

# **REQUEST FOR INFORMATION**

## **PENNSYLVANIA MAJOR BRIDGE REPLACEMENT AND REHABILITATION INITIATIVE**

**RFI Issuance Date: February 22, 2021**

**RFI Due Date: March 12, 2021**



**Keystone Building  
400 North Street  
Harrisburg, PA 17120**

# REQUEST FOR INFORMATION

## Table of Contents

1.	Calendar of Events .....	3
2.	General Information .....	3
	A. Purpose of the RFI .....	3
	B. Issuing Officer .....	3
	C. Response Instructions.....	4
	D. Meetings .....	4
3.	Project Details .....	4
	A. Background.....	4
	B. Project Goals.....	5
	C. Project Description.....	5
	D. Status of Key Approvals and Anticipated Procurement Timeline.....	8
4.	Attachments .....	9
	A. Attachment A – Response Template.....	9
	B. Attachment B – Trade Secret/Confidential Proprietary Information Notice .....	10

## 1. Calendar of Events

Activity	Responsibility	Date
Please monitor the eMarketplace website for all communications regarding this Request for Information (RFI). <a href="http://www.eMarketplace.state.pa.us">www.eMarketplace.state.pa.us</a>	Respondents	Ongoing
Electronic responses must be submitted to PennDOT as required in the Response Instructions of this RFI (Section 2.C.)	Respondents	<b>No later than 11:59 PM Eastern Standard Time on March 12<sup>th</sup>, 2021 (“RFI Due Date”)</b>
Optional virtual meetings with Respondents	PennDOT	<i>Anticipated to occur 2 weeks after RFI Due Date</i>

## 2. General Information

### A. Purpose of the RFI

The Office of Public-Private Transportation Partnerships (P3 Office) of the Pennsylvania Department of Transportation (PennDOT) is issuing this Request for Information (RFI) to understand the level of interest in a progressive public-private transportation partnership (P3) approach and policy positions to replace up to nine major bridges across the Commonwealth (Project).

This RFI includes general background information related to the Project and is intended for individual firms or teams that have experience in developing and/or financing comparable transportation infrastructure projects and that may be interested in designing, building, financing, and maintaining the Project. This RFI is also intended to communicate PennDOT’s general goals and objectives for Project development.

This RFI does not constitute a request for qualifications (RFQ), a request for proposals (RFP), or any other procurement document, nor does it represent a commitment to issue an RFQ or an RFP in the future. This RFI does not commit PennDOT to any specific form of procurement or to contract for any supply or service whatsoever.

Responding to this RFI is not a pre-requisite to participating in a future procurement process. A Respondent may choose to not respond to this RFI and still participate in any subsequent RFQ or RFP process for the Project. Respondents choosing to respond to this RFI will not, merely by virtue of submitting such a response, be deemed to be “bidders” or “proposers” on the Project in any sense, and no such Respondent will have any preference, special designation, advantage or disadvantage whatsoever in any subsequent procurement process for the Project. Respondents should not anticipate a response from PennDOT regarding submitted materials.

### B. Issuing Officer

The sole point of contact for this RFI shall be the “Issuing Officer,” Mr. Michael Bonini, PennDOT, Public-Private Transportation Partnerships Office, Commonwealth Keystone Building, 400 North Street, 6<sup>th</sup> Floor East, Harrisburg, PA 17120, [RA-](#)

[PDP3MAJORBRIDGES@pa.gov](mailto:PDP3MAJORBRIDGES@pa.gov). All inquiries regarding this RFI shall be referred to the Issuing Officer via e-mail.

### **C. Response Instructions**

Respondents are asked to respond to the questions in *Attachment A - Response Template* in the order and manner outlined in Section 4.A of this RFI. Respondents may submit additional information that they determine to be relevant. Respondents should e-mail the Issuing Officer: one (1) electronic PDF version of the written response and any relevant additional information provided (in a searchable format). Responses must be submitted in conformance with this RFI on or before the RFI Due Date set forth in Section 1 of this RFI. The subject line for all e-mailed submittals must include “[Name of Respondent] - P3 Office Request for Information Response – Pennsylvania Major Bridge Replacement and Rehabilitation Initiative”. The submitted PDF should also include the name and address of the Respondent in the body of the submission.

PennDOT will not pay for the preparation of any response nor for information submitted to PennDOT or for PennDOT’s use of such information. PennDOT may, in its sole discretion, use information provided in response to the RFI, however, PennDOT is not obligated to use any information received as part of this RFI process.

Additional information regarding trade secret and confidential/proprietary information is set forth in *Attachment B – Trade Secret/Confidential Proprietary Information Notice*.

### **D. Meetings**

Respondents shall indicate in their response to the questions set forth in Attachment A – Response Template whether they are willing to participate in a virtual one-on-one meeting with PennDOT to provide additional feedback, information and materials to PennDOT. While PennDOT currently anticipates that all one-on-one meetings will be conducted virtually due to the COVID-19 pandemic, should meetings be held in-person, Respondents will be solely responsible for all costs associated with travel and attendance. If PennDOT elects to hold one-on-one meetings with any Respondents, as a general guideline such meetings will be arranged within two (2) weeks of the RFI Due Date set forth in Section 1 of this RFI. PennDOT reserves the right to meet with any, all, or none of the Respondents that indicate that they are willing to participate in a virtual one-on-one meeting.

During virtual one-on-one meetings, Respondents may ask questions and PennDOT may provide responses. However, any responses provided by PennDOT during such meetings are draft and subject to change. PennDOT reserves the right to discuss with all Respondents any topics identified and raised by another Respondent as part of its submission in order to obtain additional feedback on issues presented, except to the extent that such disclosure would reveal the identity of the Respondent or any material designated as defined in *Attachment B – Trade Secret/Confidential Proprietary Information Notice*.

## **3. Project Details**

### **A. Background**

With more than 25,000 Commonwealth-owned bridges, the Commonwealth has the third-largest number of bridges in the nation and ranks fifth in the nation in the number of bridges classified as being in poor condition. As of 2019, ten percent of the Commonwealth's bridges are rated in poor condition with the average age of bridges on the Commonwealth system over 50 years old.

Over the last several years, PennDOT has been very aggressive in addressing issues relating to declining bridge condition, including through PennDOT's Accelerated Bridge Program, improvements via the Rapid Bridge Replacement P3, and bridge repairs made as part of PennDOT's regular transportation improvement program. Through these initiatives PennDOT has optimized the use of available federal and state funding sources in combination with increased private sector participation to make significant progress toward reducing the percentage of bridges rated in poor condition from 24 percent in 2008 to the current level.

This Project, referred to as the Major Bridge Replacement and Rehabilitation Initiative, is a component of PennDOT's forthcoming PATHways initiative to explore sustainable transportation funding options in response to a growing highway and bridge funding gap. The PATHways initiative will aim to provide travelers, residents, and businesses with high-quality transportation infrastructure via alternative funding to address near- and long-term highway and bridge needs. The principles guiding the major bridge replacement and rehabilitation projects, including associated roadwork, to be included in Project consist of:

- Inventorying all such major bridge replacement or rehabilitation projects to ensure maximum consideration of viable candidate bridges and thus maximum positive effect of the Project;
- Applying reasonable user fees pursuant to 23 U.S.C. Section 129 that focus on recovering construction, operations and maintenance costs while minimizing travel diversion;
- Structuring project implementation and delivery in a way that captures and maximizes efficiencies from progressive P3 delivery (such as, for instance, grouping bridges into "packages" where it makes sense to do so);
- Balancing geographic diversity to include bridges from across the Commonwealth; and
- Mitigating disproportionate socioeconomic impacts.

## **B. Project Goals**

PennDOT has established the following Project goals:

- Accelerate the renewal of major bridges to ensure public safety,
- Avoid time and financial impacts of travel diversion resulting from bridge restrictions and closures due to bridge condition,
- Help offset gas tax revenue losses, as identified by the Commonwealth Transportation Advisory Committee (TAC) and exacerbated by the coronavirus pandemic,
- Ensure users (including out-of-state traffic) contribute fairly to the replacement or rehabilitation of the bridges based on usage, and
- Create a sustainable funding model for the Commonwealth major bridges.

## **C. Project Description**

The purpose of the Project is to deliver infrastructure improvements focusing on the rehabilitation and replacement of major bridges (and associated roadways) across the Commonwealth with the goal of supporting the Commonwealth’s public safety efforts by improving the material condition of major bridge on the Commonwealth’s transportation network and to establish a sustainable funding model for the Commonwealth’s major bridges.

For more information on the Project, please visit the Project’s website <https://www.penndot.gov/about-us/funding/Pages/Solutions.aspx>.

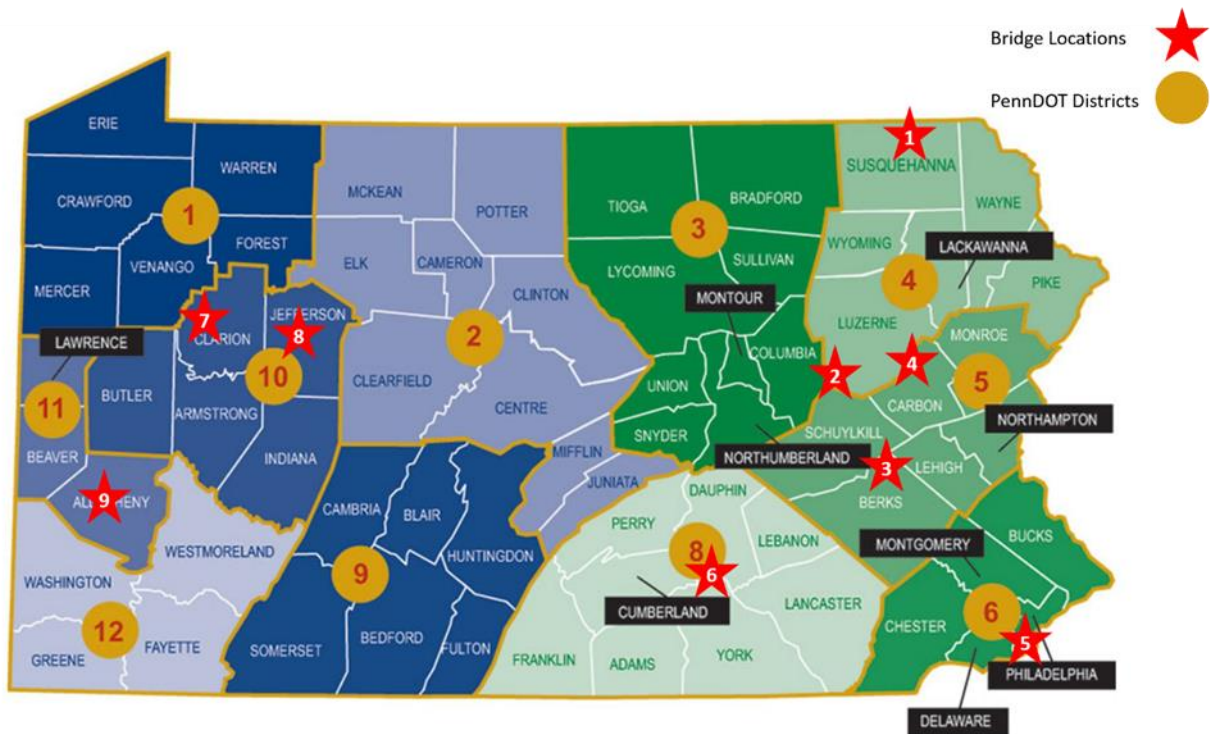
The Project currently considers the series of bridges listed in the table below. The table also includes a bridge-specific website link for further information on each bridge and associated roadway.

*Table 1: Major Bridge Initiative Bridge List and Individual Bridge Website Links*

<b>Bridge</b>	<b>Corresponding Website</b>
1. I-81 Susquehanna	<a href="https://www.penndot.gov/i81Susquehanna">https://www.penndot.gov/i81Susquehanna</a>
2. I-80 Nescopeck Creek Bridges	<a href="https://www.penndot.gov/i80nescopeck">https://www.penndot.gov/i80nescopeck</a>
3. I-78 Lenhartsville Bridge Replacement	<a href="https://www.penndot.gov/i78lenhartsville">https://www.penndot.gov/i78lenhartsville</a>
4. I-80 over Lehigh River Bridge	<a href="https://www.penndot.gov/i80LehighRiverBridge">https://www.penndot.gov/i80LehighRiverBridge</a>
5. I-95 Girard Point Bridge Improvement	<a href="https://www.penndot.gov/i95GirardPoint">https://www.penndot.gov/i95GirardPoint</a>
6. I-83 South Bridge	<a href="https://www.penndot.gov/i83SouthBridge">https://www.penndot.gov/i83SouthBridge</a>
7. I-80 Canoe Creek Bridges	<a href="https://www.penndot.gov/i80CanoeCreek">https://www.penndot.gov/i80CanoeCreek</a>
8. I-80 North Fork Bridges	<a href="https://www.penndot.gov/i80NorthFork">https://www.penndot.gov/i80NorthFork</a>
9. I-79 Widening, Bridges and Bridgeville Interchange Reconfiguration	<a href="https://www.penndot.gov/i79Bridgeville">https://www.penndot.gov/i79Bridgeville</a>

The figure below indicates a star at the location of each of the above numbered bridges.

Figure 1: Bridge Locations



PennDOT identified candidate bridges for this Program based on the following criteria:

- located on the interstate or expressways,
- structures of significance based on size, location and cost to replace or rehabilitate,
- the ability for the project to be financially viable with a reasonable toll rate,
- structural conditions that warrant timely attention to enhance safety and avoid disruption and community impacts if closure or weight restrictions were imposed,
- geographic balance throughout the state, and
- can begin construction in two to four years for near-term benefit.

#### i. Procurement

PennDOT, through its P3 Office, will be procuring and delivering the Project under the Pennsylvania Public-Private Partnership Law, Act 88 of 2012 (Pa C.S. 9101 et. seq. (P3 Law)), using a design-build-finance-maintain (DBFM) structure with Availability Payments made by PennDOT to the Development Entity when bridge or bridge “packages” are identified and validated as feasible. PennDOT selected this structure to benefit from the upfront private investment component, transfer of lifecycle risk and maintenance costs, and an expedited timeline afforded by a P3 delivery model.

PennDOT is considering “packaging” bridges into one or more procurements. To develop the packages, PennDOT is considering a “progressive” P3 approach, where a Development Entity is

selected to collaborate with PennDOT on advancing bridge pre-development and ultimately assembling the packages for DBFM contracts. Procurement of the “progressive” P3 Development Entity would involve candidate developers responding to an RFQ and submitting a proposal in response to an RFP. Upon selection, PennDOT and the Development Entity would reach commercial close on a pre-development agreement including some financial commitments to support pre-development efforts to arrive at, and ultimately advance, the first package. PennDOT intends to grant the “progressive” P3 Development Entity a right of first negotiation to be the Development Entity on the DBFM P3 contract for the first package. The progressive P3 Development Entity could also compete for PennDOT-led procurements of DBFM P3 contracts for the remaining packages. PennDOT currently anticipates that the bridges identified in this RFI will be procured in two or more packages (where a “package” may consist entirely of one bridge).

## ii. Current Commercial and Financing Assumptions

PennDOT will retain responsibility for setting and collecting tolls on the Project toll facilities. It is anticipated that PennDOT, through the Pennsylvania Turnpike Commission (PTC), will supply and maintain some of the toll collection equipment and perform the toll collection function including transaction and violations processing, account maintenance and customer service functions for the Project facilities once operational. This arrangement will be governed by the terms of an agreement between PennDOT and PTC. PennDOT intends that user fees will present a revenue stream sufficient to support P3 Development Entity-driven financing of the DBFM work for each bundle. The user fees will be PennDOT’s primary source for funding Availability Payments to be made to the P3 Development Entity, but the P3 Development Entity would not bear user fee risk, as PennDOT will serve as the backstop to the user fees. Customary deduction regimes, technical requirements, performance standards and risk sharing will be in place. As part of the proposal, PennDOT will require the proposers to prepare a conceptual approach to financing the Project that delivers value for the Commonwealth in support of the Project’s goals.

## D. Status of Key Approvals and Anticipated Procurement Timeline

Over the past two years, PennDOT has conducted several studies to evaluate how it can best meet the Commonwealth’s transportation needs, particularly for maintenance, rehabilitation, and reconstruction of interstate highways. As a culmination of those studies, the PennDOT P3 Board approved the Project in November 2020.

Below is a summary of a schedule for the [first] procurement. Respondents should note that the schedule is aspirational and subject to further development by PennDOT as part of the pre-procurement and planning processes.

- RFI Issuance: February 22<sup>nd</sup>, 2021
- RFI Submission: March 12<sup>th</sup>, 2021
- RFQ Issuance: Q2 of 2021
- SOQ Due Date: Q3 of 2021
- Selection of Short-list: Q3 of 2021
- RFP Issuance: Q3 of 2021



## 4. Attachments

### A. Attachment A – Response Template

PennDOT welcomes feedback in response to the below prompts. Respondents are not required to respond to all questions. The information provided in responses will be used for the potential development of the Project. PennDOT may also follow-up directly with Respondents with more detailed questions or to clarify submissions.

Respondents are requested to provide clear and concise answers in writing to the following questions using the numbering system below, altogether not exceeding twelve (12) pages.

- 1) Please briefly describe your firm, your alternative delivery and P3 experience and generally your role in alternative delivery and P3 projects (e.g., design/engineering firm, construction firm, operations and maintenance firm, lender, equity investor, etc.).
- 2) What are your thoughts about the opportunities and challenges of PennDOT's plan to fund the bridge infrastructure improvements from user fees via Availability Payments?
  - a. Are there other funding and financial strategies that PennDOT should consider to ensure that the AP approach results in minimal financial impacts to PennDOT's existing programs?
- 3) Are there any additional challenges or risks PennDOT should be aware of regarding the Project's scope, procurement process, delivery method, term of contract, technical and financial feasibility, etc.?
  - a. With these challenges and risks in mind, are there potential mitigation strategies that would be beneficial for PennDOT to incorporate into its approach?
- 4) Are there specific bridge packaging considerations that could be important for the success of the overall Project (i.e., considerations for geography, structure-type, materials used, asset condition, delivery type, etc.)?
- 5) What strategies do you recommend for ensuring schedule discipline and accelerating the renewal of major bridges as efficiently as possible?
- 6) Given that a progressive DBFM structure with an Availability Payment is contemplated for delivery of the Project, what payment terms or structures could enhance this opportunity for potential proposers?
  - a. Within this context, what would be viewed as an appropriate term length(s) and what would be the general assumptions that would support this (such as equity returns, traffic levels, performance requirements, etc.)?
  - b. In addition, what would be an appropriate approach to ensuring competitive pricing on different elements of the scope (e.g. design, construction, financing, etc.)?
  - c. What level of commitment on which key metrics would the respondent be able to give at the RFP stage?

- 7) PennDOT is open to considering Respondent's ideas on additional procurement and contracting elements that would help deliver the infrastructure improvements for the Project, bearing in mind the guiding principles identified in Sections 3.A. and 3.B. of this RFI. Other than the answers that you have already provided, what information would help your firm to make the business decision to engage in the development of the Project?
- 8) Based on the information provided, would your firm be interested in submitting a proposal for the development of the Project? Are there any concerns that may prevent your firm from engaging in the Project development? How might those concerns be resolved?
- 9) Would your firm be interested in participating in a virtual one-on-one meeting with PennDOT?

#### **B. Attachment B – Trade Secret/Confidential Proprietary Information Notice**

Respondents are not required, and are urged not, to respond with any materials that Respondent considers confidential, a trade secret, or otherwise to be Respondent's intellectual property (CPI). To the extent that information to be provided in response to this RFI may be considered as divulging any CPI, the following shall apply:

- 1) **Use of Materials by Commonwealth.** All materials submitted with the response shall be considered the property of the Commonwealth of Pennsylvania, including PennDOT, and will not be returned. PennDOT shall have the right to use any or all ideas, concepts, or approaches that are presented in any response, regardless as to whether a Respondent, as part of its response, affirmatively notes any and all objections in its response. Notwithstanding any copyright, trade secret, confidential, or other similar designations on the face of responses, PennDOT shall have the non-exclusive right to reproduce and to distribute responses internally, develop an abbreviated synopsis of responses for the public, and to comply with public record or other disclosure requirements under the provisions of any Commonwealth or United States statute or regulation, or rule or order of any court of competent jurisdiction, including as described just below.
- 2) **Public Disclosure.** If a Respondent's submission contains CPI, information protected by intellectual property rights or trade secrets, the Respondent must complete the *Attachment B – CPI and Trade Secret Form*, attached hereto, and submit a redacted copy of the response that excludes the confidential information. All responses are subject to a request for public records made under the Pennsylvania Right-to-Know-Law, 65 P.S. § 67.101, *et seq.* (the Right to Know Law), and may be subject to disclosure thereunder. If a Respondent does not submit *Attachment B – CPI and Trade Secret Form* and redacted response, the unredacted response may be disclosed. If a responding entity submits *Attachment B – CPI and Trade Secret Form* and redacted response, the redacted response may be disclosed. The Respondent will be responsible for defending the justification for the redactions in the event of an appeal under the Right-to-Know Law.

## **Trade Secret/Confidential Proprietary Information Notice**

### Instructions:

Please complete this form if submitting trade secrets or confidential proprietary information to the Commonwealth of Pennsylvania (“Commonwealth”). The Department of Transportation (“Department”) may not assert an exception to the public release of confidential or proprietary materials unless the materials are accompanied by this form, or similar document, at the time of submission. In addition, the Commonwealth requires this form for information submitted to the Department that must be kept confidential to protect the safety and security of individuals, infrastructure, or information technology systems.

It is the responsibility of the party submitting this form to ensure that all statements and assertions made below are legally defensible and accurate. The Department and Commonwealth will not provide a submitting party any advice with regard to the Commonwealth’s *Right-to-Know Law*, 65 P.S. §§67.101-67.3104, or laws relating to trade secret or confidential proprietary information.

**Name of submitting party:**

**Contact information for submitting party:**

**Please provide a brief overview of the materials that you are submitting** (e.g. response to a Request for Information, application, technical schematics):

**Please provide a brief explanation of why the materials are being submitted to the Department** (e.g. response to Request for Information #12345, documents required to be submitted under law ABC):

**Please provide a list detailing which portions of the material being submitted you believe are exempt from public disclosure, which includes, but is not limited to, a trade secret, confidential or proprietary information, or information that if disclosed would be reasonably likely to jeopardize the safety or security of an individual, infrastructure, or information technology system. Please provide an explanation of why you think those materials constitute a trade secret, confidential proprietary information, or why disclosure of those materials would be reasonably likely to jeopardize safety or security. Also, please mark the submitted material in such a way to allow a reviewer to easily distinguish between the parts referenced below. (You may attach additional pages if needed)**

**Note:** Without substantial justification, the following information will not be considered a trade secret or confidential proprietary information:

- any cost or pricing information submitted by the responding entity;
- information submitted as part of a responding entity’s response that does not implicate safety or security, or pertain to specific business practices or product specification;
- information submitted as part of a responding entity’s response that is otherwise publicly available or otherwise easily obtained; and
- information detailing the name, quantity, and price paid for any product or service being purchased by the Commonwealth.

<u>Page Number</u>	<u>Description</u>	<u>Explanation</u>
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## **Acknowledgment**

The undersigned party hereby agrees that it has read and completed this form, and has marked the material being submitted in accordance with the instructions above. The undersigned party acknowledges that the Commonwealth and Department are not liable for the use or disclosure of trade secret; confidential or proprietary information; or information that if disclosed would be reasonably likely to jeopardize the safety or security of an individual, infrastructure or information technology system, where that data or information has not been clearly marked as such, and which was not accompanied by a specific explanation included with this form.

The undersigned agrees to defend any action seeking release of the materials it believes to be trade secret, confidential or proprietary, or would be reasonably likely to result in a safety or security risk if disclosed. The undersigned also agrees to indemnify and hold harmless the Commonwealth and Department, their agents and employees, from any judgments awarded against the Commonwealth or Department in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives so long as the Commonwealth or Department has possession of the submitted material, and will apply to all costs unless and until the undersigned provides a written statement or similar notice to the Department stating that it no longer wishes to exempt the submitted material from public disclosure.

The undersigned acknowledges that the Department is required to keep all records for at least as long as specified in its published records retention schedule.

The undersigned acknowledges that the Commonwealth or Department reserves the right to reject the undersigned's claim that the information is trade secret, confidential, proprietary, or is reasonably likely to result in a safety or security risk if disclosed, if the Commonwealth or Department determines that the undersigned has not met the burden of establishing that the information constitutes a trade secret, confidential, or is otherwise exempt. The undersigned also acknowledges that if only a certain part of the submitted material is found to constitute a trade secret, is confidential or proprietary, or is otherwise exempt, the remainder of the submitted material will become public; only the protected information will be removed and remain nonpublic.

If being submitted electronically, the undersigned agrees that the mark below is a valid electronic signature.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date