



Date: July 14, 2021
 Subject: PennDOT Pathways Major Bridge P3 Initiative
 Request for Qualifications
 Solicitation Number: RFQ Solicitation #: 5321R01
 Opening Date / Time: August 5, 2021 11:00 AM ET
 RFQ Questions Response Document #: 1

To All Respondents:

Please be advised that the Pennsylvania Department of Transportation (PennDOT) has issued the following responses to RFQ Questions. PennDOT responses will not be considered part of the RFQ or the RFP documents nor will they be relevant in interpreting any of the foregoing. Some RFQ Questions received by PennDOT are not included below, but may be addressed in future RFQ Questions Response documents. Any RFQ responses to questions that require changes to the RFQ will result in changes in the future RFQ Amendment.

<u>No.</u>	<u>RFQ Question</u>	<u>Response</u>
1.	<p>According to Section 3.7 of the RFQ, a Respondent will only be capable of being selected as a Shortlisted Proposer to the extent that each Lead Construction Contractor, as defined in Appendix 1, in its Proposer team set forth in its SOQ is, at the time Proposals are due, prequalified. Section 3 of the RFQ seems to indicate that the term “Proposals” refers to the RFP submission rather than the SOQ submission. We understand this to mean that the Lead Construction Contractor prequalification is required no later than the RFP submission date. Section 5.3(f) also seems to require qualification prior to the Proposal submittal, however it is framed as a pass/fail requirement at the SOQ stage. While our team has commenced the process for prequalification, the timing for obtaining such prequalification will likely extend passed the SOQ submission date. Therefore, we ask PennDOT to please clarify that indeed the Lead Construction Contractor is intended to be prequalified prior to RFP submission and not SOQ submission.</p>	<p>The RFQ will be amended to clarify that the prequalification of Lead Construction Contractors is not a requirement for the Statement of Qualification submissions. The prequalification of Lead Construction Contractors is only a requirement for the Proposal submissions.</p>



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2.	<p>Section 5.4.3 delineates criteria in which the Project Development Understanding and Approach will be scored. However, there is no associated prompt for the project development understanding and approach in Appendix 2 SOQ Submittal Requirements. Please clarify where in the Part B Technical Information we should discuss the six items (a-f) in Section 5.4.3 as it does not seem to fit with any Form G nor Appendix 2 2.18 Additional Information which request past performance information not understanding of and approach to this project.</p>	<p>The RFQ will be amended to include the required location within Volume 2 for the Project Development Understanding and Approach and to indicate that the page limit for this section will be 5 pages.</p>
3.	<p>Section 2.3.1 states: “The PDA will set forth, among other things, the following: Requirements and constraints relating to the Lead Engineering Firm;” Respondent kindly requests that such requirements be included as part of the RFQ, to ensure that PennDOT requirements are met.</p> <p>Considering the SOQ deadline and the ongoing professional services agreements by PennDOT with multiple firms performing work on the nine bridges, and those currently pursuing the P3 PM, we request that consideration be given to remove the requirement for the Lead Engineering Firm to have capacity to perform the design in its entirety. This allows a broader pool of available consultants required for the project.</p>	<p>The RFQ will be amended to remove the provision from 2.3.1.</p> <p>The Lead Engineering Firm is not responsible for performing the design on all nine bridges in its entirety but will be primarily responsible for overseeing the design for the entire Project.</p>



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4.	<p>Many of the consulting/engineering firms that have the technical experience and capacity to meet and/or exceed the Department’s expectations in respect of the requirements listed in Section 5.4.1(c) of the RFQ are teamed, submitted bids, and are currently waiting on the Department’s selection of a consultant firm for “Project Management Services for the Pathways Major Bridges Initiative.” Since the Department’s selection of this consultant firm is not expected until at least 7/14/2021 (per ECMS agreement No. E05081), these firms are not willing to engage with Respondent teams until after this date in order to preclude any real or perceived conflicts of interest.</p> <p>We kindly request that PennDOT makes every effort to select the P3 PM and make conflict determinations ahead of July 14 so as to afford the Respondents sufficient time to include available firms to their teams.</p>	<p>Selection of the consultant firm for “Project Management Services for the Pathways Major Bridges Initiative” is not expected to occur before 7/14/21. For any specific concerns regarding conflicts of interest, please submit a written request in accordance with Section 6.3.4 of the RFQ.</p>
5.	<p>“PennDOT responses will not be considered part of this RFQ or the RFP documents nor will they be relevant in interpreting any of the foregoing. By submitting SOQs, Respondents acknowledge and agree that any responses made by PennDOT shall not be binding upon PennDOT unless reflected in an Addendum to this RFQ”</p> <p>Because Respondents will rely on PennDOT’s responses to RFQ Questions, Respondent kindly requests that RFQ responses be considered part of the RFQ and/or the RFP documents (as applicable) and be relevant in interpreting such documents.</p>	<p>There will be no change to the RFQ. Any RFQ responses to questions that require changes to the RFQ will result in changes in the RFQ Amendment.</p>



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6.	<p>Please confirm that the Lead Construction Contractor must be prequalified by the RFP Proposal due date not the SOQ due date. Section 3.7 and 5.3 (f) of the RFQ refer to “Proposal” but the capitalized term is not defined, since the reference is to “Proposal” not “SOQ” we presume prequalification is not required by August 5, 2021.</p>	<p>The RFQ will be amended to clarify that the prequalification of Lead Construction Contractors is not a requirement for the Statement of Qualification submissions. The prequalification of Lead Construction Contractors is only a requirement for the Proposal submissions.</p>
7.	<p>Section 4.1.3 of the RFQ places an overall page limitation on the entire SOQ without any documents or sections being exempt from this requirement. Forms that are of an administrative nature, financial disclosures and legal disclosures are often exempt from page limitations as the number of pages for these items can vary widely depending on the makeup of the consortium and/or the amount of information from particular firms. Can PennDOT confirm that the overall page limitation only applies to Volume 2-Technical and that it applies neither to Volume 1-Administration nor Volume 3-Financial?</p>	<p>The RFQ will be amended to delete the overall page limit of 80 pages.</p>
8.	<p>There appears to be a discrepancy between Section 5.4.1 and the instructions on Forms G-2, G-3, G-4 and G-5 regarding the number of projects to include on each of those forms. For example, Section 5.4.1 (b) states that “The Respondent must comply with the requirement to list all projects that meet the threshold requirements stated on Form G-2.” While instruction (b) on form G-2 (Technical Qualifications-Construction) starts by instructing Respondents to “List no more than five projects . . .” Can PennDOT confirm that it is their intent to limit the number of projects on each of these forms to 5 and modify Section 5.4.1 accordingly?</p>	<p>The RFQ will be amended to clarify the intent to limit the number of projects for certain categories. The project limits indicated in Forms G-2, G-3, G-4, and G-5 are correct and will also be included in the revised relevant sub-sections of 5.4.1.</p>



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9.	<p>Section 5.5 of the RFQ states “Except as otherwise expressly required, information pertaining to Affiliates of any person or entity identified in this RFQ . . . shall be excluded.” However, Forms G-4 and H-1 allow Respondents to present experience of affiliates if a direct or indirect common parent entity is a Financially Responsible Party. Can PennDOT confirm that it is acceptable to use the experience of affiliates in these forms and modify Section 5.5 of the RFQ to read: “Except as otherwise expressly permitted or required, information pertaining to Affiliates of any person or entity identified in this RFQ . . .”</p>	<p>The RFQ Forms will be amended to not permit experience of Affiliates.</p>
10.	<p>In main table listed on page Appendix 2-6, it is stated that the QAM must be an “Employee of an Independent Quality Firm” but on page Appendix 2-7 it is stated that “For avoidance of doubt, an Independent Quality Firm may, but need not, employ the QAM.”</p> <p>Can the Department please clarify which entity or entities shall employ the QAM?</p>	<p>The RFQ will be amended to clarify that the QAM must be an Employee of an Independent Quality Firm.</p>
11.	<p>Upon selection of the Development Entity, PennDOT anticipates entering into the PDA with the Equity Member(s) of the Development Entity for the development of all Project bridges (see § 1.3, 2.3 and 2.6.5 of the RFQ). However, Section 2.6.2 seems to imply that the Development Entity will be responsible for the performance of the Pre-Development Work.</p> <p>Please clarify whether the PDA will be entered into with the Equity Member(s) or the Development Entity.</p>	<p>The RFQ will be amended to clarify the role of the Equity Members with respect to the PDA and the Pre-Development Work.</p>



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12.	<p>Section 1.2 of the RFQ states that “[PennDOT anticipates] entering into one or more Project Agreements with the Development Entity itself for each Package within the Project”. Similarly, Section 2.6.5 seems also to infer that the same Development Entity will be responsible for the design, construct, finance and maintenance of all Packages.</p> <p>Respondent kindly notes that having the same legal entity (i.e. the Development Entity) as party to all the Project Agreements may raise some bankability issues. In this regard, Respondent will welcome other corporate structures that are more customary in the P3 and project finance industries such as, for example, the possibility of having separate special purpose vehicles ultimately owned by the Development Entity or the Equity Member(s) for each Project Agreement.</p>	<p>The RFQ will be amended to clarify that PennDOT anticipates more than one Development Entity to deliver each Package.</p>
13.	<p>Can you please provide more information regarding the process for prequalification that is cited in the RFQ, including any points of contact that can assist with this process?</p>	<p>PennDOT’s Prequalification Office can be contacted at either (717) 787-3733 or (717) 787-7032. More information is also provided at https://www.dot.state.pa.us/public/PubsForms/Publications/Pub%20637.pdf.</p>
14.	<p>As per the instructions included in Form B-1, each Major Team Member is required to submit a copy of Form B (Information Regarding Major Team Members). The definition of “Major Team Member” does not include any entity acting as a Financially Responsible Party with respect to an Equity Member or the Lead Construction Contractor. However, one of the roles listed in such Form B for a Major Team Member includes the Financially Responsible Party. Please confirm that any designated Financially Responsible Party is not required to submit a copy of Form B to the extent such entity is not also a Major Team Member.</p>	<p>The RFQ will be amended to clarify that any designated Financially Responsible Party is not required to submit a copy of Form B to the extent such entity is not also a Major Team Member.</p>



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15.	Form C of the RFQ requires the disclosure of information related to Affiliates as defined therein. Respondent assumes that the information requested is limited to presently existing entities which are affiliates of the Respondent team members as of the SOQ's due date and does not include former affiliates in existence during the relevant time frame stated in each of the questions in Form C. Please confirm.	The RFQ will be amended to clarify that the Affiliate information is limited to presently existing entities.
16.	Do we need to request access to the Project Portal in order to submit RFQ Questions or to receive responses to those question?	No, access to the Project Portal is not required to submit RFQ Questions or receive answers. As detailed in the RFQ, questions about the RFQ shall be submitted on Form E – RFQ Questions in English (in Microsoft Word®) via email to the Issuing Office at the email address RA-PDP3MAJORBRIDGES@pa.gov. Any written responses from PennDOT will be delivered to all Respondents via posting to the eMarketplace.
17.	The RFQ states that “SOQ shall not exceed 80 pages in whole”. Could you please confirm if Resumes, Forms (Form A, Form B, Form C, Form D, Form F-1, Form F-2, Form G-1, Form G-2, Form G-3, Form G-4, Form G-5, Form G-6, Form G-7, Form H-1, Form H-2, Form H-3, and Form H-4), and attachments are excluded from the 80 page limit?	The RFQ will be amended to delete the overall page limit of 80 pages.
18.	“5.4.3 Respondent’s Project Development Understanding and Approach” is assigned 100 points in the evaluation process, but it is not in the SOQ 4. Content and Submittal Requirements. Could you please confirm that there should be a section or subsection of “Respondent’s Project Development Understanding and Approach” added in the SOQ?	The RFQ will be amended to include the required location within Volume 2 for the Project Development Understanding and Approach and to indicate that the page limit for this section will be 5 pages.



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19.	Where should Respondents send Requests for Conflicts Determination?	The RFQ will be amended to clarify that Requests for Conflicts Determination must be sent to the email address identified in Section 2.9.3.

Regards,

Michael R. Bonini, Director
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