Major Participant identified on Form B-1 (Proposer Organization Information) shall disclose all conflicts of interest, including all present or planned contractual arrangements with NDOT on Form B-2 (Major Participant and Designer Certification).

By submitting a SOQ, each Proposer agrees that, if an organizational conflict of interest (as defined in the Rules) is thereafter discovered, Proposer must make an immediate and full written disclosure to NDOT that includes a description of the action that Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, NDOT may, at its discretion, cancel the procurement, disqualify any Proposer with a conflict or take other action as necessary to mitigate the conflict. If Proposer was aware of an organizational conflict of interest prior to the award of the DBA and did not disclose the conflict to NDOT, NDOT may pursue remedies under the DBA including termination for default.

2.10 Ineligible Individuals and Firms

No entity that has been disbarred or suspended from bidding or is otherwise ineligible for state or federal contracts may participate on any Proposer team.

At the time of submitting its SOQ, Proposer and each Major Participant identified on Form B-1 (Proposer Organization Information) shall certify on Form B-2 (Major Participant and Designer Certification) that it is not presently debarred, suspended, proposed for debarment, voluntary excluded, or disqualified from bidding by any federal or state agency.

The following organizations hired by NDOT shall be ineligible to compete for this Project pursuant to Nebraska Revised Statutes Section 39-2810:

- 1) American Structurepoint, Inc.
- 2) Garver, LLC
- 3) Olsson, Inc.
- 4) HDR, Inc.

Proposer team members participating in the Project shall arrange their affairs so as to prevent such conflicts of interest from arising. Any Proposer team member having an actual, potential or perceived conflict of interest shall disclose the matter to NDOT in writing. Failure to comply with this requirement may result in potential liability to NDOT and preclusion from participation in the Project.

2.11 Changes in Proposer Organization

If a Proposer must make changes after submitting its SOQ, Proposer shall provide NDOT with the same information required under this RFQ for such entity or personnel establishing that Proposer team and its members still meet or exceed all SOQ qualification requirements. Prior to execution of the DBA, a Proposer may not make any changes in its Category A Key Personnel except under unusual and unforeseen circumstances beyond Proposer's control. Requests for changes must be made in writing no later than 30 days prior to the due date for submittal of Proposals.

2.11.1 Changes in Proposer Organization

Proposers are advised that, in order for a Proposer team to remain qualified to submit a Proposal in response to the RFP after they have been short-listed, their organization, including all Major Participants, specialty subcontractors, and Category A Key Personnel identified in the SOQ, must remain intact for the duration of the procurement process and thereafter throughout the DBA term.

Proposers must provide a written statement committing that the Category A Key Personnel designated in the SOQ for the positions or roles described in Section 3.3.7 (Team Organization and Category A Key Personnel Experience) shall be available to serve the role so identified in connection with the Project.

All changes to a Proposer's team members identified in its SOQ after submittal of the SOQ, such as changes to its Major Participants, Category A Key Personnel, and equity members bearing financial responsibility or liability for the performance of Proposer will require prior written approval by NDOT, which may be granted or withheld at NDOT's sole discretion.

NDOT acknowledges that personnel availability and scheduling issues may affect Proposers; however, Proposers shall identify and propose only those individuals whom they intend to make available for, and assign to, the Project in the positions identified.

2.11.2 Changes in Category A & B Key Personnel

Any Category A Key Personnel change made without the written consent of NDOT shall result in Proposer being disqualified. Approval of Category A Key Personnel changes shall be at NDOT's

sole discretion. Approved replacement of Category A Key Personnel will require re-evaluation of the replacement Category A Key Personnel. Replacement of the Category A Key Personnel in this circumstance may result in decreasing the SOQ Evaluation Score that will be carried forward into the Proposal evaluation. The replacement of the Category A Key Personnel in this circumstance will not result in an increase to the SOQ Evaluation Score.

Replacement of Category B Key Personnel requires informing NDOT, but such Category B Key Personnel must meet the minimum requirements in Section 3.3.5 (Category B Key Personnel Experience). NDOT will have sole discretion to determine if Category B Key Personnel replacements meet the minimum requirements.

2.12 Qualification to Do Business and Necessary Certifications

2.12.1 Prequalification Requirements

As of the Effective Date of the DBA, the Design-Builder and all Major Participants must be authorized to do business in the State of Nebraska.

Each Proposer, including any Proposer submitting a SOQ as a joint venture, and all Major Participants must be authorized to do business in Nebraska and prequalified with the Construction Division (as provided in Nebraska Revised Statutes §39-1351 and §39-1352 and NDOT Rules and Regulations Title 49 Section 002) in an amount deemed by NDOT to be sufficient to perform all Work anticipated in this Project.

Any Proposer and Major Participant that is currently prequalified with the Construction Division must certify, in a *Prequalification Status Verification Letter*, signed by the President, Chief Executive Officer, Chief Financial Officer, Treasurer, or equivalent position, in each case authorized and empowered to certify on behalf of its company, dated no earlier than **14 days** prior to the deadline for submission of the SOQ, as described on the website, certifying that:

- No material change has occurred in the respective entity's financial position since the date of its most recent prequalification by NDOT.
- No voluntary or involuntary bankruptcy, insolvency, liquidation, restructuring, suspension of payments, scheme or arrangement, appointment of provisional liquidated, receiver, or administrative receiver, resolution or petition for winding-up or similar proceeding, under any applicable law, in any jurisdiction, is imminent or threatened.
- Its financial position does not reflect any material contingent liabilities (including off-balance sheet liabilities), unusual forward or long-term commitments, and that, if a Proposer is ultimately selected as the "Apparent Best Value Proposer" (with its then-identified Proposer team), the entity has sufficient financial capacity, strength, and ability to carry out the Project responsibilities.

Proposer shall include the *Prequalification Status Verification Letter* in **Part A**.

Any Proposer that is not currently prequalified must submit an application and be prequalified at the time of submission of the SOQ. Proposer submit the application at least **14 days** prior to the date for submission of the SOQ.

Additional information for prequalification requirements can be found using the link below:

<https://dot.nebraska.gov/business-center/business-opp/hwy-bridge-lp/prequal/>

2.12.2 Required Licenses

The Apparent Best Value Proposer will be required to provide evidence at the time of award that it and its Category A Key Personnel have all licenses, registration, and credentials required by the laws of the State of Nebraska to design and construct the Project. Such information shall include any information on the revocation or suspension of any license, credential, or registration. Any personnel not so licensed shall be subject to all legal penalties imposed by law, including but not limited to any disciplinary action by the State of Nebraska Board of Engineers and Architects. Failure to obtain proper and adequate licensing for award may, in NDOT's sole discretion, constitute a failure to execute the DBA.

2.13 Non-Collusion

Proposer agrees upon submitting a SOQ that its agents, officers and employees have not directly or indirectly entered into any agreements, participated in any collusion, or otherwise taken any actions in restraint of free competitive bidding in connection with its SOQ for the Project.

2.14 Protest Procedures

2.14.1 Applicability

Protests may only be brought by Proposers submitting a SOQ and are limited to:

- A determination as to whether Proposer's own SOQ is responsive to the requirements of this RFQ,
- A determination as to whether Proposer's own SOQ passes the pass/fail criteria in this RFQ, as applicable.

An individual Proposer cannot protest determinations made on SOQs from other Proposers.

2.14.2 Deadlines for Protests

Such a protest shall be filed promptly, and in any event no later than **5 business** days after receipt of the notification of either (i) non-responsiveness or (ii) failure to pass all pass/fail criteria set forth in the RFQ for matters related to pass/fail and responsiveness.

2.14.3 Content of Protest

A protest shall completely and succinctly state the grounds for protest, its legal authority, and its factual basis, and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. The protest shall also include the name and address of the protestor and the Project number. Statements shall be sworn and submitted under penalty of perjury.

2.14.4 Filing of Protest

Proposer shall promptly notify the Authorized Representative via email of the intent to protest. Protests shall be filed by hand delivery, as soon as the basis for protest is known to Proposer or before the deadline for protest to:

Nebraska Department of Transportation
Director's Office
1500 HWY 2
Lincoln, NE 68502

2.14.5 Burden of Proof

The protestor has the burden of proving its protest by clear and convincing evidence. Any Proposer submitting a protest shall respond to reasonable information requests from NDOT relating to the protest and applicable subject matter. The protest shall be decided on the basis of written submissions, and no Proposer shall have any right to a hearing or oral presentation regarding the applicable protest.

2.14.6 Decision on the Protest

NDOT will promptly issue a decision in writing. A copy of that decision will be mailed or otherwise furnished to Proposer and will state the reason for the decision. The decision by the Director of the Nebraska Department of Transportation shall be final.

2.14.7 Protestor's Payment of Costs

If a protest is denied or otherwise unsuccessful, Proposer filing the protest shall be liable for, and shall indemnify, defend and hold NDOT harmless from and against, all costs reasonably incurred to defend against or resolve the protest, including attorneys' fees and other legal and consultant fees and costs, and any unavoidable damages sustained by NDOT as a consequence of the protest.

2.15 Procurement Expenses and Stipend

Proposers are solely responsible for all costs and expenses of any nature associated with responding to the RFQ, including attending meetings and providing supplemental information. NDOT will not reimburse such costs in whole or in part in any circumstance.

NDOT intends to offer each unsuccessful Shortlisted Proposer that submits a responsive Proposal to the RFP a stipend in the amount of \$150,000 in exchange for ownership of the Proposal work product and the ideas contained therein, including alternative technical concepts. Details regarding the stipend amount, payment eligibility requirements, and payment terms and conditions will be set forth in the RFP. NDOT intends to require a stipend agreement from those Shortlisted Proposers who elect to accept the stipend offer.

3 SOQ CONTENTS AND SUBMITTAL REQUIREMENTS

3.1 General Submittal and Format Requirements

NDOT must receive SOQ submittals no later than the time and day specified in Section 2.3 (Procurement Schedule). Late submittals will not be considered.

NDOT has established a SharePoint site for the purpose of receiving SOQs and will provide access instructions in separate communication.

Proposer shall submit only PDF files of the SOQ. The PDF files shall be searchable and include bookmarks aligned with the organization described in Section 3.2 (Contents of SOQ) to facilitate navigation of the document.

All pages of the SOQ (with the exception of **Parts A through E** and the organization chart described in Section 3.3.7 (Team Organization and Category A Key Personnel) shall be 8.5" by 11" with a margin of no less than one inch provided on all pages (excluding header/footer text). Margins on forms provided by NDOT shall not be modified. Font shall be Arial. The minimum font size shall be 11-point; however, 10-point text is permissible on charts, graphs, and tables. Use of section dividers is allowed, as are tables of contents, and cover sheets. These sheets will not count against the total page count. The total number of pages for the SOQ shall not exceed **17 pages**.

The parts of the Proposal shall be named using the following naming convention:

[Proposer Name]_[I80 Design_Build]_Unit 1

[Proposer Name]_[I80 Design_Build]_Unit 2

Proposer acknowledges that uploaded SOQs cannot be modified; however, prior to the date and time specified in Section 2.3 (Procurement Schedule), revised versions of the SOQ may be uploaded to SharePoint. Revised versions, if required, shall be clearly identifiable as resubmissions, and Proposers shall notify the Authorized Representative, via email, of the appropriate version to use.

NDOT will not accept any unsolicited amendments, revisions, or alterations to any SOQ after the SOQ Due Date and time. Proposer may withdraw its SOQ at any time prior to shortlisting by providing written notice to the Authorized Representative.

3.1.1 Letter of Interest

All interested parties shall, on or before the date listed in Section 2.3 (Procurement Schedule), submit a Letter of Interest, attention ndot.alternativedelivery@nebraska.gov, identifying, at a minimum, the name of the firm representing Proposer and a Point of Contact (POC). The Letter of Interest is not intended to be a SOQ, but simply a vehicle to communicate interest in the Project. The Letter of Interest shall not exceed one page in length. The email shall include "50th Street to I-480 Design-Build Project Letter of Interest" in the subject line.

The POC is responsible for initiating and receiving all communication with NDOT and shall delegate the full authority of Proposer to communicate with NDOT throughout the procurement process. The POC may be changed upon request.

Proposers not submitting a Letter of Interest by the due date are prohibited from participating in the procurement process.

3.2 Contents of SOQ

The contents of the SOQ shall be organized into the order set forth in this Section 3.2 (Contents of SOQ). For purposes of submitting the SOQ, the Proposal shall be organized into two units, each with several parts as explained below:

Unit 1 Contents:

- Part A;
- Part B;
- Part C;
- Part D; and
- Part E

Unit 2 Contents:

- Part F;
- Part G; and
- Part H

The requirements and information to be submitted are described below.

SOQ Part	Section Title and Required Information	Page Count	RFQ Reference
Part A	<p>Transmittal Letter</p> <p><u>Form A</u> (Transmittal Letter) (to be signed by duly authorized representatives of all equity members of Proposer’s team)</p> <p>Prequalification Status Verification Letter</p>	N/A	3.3.1 and 2.12
Part B	<p>Legal Structure</p> <p>Legal structure and supporting documents or description of proposed legal structure, including:</p> <p>Conflict of Interest Statement identifying any actual and/or potential conflicts</p> <p><u>Form B-1</u> (Proposer’s Organization Information, including identification of Major Participants)</p> <p><u>Form B-2</u> (Major Participant and Designer Certification)</p> <p><u>Form B-3</u> (DBE Goal Declaration Affidavit)</p>	N/A	3.3.2

SOQ Part	Section Title and Required Information	Page Count	RFQ Reference
Part C	Financial Capacity Verification of Proposer's ability to secure Payment and Performance Bond Verification of ability to secure insurance	N/A	3.3.3
Part D	Safety Program <u>Form D</u> (Safety Questionnaire)	N/A	3.3.4
Part E	Category B Key Personnel Experience <u>Form E</u> (Category B Key Personnel Experience and Resumé Instructions)	N/A	3.3.5
Part F	Firm Experience and Past Performance A narrative summary of each firm's capability and capacity. Firm Experience to include: Roadway Design Experience Structural Design Experience Drainage Design Experience <u>Form F-1</u> (Firm Experience) (maximum three projects per Major Participant) <u>Form F-2</u> (Past Performance)	8 pages	3.3.6
Part G	Team Organization and Category A Key Personnel Experience Brief narrative of significant functional relationships among participants and how the proposed organization will function as an integrated Proposer. Organization Chart (11" by 17") Evidence of Proposer's ability to meet license requirements <u>Form G-1</u> (Category A Key Personnel Experience and Resumé Instructions) <u>Form G-2</u> (Category A Key Personnel Work Assignment Commitment of Availability)	A maximum of 5 pages is permitted, one for each of the 5 identified Category A Key Personnel in <u>Section 3.3.7</u> (Team Organization and Category A Key Personnel Experience). Organizational chart will not be counted towards the overall SOQ page limit.	3.3.7
Part H	Project Understanding and Approach A narrative describing Proposer's understanding of the Project and approach to achieving the Project goals.	4 pages	3.3.8

3.3 Submittal Requirements

3.3.1 Transmittal Letter and Attachments

Proposer shall address the following and submit it under **Part A** of the SOQ:

- Form A (Transmittal Letter). A duly authorized representative of Proposer shall sign the letter. For Proposers that are joint ventures, partnerships, limited liability companies, or other associations, authorized representatives of all equity members of Proposer's team shall sign the letter. By signing the letter, all authorized representatives are verifying the accuracy of the information submitted as part of the SOQ.
- Prequalification Status Verification Letter

3.3.2 Legal Structure

Proposer shall address the following and submit it under **Part B** of the SOQ:

- Legal structure of Proposer and its organization. If Proposer's organization has already been formed, provide complete copies of the organizational documents. If Proposer organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements. In the event that agreements between Major Participants have not been finalized at the time of the SOQ submittal, Major Participants shall submit letters of agreement signed by an authorized officer of each Major Participant noting the type of relationship to be entered into prior to the SOQ (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents prior to Proposal submittal. If Proposer is a partnership, joint venture, or other association, the SOQ must identify the percentage equity interest of each member.
- If Proposer is a partnership, limited partnership, joint venture, or other association, all members of Proposer must agree to be fully liable for the performance under the Design-Build Agreement by executing Form A (Transmittal Letter).
- Name and describe all Major Participants as defined in this RFQ.
- A statement from Proposer identifying any actual and potential conflicts of interests the equity members and major participants may have with other clients they represent (refer to Section 2.10 (Ineligible Individuals and Firms)).
- In cases where Major Participants on different Proposer organizations belong to the same parent company, each Proposer must describe how conflicts of interest would be avoided by the participants through the RFQ and RFP phases of the Procurement. NDOT may disqualify a Proposer if any of its Major Participants belong to more than one Proposer organization.
- Major Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form B-1 (Proposer Team's Organization Information) and Form B-2 (Major Participant and Designer Certification).
- Major Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form B-3 (DBE Goal Declaration Affidavit).

3.3.3 Financial Capacity

Proposer shall address the following and submit it under **Part C** of the SOQ:

- Provide a letter or other written documentation from a surety or insurance company stating that Proposer is capable of obtaining a Payment and Performance Bond (refer to Section 1.8 (Bonds, Insurance, Guarantees and Indemnity) covering the Project. The surety letter shall indicate that the surety or insurance company has reviewed Proposer’s and relevant entities’ financial statements, works in progress, and other applicable information, and is of the opinion that Proposer could obtain a Payment and Performance Bond in an amount of **\$75 million. Letters indicating “unlimited” bonding capability are not acceptable.**
- Proposers shall provide insurance certifications, either a certificate of insurance evidencing current policies of, or written evidence from an insurance company or broker indicating that Proposer is capable of obtaining the following types of insurance: Commercial General Liability, Professional Liability / Errors and Omissions, Auto Liability, Workers’ Compensation/Employers Liability, and Pollution Liability. Policy limit requirements will be specified in the RFP.

3.3.4 Safety Program

Proposer shall complete Form D (Safety Questionnaire) for each Major Participant and submit it under **Part D** of the SOQ.

3.3.5 Category B Key Personnel Experience

Proposer shall complete Form E (Category B Key Personnel Experience). Experience shall include projects of similar size, scope and complexity to the Project. See Category B Key Personnel Experience Requirements in this Section 3.3.5.

Except for the Quality Manager, the same individual may fill more than one Category B Key Personnel position; however, a separate Form E and resumé is required for each position.

The table below identifies the responsibilities and minimum number of relevant years of experience of the Category B Key Personnel assigned to the Project.

Category B Key Personnel Responsibilities and Experience Requirements

Category B Key Personnel	Responsibilities / Relevant Experience
Quality Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for establishing and supervising Design-Builder’s quality assurance and quality control program for the design and construction of the Project until Final Acceptance. • oversee the work of the design quality control manager. • work for the Design-Builder under the direct supervision of an executive officer, independent of the Project Manager. • be assigned to the Project as needed during design and onsite full-time during construction of the Project. • not be assigned any other duties or responsibilities on this Project.

Category B Key Personnel	Responsibilities / Relevant Experience
	<ul style="list-style-type: none"> • have the authority to stop any and all construction Work. • be a registered professional engineer in the State of Nebraska by the time of DBA award. <p>Relevant Experience: The individual shall have a minimum of 5 years' experience coordinating and managing quality programs on roadway and bridge projects, including any design-build experience.</p>
Safety Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for establishing and supervising Design-Builder's entire safety program. • work for the Design-Builder. • be required to be onsite full-time during the construction phase of the Project. • be familiar with NDOT and FHWA work zone safety regulations, and must have successfully completed the ATSSA program and received the Nebraska Traffic Control Supervisor (TCS) certification by the time of DBA award. <p>Relevant Experience: The individual shall have a minimum of 5 years' experience coordinating safety programs on urban roadway projects, including any design-build experience.</p>
Environmental Compliance Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for monitoring, documenting, and reporting environmental compliance for the Design-Builder. • have overall responsibility for the Environmental Management Program to ensure that issues are resolved before construction work begins and to ensure compliance with environmental commitments and requirements through the term of the DBA. • be available and onsite as required to fulfill all responsibilities during the Project. <p>Relevant Experience: The individual shall have a minimum of 5 years' experience environmental compliance experience on transportation projects, including any design-build experience.</p>

3.3.6 Firm Experience and Past Performance

Proposer shall address the following and submit it under **Part F** of the SOQ:

(1) Firm Experience

Provide a narrative summary of the expertise and capability of each Major Participant with respect to projects of comparable size, scope and complexity. Include a description of each of the Major Participant's relevant experience, demonstrating the ability to successfully design and construct

urban roadway and bridge projects, and describing strategies that can be implemented to successfully deliver the Project. Include a description of how, if any, the Major Participants have worked together in the past and how that experience can be leveraged to benefit the Project.

In addition, using Form F-1 (Firm Experience), following the instructions provided, list the relevant project experience for each of the Major Participants.

The Design Firm shall present projects that demonstrate meeting the following minimum experience requirements.

Roadway Design Experience Requirements

Completed final design of urban freeway projects within the past 10 years, including:

- Roadway reconstruction, rehabilitation, resurfacing or widening projects.
- Demonstrated capability to integrate roadway design with:
 - Traffic operations and safety requirements.
 - Maintenance of traffic (MOT) on high volume corridors.
 - Utility coordination requirements.
 - Drainage and hydraulics
- Experience coordinating multidisciplinary inputs (bridge, drainage, geotechnical, environmental, ITS/traffic systems) to maintain design continuity.

Bridge Design Experience Requirements

Completed final design of bridge design projects within the last 10 years for highway structures, including:

- Bridge rehabilitation, repair, widening, and replacement projects.
- Experience evaluating or designing:
 - Steel and concrete superstructures
 - Substructures including abutments and pile supported foundations
 - Retaining walls, noise barrier walls, and culverts
 - Miscellaneous structures including overhead sign structures and bridge mounted sign structures
- Demonstrated use of AASHTO LRFD Bridge Design Specifications
- Experience coordinating bridge design decisions with roadway profile, drainage, MOT, and utility relocations.

Drainage Design Experience Requirements

Completed final design of drainage or hydraulic design projects completed in the last 10 years related to transportation facilities, including:

- Experience designing or evaluating:
 - Storm sewer system and highway drainage for urban roadway reconstruction projects, including culverts, ditch, detention features, underdrain, bridge deck drain, and temporary drainage
 - Erosion and sediment control

- Experience in coordination with utilities and other disciplines
- Experience preparing drainage calculations and plans
- Demonstrated capability to integrate drainage decisions with roadway alignment, MOT, bridge features, and utility conflicts.

(2) Past Performance

Proposer shall use and complete Form F-2 (Past Performance) for each Major Participant, providing information related to the following for projects over the past 5 years:

- Litigation, Claims, Dispute Proceedings, and Arbitration
- Termination for cause
- Awards, Citations, and Commendations

3.3.7 Team Organization and Category A Key Personnel Experience

Proposer shall address the following and submit it under **Part G** of the SOQ:

(1) Team Organization

Proposer shall provide an organizational chart that graphically depicts the functional structure of the organization and reporting relationships for managing, designing, and constructing the Project.

The organizational chart shall identify:

- Proposer and all Major Participants
- Category A and B Key Personnel by name and company
- All critical functional relationships between project management, executive oversight, construction management, quality management, and environmental compliance, among others, if not made clear by the Category A and B Key Personnel reporting structure

The chart must show the functional structure of the organization down to the design discipline leader or construction superintendent level.

Proposer shall provide a brief, written description of significant functional relationships among participants, briefly describing how Proposer’s organization will integrate the design and construction functions and how Proposer’s team will interface with NDOT.

This information shall be submitted in a one-page organization chart in 11-inch by 17-inch format (not included in the page count).

(2) Category A Key Personnel Experience

Proposer shall provide a narrative describing the **relevant project experience** of the Category A Key Personnel listed below and how that experience can be leveraged on the Project to help achieve NDOT’s Project goals listed in Section 1.5 (Project Goals) and deliver a successful Project.

The narrative shall not exceed 5 pages, which is limited to 1 page for each of the five identified Category A Key Personnel. The same individual may fill more than one Category A Key Personnel position; however, a separate Form G-1 (Category A Key Personnel Experience and Resumé Instructions) is required for each position.

The table below provides a brief job description and duties of the Category A Key Personnel assigned to the Project.

Category A Key Personnel Responsibilities and Experience Requirements

Category A Key Personnel	Responsibilities / Relevant Experience
Project Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for the overall design, construction, quality, and DBA administration for the design and construction of the Project. • be required to be onsite full time during the design and construction phases of the Project until Final Acceptance. <p>Relevant Experience: This individual shall have a minimum of 10 years' experience managing the design and construction of urban roadway and bridge projects, including any design-build experience.</p>
Construction Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be assigned to the Project as needed during design and onsite full-time during construction of the Project until Final Acceptance. <p>Relevant Experience: This individual shall have a minimum of 7 years' experience managing the construction of urban roadway and bridge projects, including any design-build experience.</p>
Design Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for coordinating the individual design disciplines • be responsible for ensuring that the overall Project design is completed in accordance with the DBA requirements. • be onsite full-time during the design phase and as required during the construction phase of the Project. • be responsible for design quality management and shall be the Coordinating Professional (Engineer of Record) who will have primary responsibility for design. • be a licensed professional civil engineer in the State of Nebraska by the time of the DBA award. <p>Relevant Experience: The individual shall have a minimum of 10 years' experience managing the design of urban roadway and bridge projects, including any design-build experience.</p>
Lead Structural Engineer	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for overseeing the design of all structural elements such that they are complete and meet design requirements. • be responsible for interdisciplinary design reviews. • be a licensed professional civil engineer in the State of Nebraska by the time of the DBA award.

Category A Key Personnel	Responsibilities / Relevant Experience
	<p>Relevant Experience: The individual shall have a minimum of 10 years' structural design experience of highway structures including bridge rehabilitation, repair, widening, and replacement projects.</p>
Traffic Control Implementation Manager	<p>Responsibilities: This individual shall:</p> <ul style="list-style-type: none"> • be responsible for implementing the Transportation Management Plan. • be responsible for overseeing the implementation of MOT plans to confirm compliance with approved designs and applicable standards. • verify that all traffic control measures meet design criteria, safety regulations, and DBA requirements during construction activities. • coordinate closely with field crews, project management, and NDOT to address any deviations or site-specific challenges, ensuring that adjustments maintain safety and operational efficiency. • be an employee of the Design-Builder and act as the primary point of contact for MOT related issues throughout construction. <p>Relevant Experience: The individual shall have a minimum of 5 years' experience overseeing the implementation of MOT plans during construction of urban roadway and bridge projects similar in size and scope as the Project, including any design-build experience.</p>

3.3.8 Project Understanding and Approach

Proposer shall provide the following information to demonstrate Proposer's familiarity with the Project, Project requirements, and planned approach to successfully delivering the Project.

- Provide a narrative demonstrating Proposer's understanding of the Project and explaining Proposer's approach to achieving the Project goals (see Section 1.5 (Project Goals)).
- Describe how Proposer intends to leverage the unique characteristics of design-build delivery to provide benefit to the Project including the proposed approach for coordinating with NDOT and other agencies.
- Describe the risk management approach for the Project, identifying any unique Project risks and any challenges Proposer believes the Project may face in addressing them.
- Describe Proposer's proposed management approach and procedures for cost and schedule control to achieve successful delivery of the Project.
- Provide an overview of the quality management program for both design and construction including a description of NDOT's and the Design-Builder's roles and responsibilities.

4 SOQ EVALUATION PROCESS

NDOT will initially review the SOQs for responsiveness to the requirements of this RFQ as described in Section 4.1 (Initial Responsiveness Review) and then perform a Pass/Fail review as described in Section 4.2 (Pass/Fail Review). A SOQ that does not receive a “Pass” rating on any pass/fail element in Section 4.2 will not progress to further evaluation and scoring. After evaluation and scoring, NDOT will determine the shortlist as described in Section 1.4 (Overview of Procurement) and Section 2.1 (Procurement Method). Interviews will not be conducted.

4.1 Initial Responsiveness Review

NDOT will review the SOQs for responsiveness. A responsive SOQ shall be complete and shall not deviate from the RFQ requirements listed in Section 3 (SOQ Contents and Submittal Requirements) in any material respect. NDOT may, but is not required to, request clarifications for any information provided and waive any deficiencies, irregularities, or technicalities.

4.2 Pass/Fail Review

Parts A through E of a responsive SOQ will be evaluated on a non-scored pass/fail basis. For an SOQ to achieve a passing rating, each of the following categories shall meet the minimum requirements as set forth below. The initial pass/fail review does not preclude a later finding of non-responsiveness by NDOT.

Part	Description
A	Transmittal Letter and Attachments
B	Legal Structure
C	Financial Capacity
D	Safety Program
E	Category B Key Personnel Experience

Part A - Transmittal Letter and Attachments: NDOT will use the information provided in **Part A** in response to Section 3.3.1 (Transmittal Letter and Attachments) to assess whether Proposer meets the minimum requirements listed below:

- Completion and signing of the Form A (Transmittal Letter) and applicable table of contents. Each of the equity members of Proposer have agreed to be jointly and severally liable for performance under the DBA, as reflected in the executed Form A (Transmittal Letter).
- Completion and signing of the Prequalification Status Verification Letter

Part B - Legal Structure: NDOT will use the information provided in **Part B** in response to Section 3.3.2 (Legal Structure) to assess whether Proposer meets the minimum requirements listed below:

- Proposer has the legal capability to conduct business in the State of Nebraska and to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in **Part B** of the SOQ.
- Proposer has agreed to adhere to the Project’s DBE requirements as provided in Form B-3 (DBE Goal Declaration Affidavit).

The information disclosed in the SOQ, including Form B-1 (Proposer Team’s Organization Information) and Form B-2 (Major Participant and Designer Certification) does not adversely affect Proposer’s ability to carry out its Project responsibilities.

Part C – Financial Capacity: NDOT will use the information provided in **Part C**, in response to the submittal requirements in Section 3.3.3 (Financial Capacity), to assess whether Proposer meets the minimum requirements listed below:

- The surety or insurance company is admitted to do business in the State of Nebraska.
- The surety or insurance company is rated in the top two categories by two nationally recognized rating agencies, or have a “Best’s Credit Rating” of at least “A minus” and “Class IX” or better by A.M. Best Company.
- Proposer demonstrates its ability to comply with the Project’s bonding requirements, as identified in Section 1.8 (Bonds, Insurance, Indemnity, and Guarantors).
- Proposer’s Major Participants provides evidence of capability to obtain insurance as identified in Section 3.3.3 (Financial Capacity).

Part D – Safety Program: NDOT will use the information provided in **Part D**, in response to the submittal requirements in Section 3.3.4 (Safety Program), to assess whether Proposer meets the minimum requirements listed below:

- Proposer’s safety record is deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standard for its business category.

Part E – Category B Key Personnel Experience: NDOT will use the information provided in **Part E**, in response to the submittal requirements in Section 3.3.5 (Category B Key Personnel Experience), to assess whether Proposer meets the minimum experience requirements.

4.3 SOQ Evaluation and Scoring

Following the pass/fail review, NDOT will evaluate all responsive SOQs and measure each Proposer’s response against the Project goals and selection criteria set forth in this RFQ. The SOQ Evaluation score will be carried forward to the RFP.

Evaluation Factor	Points Allocation
Part F - Firm Experience and Past Performance	35
Part G - Team Organization and Category A Key Personnel Experience	45
Part H - Project Understanding and Approach	20

NDOT will use the following criteria to evaluate the factors:

4.3.1 Firm Experience and Past Performance

NDOT will use the information provided in **Part F**, in response to the submittal requirements in Section 3.3.6 (Firm Experience and Past Performance), to evaluate whether Proposers have demonstrated experience in the following:

- Experience in successfully managing, designing, and constructing projects of the same size, scope, and complexity of this Project.
- A record of completing contracts on time and within the fixed price.
- Experience in successfully delivering urban roadway and bridge projects, consisting of traffic management, roadway design and construction, and implementing community relations and outreach programs of projects of the same size and complexity of this Project.
- A history of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration.
- The technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project.
- The ability to effectively manage all aspects of the Work in a quality, timely, and effective manner and integrate the different parts of its organization with NDOT in a cohesive and seamless manner.

4.3.2 Team Organization and Category A Key Personnel Experience

NDOT will use the information provided in **Part G**, in response to the submittal requirements in Section 3.3.7 (Team Organization and Category A Key Personnel Experience), to evaluate Team Organization and Category A Key Personnel based on the following:

(1) Team Organization

Proposer's team organization narrative will be evaluated based on the extent to which the narrative describes:

- The significant functional relationships and how the proposed organization will function as an integrated Proposer team and work effectively with NDOT.
- A methodology for integrating the design-build entity and the different areas of expertise within the team into an efficient and effective organization.

(2) Category A Key Personnel

Category A Key Personnel will be evaluated based upon the quality of their experience, qualifications, and the demonstrated ability to fulfill their specific responsibilities.

4.3.3 Project Understanding and Approach

NDOT will use the information provided in **Part H**, in response to the submittal requirements in Section 3.3.8 (Project Understanding and Approach), to evaluate the extent to which Proposer demonstrates the following:

- An understanding of the Project and Proposer's approach to achieving the Project goals.
- An understanding of how the design-build process and the Design-Builder's organization and the teaming relationship between the Design-Builder, NDOT and other agencies will contribute to the success of the Project.
- An understanding of the Project risks and the approach to managing the risks.
- An understanding of the approach for cost and schedule control.
- An understanding of the quality management approach for the Project.

4.4 Notification of Shortlisting

Upon completion of the evaluation, scoring, and shortlisting process, NDOT will notify Proposers of the results and publish the list of Shortlisted Proposers on its design-build website at

<https://dot.nebraska.gov/business-center/alternative-delivery/50th-st-i-480-omaha/>

5 MISCELLANEOUS PROVISIONS

5.1 Proposer Debrief Meeting

Each Proposer that submits a responsive SOQ and isn't shortlisted will be provided an opportunity for a debrief after the shortlist announcement. Shortlisted Proposers are not eligible for a debrief during this phase of the procurement. The purpose of the debrief is for NDOT to provide informal and objective feedback pertaining to NDOT's review of Proposer's SOQ only. SOQs from other Proposers will not be made available until after execution of a DBA at the discretion of NDOT.

NDOT will not discuss the details of other Proposer's SOQs, but will discuss the:

- Strengths and weaknesses of the non-shortlisted Proposer's SOQ.
- Breakdown in scoring of the non-shortlisted Proposer's SOQ.

The non-shortlisted Proposer may ask questions at the debrief, but NDOT reserves the right, in its sole discretion, to not respond to any such questions. Debrief requests shall be made to NDOT's Authorized Representative.

5.2 Reserved Rights

NDOT reserves the right, in its sole discretion, to cancel this RFQ, issue a new RFQ, reject any or all SOQs, seek or obtain data from any source that has the potential to improve the understanding and evaluation of an SOQ, seek and receive clarifications to an SOQ, and waive any deficiencies, irregularities, or technicalities in considering and evaluating the SOQs.

This RFQ does not commit NDOT to enter into the DBA or proceed with the procurement of the Project. NDOT assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs will be borne solely by each Proposer. In addition, NDOT assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties if NDOT elects to not issue an RFP for the Project.

NDOT reserves the right to adjust the number of Shortlisted Proposers based on the results of the evaluation.