



**Road to Saving Lives**

# **REQUEST FOR QUALIFICATIONS**

**Safety Improvements  
St. Charles and Franklin Counties, MO**

Project Number: J6P3194  
RFQ Issued: November 15, 2016  
SOQs Due: December 12, 2016

Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, MO 63017

**Addenda**      **Date**

1		Revisions:
2		Revisions:
3		Revisions:
		Revisions:



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**FORMS**

- Form DB-101 – Major Participant Information
- Form DB-102 – Reference Project Summary
- Form DB-103 – Resume Summary
- Form DB-104 – Receipt of Addenda
- Form DB-105 – Statement of Existence of Organizational Conflicts



## 1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for a Safety Improvements Project (Project), on various state-owned routes located in two Counties of Missouri, St. Charles and Franklin Counties. This project is designated as Job No. J6P3194.

Please use the following links to view county maps showing various state routes:

St. Charles Map: [http://modot.org/newsandinfo/documents/stcharles\\_000.pdf](http://modot.org/newsandinfo/documents/stcharles_000.pdf)

Franklin County Map: [http://modot.org/newsandinfo/documents/franklin\\_000.pdf](http://modot.org/newsandinfo/documents/franklin_000.pdf)

### 1.1 Project Description

*Missouri's Blueprint: A Partnership Toward Zero Deaths* is the latest strategic highway safety plan for Missouri. The Blueprint outlines the areas in which the state should focus to increase safety on Missouri's roads. The St. Louis District has set a goal of decreasing fatal and serious injury vehicle crashes on roads by producing one project to address known safety issues quickly and efficiently.

The anticipated scope for this project includes identifying and constructing safety countermeasures, consistent with the strategies identified in Missouri's Blueprint, at a list of locations provided by MoDOT. The effectiveness of each safety countermeasure will need to be demonstrated by the Submitters. A safety analysis using the Highway Safety Manual and other safety measures such as crash modification factors will be required for each location selected. Safety solutions shall be designed and constructed to best meet or exceed the goals of the project.

MoDOT will pursue environmental clearance for each location on the provided list.

The successful Proposer will be responsible for project management, design, construction, and quality management of the project. Any co-location requirements will be detailed in the Request for Proposal (RFP).

### 1.2 Project Goals

The following prioritized goals have been established for the project:

1. Deliver the project within the budget of \$23.8 million.
2. Reduce fatal and serious injury crashes by maximizing safety improvements.
3. Deliver all improvements with a reasonable service life and low maintenance cost.
4. Minimize impacts to the public during and after construction.
5. Complete construction on the project by October 1, 2019.



### **1.3 Estimated Cost and Maximum Time Allowed**

The total program budget is \$23.8 million, including the design-build contract, MoDOT contract administration costs, Right of Way acquisitions, Utility reimbursements, stipend payments, and other miscellaneous project management expenses. The fixed cost design-build contract budget is \$21.0 Million. The Construction on the Project must be completed by October 1, 2019.

## **2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS**

### **2.1 Two-Phased Design-Build Procurement Process**

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of SOQs, that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will short list at least two (if any) but not more than five most highly qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the short listed Submitters. Only the short-listed Submitters will be eligible to submit proposals for the Project. Each short-listed Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a design-build contract (if any) for the Project to the Proposer offering the best value, to be determined as described in the RFP.

### **2.2 Submitter Information**

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

MoDOT may disqualify a Submitter that violates the DBE exclusivity referred to in Section 6.9.



## 2.3 Procurement Schedule

Item	Date
Issue RFQ	November 15, 2016
Deadline for submitting RFQ questions	December 2, 2016
Final responses to questions posted & Final RFQ Addendum issued	December 7, 2016
SOQ due	December 12, 2016
MoDOT notifies short listed Submitters	December 19, 2016
Issue RFP	January 11, 2017
Final Proposal and Price Allocation due	March 29, 2017
Selection of Apparent Best Value Proposal	May 3, 2017

## 3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ, and also addresses the evaluation criteria that MoDOT shall utilize.

### 3.1 Organization of SOQ

The SOQ shall be organized as follows:

- Cover Letter
- Title Page
- Table of Contents
- Part 1 – Administrative Elements (Pass/Fail)
- Part 2 – Submitter Experience (100 Points)
- Part 3 – Key Personnel and Organization (100 Points)

### 3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the design team and contractor. Name the entity with whom MoDOT will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.



### 3.3 Part 1 – Administrative Elements (Pass/Fail)

*Submittal Requirements:*

- Form DB-104: Receipt of Addenda
- Form DB-105: Statement of Existence of Organizational Conflicts including a letter describing such conflicts if they exist.

*Evaluation Criteria:*

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

### 3.4 Part 2 – Submitter Experience (100 Points)

*Submittal Requirements:*

- An executive summary not to exceed three (3) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas :
  - **Design:** The submitter shall provide specific examples of their relevant experience with design of safety-focused projects. Provide examples of projects where the Highway Safety Manual is used to determine or analyze improvements. Provide any post construction information available to support the effectiveness of the safety of the design.
  - **Construction:** The Submitter shall provide specific examples of their relevant experience in the construction of projects that are spread out and involve many different disciplines including: grading, paving, signing, striping, and shielding (barrier, guardrail, guard cable, etc.). Also provide best practices in Construction Management that were utilized to deliver a quality project. Submitters shall also expound on their ability to generate innovative ideas, be on or ahead of schedule, and resolve challenges.
  - **Approach to Ensuring Safety:** The summary should include the Submitters' field safety record and their safety philosophy. The Submitter shall also include maintenance of traffic management on projects including scheduling lane closures, reporting/correcting deficiencies, and providing excellent planning and communication.
  - **Quality Management Program:** Identify specific examples of your quality programs for previous projects that demonstrate your ability to develop, implement and maintain a Quality Management Program throughout all phases of the project.
  - **Utility Interaction:** Describe previous efforts to minimize impacts to



and work successfully with applicable utility companies.

- **DBE Utilization:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 14% construction activities and 20% professional services, and provide examples of past performance. Demonstrate how the Submitter's DBE utilization strategies succeeded in past projects. Also demonstrate how the Submitter will effectively maintain a diverse workforce for both construction and non-construction.
- Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- Form DB-102: Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two pages. A maximum of six (6) reference projects can be described for each Submitter. For ease of comparison, this form is not to be modified.

*Evaluation Criteria:*

Part 2 will be evaluated based on Submitter's demonstrated performance on Reference Project Summary projects and the quality and completeness of the submittal requirements for this section. Specifically MoDOT will evaluate the Submitter based on:

- Experience in maintaining a project budget while delivering a single project that had components spread out over a large area.
- Experience using Data Driven Safety Analysis, especially the *Highway Safety Manual* and Missouri's Blueprint document, to deliver safer roadways.
- Approach to Construction Management on complex projects, including experience working on projects spread out over a large area, scheduling assorted subcontractors within a compressed timeframe, and delivering such projects on schedule.
- Implementation of innovative maintenance of traffic plans on a project to minimize and mitigate construction impacts to customers.
- Understanding of and experience with a Quality Management Program and how it was implemented during all phases of work.
- Experience with Utility coordination.
- The effectiveness of the DBE utilization strategies and the ability to maintain a diverse workforce for both construction and non-construction.



### 3.5 Part 3 – Key Personnel and Organization (100 Points)

Each Submitter shall identify the experience, responsibilities and past achievements of the Key Personnel listed below.

Submitters should define the following positions as Key Personnel:

- **Project Manager** – The Project Manager is responsible for all aspects of the Project, including but not limited to, overall design, construction, quality management, contract administration, safety and environmental compliance. The Project Manager should have at least seven years of recent experience managing the design and construction of highway projects. The Project Manager shall have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT’s Project Director. The Project Manager must be assigned to the Project full time.
- **Construction Manager** – The Construction Manager shall be responsible for managing the construction of the Project, including but not limited to, managing the implementation of temporary traffic control plans, overseeing the daily documentation of work zone inspections, and communicating lane closures on a weekly basis with MoDOT’s Traffic Management Center. The Construction Manager shall have at least seven years of recent management experience in highway construction. The Construction Manager must be assigned to the project full time during construction.
- **Quality Manager** – The Quality Manager’s responsibilities include, but are not limited to, creation and execution of the Submitter’s quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including, design documentation, construction quality and testing, environmental compliance and DBE/labor compliance. The Quality Manager shall report directly to the Submitter’s executive management team. The Quality Manager shall have at least five years of recent experience developing, implementing, and overseeing quality programs in civil construction work. The Quality Manager shall be assigned to the Project full time.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met and that a quality control program for design review is implemented. The Design Manager should have at least seven years of recent experience managing the design of highways. The Design Manager must be a registered professional engineer in the State of Missouri or must have registration pending at the time of SOQ submittal and be registered



for the duration of the project. The Design Manager shall be assigned to the Project full time when design activities are being performed. During construction, the Design Manager shall be readily available for on-site consultation.

Key Personnel identified in the SOQ, including any “Additional Key Personnel” may not be removed, replaced, or added without written approval of the MoDOT Project Director.

*Submittal Requirements:*

- An organizational chart and executive summary of Key Personnel, not to exceed three (3) pages describing the Key Personnel’s qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of highway projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Form DB-103: Resume Summary
- Resumes for the Key Personnel and up to two additional personnel are to be included. Each resume is limited to 1 page and shall include 2 owner references by providing a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.

*Evaluation Criteria:*

Part 3 will be evaluated based on Submitter’s ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter experience based on:

- Relevance of tasks performed by Key Personnel for reference projects.
- Specific strategies used to deliver a complex project within budget.
- Experience and specific strategies used in delivering a single project with several components on schedule.
- Design and construction of features that deliver safer roadways, including experience with safety studies using Highway Safety Manual methods.
- Experience and specific strategies in enforcing quality procedures. Include methodology for timely documentation of the quality processes used. Also demonstrate how each listed Key Personnel complied with temporary traffic control standards, design standards, and/or material and construction standards.
- Specific accountability strategies to ensure safety of both field personnel and the traveling public while on the project.



## 4 SUBMITTAL REQUIREMENTS

### 4.1 Format

The SOQ must be formatted for 8.5" x 11" paper. Charts and other graphical information may be formatted for 11" x 17" paper. Use of 11" x 17" format shall be limited to a maximum of two pages. Minimum font size is 11 point. However, 10-point text may be used within graphs or tables.

### 4.2 Due Date and Quantities

SOQ must be submitted by 2:00 pm, Central Standard Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. Five (5) printed and bound copies and one (1) electronic copy in PDF format of the RFQ response are to be submitted to the Project Director as shown in Section 6.3.

### 4.3 Page Limits

The maximum number of pages is shown in the following table:

<b>Cover Letter</b>	1
<b>Title Page</b>	1
<b>Table of Contents</b>	1
<b>Part 1 – Administrative Elements</b>	
-- Form DB-104: Receipt of Addenda	1
-- Form DB-105: Organizational Conflicts	As needed
<b>Part 2 – Submitter Experience</b>	
-- Executive Summary	3
-- Form DB-101 Major Participant Information	As needed
-- Form DB-102 Reference Project Summary	12
<b>Part 3 – Key Personnel Experience</b>	
-- Executive Summary	3
-- Form DB-103 Resume Summary	1
-- Resumes	6

Dividers between sections of the SOQ are not counted.

## 5 EVALUATION PROCESS

According to 7 CSR 10-24.030, all responses to the Request for Qualifications will be evaluated by the pre-qualification review/short listing team. This team will be comprised of the following Missouri Department of Transportation staff or their



designated representative: Chief Engineer, Chief Financial and Administrative Officer (Chief Financial Officer), Contoller (Financial Services Director), Director of Program Delivery (Assistant Chief Engineer), one (1) or more District Engineer(s), Project Director for Project, State Construction and Materials Engineer, State Bridge Engineer and the State Design Engineer. Federal Highway Administration (FHWA), acting as an external partner will be an observer to the pre-qualification/short listing process.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 100 points.

Part 3 will be evaluated based on a possible 100 points.

MoDOT is restricted to short-listing no more than five (5) teams; therefore the scoring was intentionally crafted to differentiate between what we anticipate to be many highly qualified teams. MoDOT will use the ratings below to determine a maximum of five most highly qualified teams and/or demonstrate a significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the short-listing process are as follows:

Rating	Description
Exceptional +/-	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/-	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/-	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.



## **6 GENERAL INFORMATION**

### **6.1 Major Participant Definition**

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding an equity interest in the Submitter.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 20% or more of the construction work.
- Each sub-consultant that will perform 20% or more of the professional services.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of MoDOT Project Director. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

### **6.2 Stipend**

No stipends will be paid for submitting SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$125,000 and shall be provided to such Proposers(s) as early as 15 days after MoDOT determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their stipend within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to MoDOT.

### **6.3 Communications**

MoDOT's Project Director, Jim Gremaud, P.E., is MoDOT's sole contact person for receiving all communications regarding the project and procurement thereof. Each submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.



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During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities, utility companies, railroads, regulatory agencies and the general public.

## 6.4 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted to MoDOT's Project Director. To be considered, all questions and requests must be received by 2:00 pm, CST on the date indicated in Section 2.3. Questions, requests for clarifications, and responses will be posted on the project web site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project web site, <https://partner.modot.mo.gov/sites/slsi/SitePages/Home.aspx>

## 6.5 Ineligible Firms

CH2M is acting as the owner's engineer and EFK Moen is acting as a sub-consultant. Therefore both firms are ineligible. A firm is ineligible to submit a proposal, in either a prime or sub-consultants' role, if it assists in the development of the scope of work, the RFQ, or the RFP.

## 6.6 Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.



## 6.7 Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and sub-consultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Submitter's team. Submitter must provide to MoDOT information regarding all potential organizational conflicts of interest in its proposal, 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. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

## 6.8 Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

MoDOT will ensure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

The Commission has set a workforce goal of 14.7% minority and 6.9% female per craft.

## 6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:  
**14%** construction activities                      **20%** professional services

In an effort to ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1, unless given written permission from MoDOT's Project Director.

It is the policy of MoDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.



MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms will need to be certified with MRCC. The MRCC DBE Directory is at the following web site:

[http://www.modot.mo.gov/business/contractor\\_resources/External\\_Civil\\_Rights/DBE\\_program.htm](http://www.modot.mo.gov/business/contractor_resources/External_Civil_Rights/DBE_program.htm).

## 7 PROTEST PROCEDURES

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT with a copy to the MoDOT Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the public announcement of short listing. Notice of protest of the decision on short listing must be filed within five calendar days after the public announcement of short listing.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to MoDOT Project Director and other Submitter(s), a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of MoDOT, a hearing or argument may be permitted if necessary for protection of the public interest or an expressed, legally recognized interest of a Submitter or MoDOT. The Director of MoDOT or his designee will issue a written decision regarding the protest within 30 calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of MoDOT or his designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the draft



RFP, MoDOT may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Director of MoDOT or his designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or his designee concludes that the Submitter filing the protest has established a basis for protest, the Director or his designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications or taking other appropriate actions.

## **7.1 Costs and Damages**

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.