

RESPONSE TO VENDOR QUESTIONS REGARDING THE RFP

1. Page 7, Section 2.1, indicates that one original and five copies of the technical proposal are required and only one original price proposal is required (implying that the Technical and Cost proposals will have to be bound separately). However, page 9, Section 3.1.1, indicates that the technical proposal and price proposal must be “submitted under the same cover.” Please clarify.

Answer: Although we are requiring the technical proposal and cost proposal be submitted as distinct sections (bound separately and sealed in separate envelopes – Sections 3.1.3 & 3.1.4) they should be packaged together as a single submission under one cover letter.
2. Page 7, Section 2.1, indicates that one original and five copies of the technical proposal are required. However, page 9, Section 3.1.2, indicates that one original and four copies of the proposal should be submitted. Please clarify.

Answer: The vendor shall submit one (1) original and five (5) copies of the technical proposal.
3. What is the role of each of the Division offices listed in Section 1.3 of the RFP? Are contracts let out of each of those offices?

Answer: The eight (8) Field Divisions are responsible for specific geographical areas of the State. Although the individual Field Divisions can initiate certain contracts they are required to work with ODOT's Project Management Contract Administrators to solicit, evaluate and select professional service consultants. Construction projects are advertised and recommended for award through ODOT's Office Engineer while the construction contract is initiated and executed through ODOT's Construction Division.
4. Since it is not known whether and to what extent litigation support is needed, how should/can vendors enter accurate estimates for these hours on the required Cost Proposal form (Attachment D)?

Answer: While any future litigation proceedings cannot be anticipated in advance, the vendors should, at a minimum, list the resources required for litigation support along with a cost rate that would be applied in the event support is required. Proposal costs can be evaluated based on the resources and cost rates as described on Attachment D.
5. Can we submit the electronic copy of the proposal in Adobe PDF format instead of Microsoft Word format? Also, should an electronic copy of the cost proposal be included on the CD?

Answer: An Adobe PDF file will be acceptable. An electronic cost proposal shall be included in the CD.
6. On page 7 of the RFP it states, “One (1) original and five (5) copies of the technical proposal” and “one original price proposal are required.” On page 9 of the RFP it states, “Each proposal must be submitted in one (1) original and four (4) copies.”

Please clarify how many copies of the technical proposal and the cost proposal are required.

Answer: See Answer to Question #2.

7. Are required forms or attachments, Vendor financial forms, or the cost proposal included in the 20 page limit?

Answer: The required attachments, Vendor Financial forms and cost proposal are NOT included in the 20 page limit.

8. Our cost proposal will not fit in the Cost Proposal form. Can we modify and expand the form in our own table? If the cost proposal requires more than one page, will this count against the 20 page limit?

Answer: The Cost Proposal form can be expanded to accommodate additional Skill/Resource and Names but cannot be modified further. The Cost Proposal form does NOT count towards the 20 page limit.

9. We cannot anticipate whether or not litigation support will be required following the study, and we cannot anticipate how many hours of litigation support will be required. In the Cost Proposal form, we can provide hourly rates, but not the number of hours and total cost to the project. How should we proceed? Can we leave the number of hours and total cost blank under Item #2: Litigation Support in the Cost Proposal form?

Answer: See Answer to Question #4.

10. On page 11 of the RFP it states, "The Vendor must provide a certificate of workers' compensation insurance issued by a surety licensed to write workers' compensation insurance in the State of Oklahoma." Is this certificate required to be submitted with the proposal or only after contract award?

Answer: The certificate of worker's compensation insurance will only be provided by the Vendor of required (SELECTED?) by the Department. It is not required for this response.

11. Is ODOT contract information kept centrally at ODOT headquarters or distributed among the Division offices? Please provide any details on the format and availability of prime contract and subcontract data at different locations, including information for non-DBE subcontractors. If this information varies across the study period, please describe.

Answer: ODOT contract information resides at the Central Headquarters. The information is maintained as hard copy documents and/or digital information. It is anticipated the collection of contract data will require accessing all of the physical locations and varying data systems.

12. To what extent are prime contract and subcontract data for sub-grantees receiving federal and state funds available? Please provide a description of the format and location of these data.

Answer: See Answer to Question #11.

13. Could you provide any further details about the role that Langston University will play in regard to RFP sections 1.4.1.a, 1.4.1.b and 1.4.1.c?

Answer: As described in sections 1.4.1.a, 1.4.1.b and 1.4.1.c the Department anticipates that Langston University will be tasked by the Department to assist the selected vendor in collecting information for analysis and to provide facilitation support for the vendor's interaction with local and state agencies and organizations as determined necessary.

14. Please confirm that work performed by Langston University is under a separate contract and that their services should not be included in the proposer's budget.

Answer: Langston University services are contracted by ODOT and will NOT be included in the proposer's budget.

15. Addendum # 1 amends the section on the analysis of the availability of DBEs to impose the following requirement:

“1.4.2 Availability Analysis

Determine whether an available firm had previous work experience on a project of equivalent size (in dollars) to the specified contract or subcontract element. To be counted as available for subcontract elements, a firm must have been awarded or bid on a past contract or subcontract of similar or greater size to that contract element. For prime contract elements, a firm must have been awarded or bid on past contract or subcontract of similar or greater size to the entire contract amount.”

Will the Department consider an alternative method of determining availability? The specified approach is contrary to that repeatedly upheld by the federal courts and recommended by USDOT, and will result, if attempted, in improperly and substantially underestimating DBE availability.

Answer: ODOT will consider alternative methods of determining availability.

16. Addendum # 1 amends the sections on Revisions to DBE Annual Goal Methodology Process and Steps to Determine Race-Gender Neutral and Race/Gender Conscious Percentages Likely to be Obtained in the Coming Federal Fiscal Year to eliminate determining the utilization of DBEs on state funded contracts. Will the Department consider a proposal that includes the analysis of state-funded contracts? In considering the constitutionality of DBE and other raceconscious contracting programs, the federal courts have found DBE utilization on “unremediated” or “no goals” contracts like ODOT's state-funded contracts to be highly probative in evaluating the need for race-conscious remedies.

Answer: The majority of ODOT contracts are funded with Federal dollars. However, the Department will consider proposals that include the analysis of state-funded contracts.

17. It is important to understand the extent to which the ODOT has collected and retained data on first tier subcontracts, suppliers, and subconsultants (“subs”) during the study period. Specifically, has data been collected and retained for DBEs and

NON-DBEs? If the answer is “yes” please indicate what information has been retained (e.g. business name, address, phone, owner ethnicity, owner gender, subcontract dollar award amounts, change order amounts, final NERA Economic Consulting 2 payment amounts). Please answer separately for construction, construction-related professional services, and other major procurement categories to be included in the study.

Answer: Construction contracts are managed through SiteManager. Vendor information (including owner ethnicity and gender), contract values, change orders, etc. at both the prime and sub-contractor levels can be obtained from this system. Professional Service contracts are managed in a Lotus Approach database that tracks contract values and deliverables for the prime vendor only including vendor ethnicity and gender.

18. Regarding the first-tier data mentioned in question #3, above, is the available data electronic (e.g. Access, Excel, delimited ASCII), hard copy, or a mix of the two? Please be as specific as possible.

Answer: SiteManager data is based on Oracle databases while the Lotus Approach data is in a dbf format.

19. Page 2 of Addendum #1 is the signature page to be returned with the bid documents. Do we include just the signature page or all four pages of the addendum with the bid documents?

Answer: The vendor should include only Page 2 of the Addendum.

20. The RFP requires that we include the Solicitation Request with an authorized signature with our bid. Do we need to sign and include all four pages of the Solicitation Request, or will returning one signed page suffice?

Answer: All pages of the original RFP are to be returned, with the first page of the Solicitation Request form signed.

21. Page 2, number 5 of the Solicitation Request says, “This form must be made out in the name of the bidder and must be....notarized.” To what form does this statement refer? If it refers to the Solicitation Request form, there is no clear place for the notary, so if all four pages are to be returned, will it suffice to have the notary on only one page?

Answer: Page 2, number 5 refers to the Solicitation Request form. The Solicitation Request form does NOT require notarization. References to notarization are to be stricken. The new paragraph will read as follows: "This form must be made out in the name of the bidder and must be properly executed by an authorized person, signed in ink."

22. Will the required additional forms (Addenda acknowledgments, Form 004, Solicitation Request form) count toward the page number limit?

Answer: Form 004 and the Solicitation Request form will NOT count towards the page number limit.

23. Please explain further the coordination expected with Langston University and the reasoning behind this requirement. What has Langston University's role been assisting ODOT in the past? Is only Section 1.4.1 of the Scope of Work to be coordinated with Langston University?

Answer: See Answer to Question #13. ODOT's Planning and Research Division currently has several contracts with Langston: the University houses and maintains ODOT's Research Library at their Langston-OKC office on Lincoln Boulevard, they assist with ODOT's annual Research Review Day held every year in cooperation with the Oklahoma Transportation Center and they are assisting with demographic analysis and outreach to minority communities for ODOT's Long Range Plan. They recently began a study entitled, "Development of Best Practices Program for a Collaboration of Minority Truckers" that looks at enhancing DBE participation in ODOT. ODOT also contracts with Langston University to provide students for various ODOT services during the Summer.

24. Page 5, Section 1.7.1 of the RFP is entitled, "General Conditions", and states that the "Standard Contract Terms and Conditions" document could be accessed online or by calling. The link was changed on page 1 of the addendum, section 1.7.1 entitled, "General Terms". However, the document provided at this new link is entitled, "General Provisions". The RFP repeatedly states that no exceptions to the "contract" will be accepted and that the "terms and conditions set forth in the Contract should be reviewed...since compliance...shall be mandatory" (page 8 of the RFP). So it is crucial that bidders have an accurate copy of the Standard Contract Terms. Please clarify if the "General Provisions" is the Standard Contract Terms IN ITS ENTIRETY. Also, on page 5 of the General Provisions, #28 states that "Special Provisions, if any, shall be set forth in SECTION B..." The General Provisions does not have a Section B (or A). Please clarify: Section B of which document?

Answer: General Provisions is Section A/Special Provisions, rather than being # 28, is Section B. In the case of this particular bid, there are no Special Provisions but if there were, they would be so listed.

25. Page 7 of the RFP, Section 2.1 requires that bidders send one original of the technical proposal, 5 hard copies of the technical proposal and one Word copy on CD-ROM of the technical proposal, and also one original price proposal. Page 9 of the RFP, Section 3.1.1 and 3.1.2 states that bidders must send one original, four hard copies and one electronic copy of "each proposal" (Technical and Cost referenced in Section 3.1.1). Please resolve the discrepancy.

Answer: See Answers to Questions 1 and 2.

26. Page 9 of the RFP, Section 3.1.5, says the proposals "should be placed in a binder." Are three-ring binders required or can the proposals be spiral bound?

Answer: Spiral binder will be acceptable.

27. On page 9 of the RFP, Section 3.1.6, it says that bidders must respond by "restating the number and text of the requirement in sequence" with the written response to

follow. Section 3.2.3.2 then says that bidders are to specify the methods to be used as described in Section 1.4 Scope of Work. Do we need to also restate the numbers and text from Section 1.4 Scope of Work? Currently, the requirement to restate significant text from the RFP (potentially 5+ pages) combined with the 20 double-spaced page restriction for the proposal will prevent bidders from providing enough information for ODOT to evaluate. Will ODOT consider increasing the number of pages allowed and eliminate the double-spacing requirement or delete the restatement requirements?

Answer: In order to reduce the number of pages in the vendor's response the vendor is only required to include the section number and, if available, the section title along with their response to each requirement.

28. Does the study include both Highway Construction and Professional Services contracts?

Answer: Yes.

29. If so, are Professional Services firms defined as A&E consultants?

Answer: Yes.

30. Approximately how many contracts are awarded on an annual basis? Please divide by construction and professional services.

Answer: For the calendar year of 2008 there were 324 construction contracts awarded and 124 consultant contracts awarded.

31. How many MPOs are included in the study?

Answer: The State of Oklahoma encompasses three MPOs: Association of Central Oklahoma Governments, Indian Nations Council of Governments and Lawton Metropolitan Area Planning Commission.

32. Approximately how many contracts are issued by the MPOs on behalf of OKDOT?

Answer: The Department does not currently delegate any contracting authority or responsibility to the MPOs.

33. Are the contract and payment data centralized at the HQ? or are contracts and invoices decentralized and located in the Division offices?

Answer: See Answer to Question #3.

34. Does the OKDOT require all subcontractors/consultants to register with OKDOT in order to bid on a project?

Answer: Construction Contractors are required to be registered and pre-qualified in order to bid on ODOT construction contracts. Professional Services vendors only need to request to be placed on the Department's inclusive solicitation list and be licensed in the State of Oklahoma to be eligible for consideration for contracts. A Professional Service vendor's qualifications statement is reviewed as a part of the regular selection process and is repeated

and updated based on their response to each Solicitation of Interest on a contract by contract basis.

35. What type of electronic data base systems does OKDOT currently have in place?

Answer: Construction contracts are managed through SiteManager. Professional Service contracts are managed in a Lotus Approach database. Financials are managed in customized legacy systems.

36. Does the electronic system track contracts, payments and services provided by subcontractors and subconsultants?

Answer: SiteManager tracks contract data at both the prime and sub-contractor levels including services and payments. The Contract Administrator database tracks services and payments only for the prime consultant. The Financial system tracks encumbrances and expenditures.

37. In section 1.4.2, are the grantees referenced the same as MPOs?

Answer: No. Although the MPOs are recipients of certain Federal funding allocations and have the authority to select projects they do not have the authority to expend the funds.

38. What are the contract provisions between OKDOT and Langston University?

Answer: See Answer to Question #13. The agreement between ODOT and Langston University has not been finalized yet, will be task order based and the exact scope will be subject to further definition based on the needs of the selected vendor.

39. In the work plan, should we identify what tasks are the responsibilities of Langston University?

Answer: Based on the response to Question #13 Vendor responses may include general descriptions of the role of Langston University in assisting with the study.