

**Questions and Answers, Part 1 – Program Management Consultant (PMC)
Services for Roadway Design Division**

Date: November 10, 2022

Project Number: STBG-9999-09(322)/109116-101000

County: Statewide

Project Description: Provide Program Management Consultant (PMC) Services primarily for Roadway Design Division, in accordance with federal and state laws and regulations, the CSU Manual, the Roadway Design Manual, and all applicable manuals/publications, Statewide.

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From: Stephen Rone – MDOT Director of Consultant Services

Question #1: Page 9, PART 1, Section XX, Item #1 of the RFP states: “No member of the CONSULTANT’s team or any affiliate shall provide the PMC services identified in Part 3 of this RFP on a project where a member of the CONSULTANT’s team is one of the entities being managed.” Is this saying the selected PMC CONSULTANT’s team or any affiliate can’t manage one of their own design projects with MDOT?

Answer: The selected PMC CONSULTANT’s team or any affiliate will be prohibited from managing themselves or each other. See Addendum No. 1.

Question #2: If a CONSULTANT is selected and awarded a contract as the PMC, will that consultant be able to serve as the PMC for a Roadway Design Contract for a specific project and also serve as the design consultant for a separate Bridge Design Contract for the same project?

Answer: The CONSULTANT would not be allowed to provide Roadway Design services for the Roadway Design Contract for a specific project where they are also performing the PMC services. However, the CONSULTANT may be allowed to perform design services on a separate Bridge Design Contract for a specific

project, provided they are not performing any PMC services for that Bridge Design Contract and no other conflict of interest exists. The same is true for the PMC CONSULTANT's team and any affiliates.

Question #3: Page 9, PART 1, Section XX, Item #2 states of the RFP: "No member of the CONSULTANT's team or any affiliate is eligible to pursue any advertised project, if they participated in the procurement of the project (including, but not limited to, the development of the solicitation documents or the Scope of Work)." Does this also include if the CONSULTANT participates in the location design committee for a project and staff meetings discussing projects?

Answer: The selected PMC CONSULTANT's team or any affiliate will be prohibited from submitting on a project in which they actively participated in the solicitation or procurement process with or on behalf of MDOT (including, but not limited to, the development of the solicitation documents or the Scope of Work). Activities performed prior to the development of solicitation documents will be considered on a case-by-case basis, depending on the ability to mitigate any potential conflict of interest (including competitive advantage).

Question #4: Page 9, PART 1, Section XX, Item #4 of the RFP states: "MDOT reserves the right to preclude the CONSULTANT's team from performing the services in Part 3 of the RFP or to reject a proposal by a member of the CONSULTANT's team that presents a conflict of interest. (Examples include, but are not limited to, relationships or situations which would impair the judgment and/or ability to perform of any member of the CONSULTANT's team; impede the COMMISSION/MDOT's ability to identify and/or pursue legal or corrective action for errors and omissions by any member of the CONSULTANT's team; or allow any member of the CONSULTANT's team an unfair competitive advantage.)" Is this saying the selected PMC CONSULTANT's team or any affiliate may not submit proposals for design contracts (including IDIQ Master Contracts) within the three (3) Districts being managed as part of this PMC RFP?

Answer: The selected PMC CONSULTANT's team or any affiliate will be prohibited from submitting on a project if that submittal presents a conflict of interest for that selected PMC CONSULTANT's team or any affiliate, regardless of District. As stated in the RFP, Project Engineers will be generally assigned to three (3) Districts. PMC assignments will be based on MDOT needs, which does not preclude a selected PMC CONSULTANT's team or any affiliate from performing design work in any given District at MDOT's discretion.

Question #5: Can the Project Director serve as one of the Project Engineers as defined in this PMC RFP?

Answer: This is not prohibited as long as all requirements of the RFP are met and there is no impediment to the Project Director/Project Engineer's ability to fully perform both roles.

Question #6: Page 18, PART 2, Section II.D of the RFP states: "The CONSULTANT should also provide a description of how each Project Engineer will transition from their current workload as indicated in the chart to their proposed role for this PROJECT." If the Project Engineer is required to transition from their current workload (which is a minimum of 40 hours/week), will this guarantee the Project Engineer will receive 40 hours/week under this RFP?

Answer: No, MDOT cannot "guarantee" any future work. Per the RFP, "it is preferred that these Project Engineers be dedicated to this PROJECT and serve in this capacity for approximately 40 hours/week for each Project Engineer for a combined total of 120 hours/week." The number of hours for the Project Engineers will be based on MDOT needs, the approved staffing plan, and any future exit plan.

Question #7: Page 22, PART 3, Procurement Services, 4th bullet, states: "Evaluate a consultant's cost fee estimate and other support services necessary for MDOT to negotiate the contract at a fair and reasonable cost." Are labor rates, overhead rates, and fee estimates considered confidential information?

Answer: All confidential information will be subject to the applicable laws and regulations.

Question #8: Will MDOT be willing to change the format of PDPM meetings if the consultant's conflict resolution plan necessitates it?

Answer: Any conflict of interest that may arise as a result of the format of the PDPM meeting will be addressed to MDOT's satisfaction on a case-by-case basis.

Question #9: Page 7, PART 1, Section XIII of the RFP states: "Under no condition will the selected CONSULTANT(s) be allowed to sublet or subcontract more than 40% of

the work required under the contract. It is clearly understood and agreed that specific projects or phases of the work may be sublet or subcontracted in their entirety provided that the selected CONSULTANT(s) performs at least 60% of the overall contract with its own forces.” Is MDOT open to changing the 60/40 split?

Answer: **No.**

Question #10: Will MDOT be able to commit to providing enough work for the Project Director and the prime’s support staff to help ensure that the 60% minimum is met by the prime PMC CONSULTANT?

Answer: **No. The PMC CONSULTANT will be responsible for developing a staffing plan that ensures that the contractual requirement of a 60% minimum is met by the prime PMC CONSULTANT.**

Question #11: Page 14, PART 2, Section II.B.2 of the RFP describes the requirements for the Project Director. What are the requirements for the experience and technical qualifications of the Project Director?

Answer: **Per PART 2, Section II.B.2 of the RFP, “MDOT prefers that the Project Director be on the permanent staff of the prime CONSULTANT. The Project Director shall be the primary person in charge of and responsible for delivery of the PROJECT in accordance with the contract requirements. The Project Director shall have full authority to make the final decisions on behalf of the CONSULTANT. The Project Director will serve as a point of contact to address any contractual matters.”**

The Project Director should be a person with the authority and experience to serve as a point of contact to address any issues or contractual matters that might arise with the performance of the PMC Contract. While there are no specific technical requirements for the Project Director outlined in the RFP, consultants are encouraged to propose a Project Director who could best serve in the role outlined in the RFP.

It is anticipated that the duties of the Project Director would be significantly less time-consuming than the duties of the Project Engineers. The Project Engineers are the only Key Personnel for this Contract. Per the RFP, “These Project Engineers will report directly to an assigned MDOT Project Manager(s) who will serve as the “Responsible in Charge” in accordance with 23 CFR Part 172.”

Question #12: Page 18, PART 2, Section II.D of the RFP states: “The CONSULTANT should also provide a description of how each Project Engineer will transition from their current workload as indicated in the chart to their proposed role for this PROJECT.” However, page 17 of this section states that “it is preferred that these Project Engineers be dedicated to this PROJECT and serve in this capacity for approximately 40 hours/week for each Project Engineer for a combined total of 120 hours/week.”

Page 18, PART 2, Section II.F of the RFP states: “While using MDOT space, CONSULTANTS may only work on the scope of services identified in Part 3 of this RFP.”

Please clarify this language.

Answer: The approved staffing plan will dictate the hours worked on the PMC Contract. As stated in the RFP, it is preferred that each Project Engineer be dedicated to this Contract for approximately 40 hours per week. As is also stated in the RFP, subject to agreement by the parties, it is anticipated that the PMC CONSULTANT will be required to work in the MDOT Administration Building a portion of those hours. While using MDOT space under the PMC Contract, the PMC CONSULTANT will not be allowed to work on other projects.

Question #13: What means are available for modifying contract expectations should the expected workload be vastly greater or smaller than the anticipated workloads referenced during the time of the contract?

Answer: The workload for PMC CONSULTANTS will be based on MDOT needs, the approved staffing plan, any future exit plan, and the PMC Contract.

Question #14: Will the PMC CONSULTANT team be able to work on LPA projects for clients whose projects are in the districts which the team is conducting PMC work?

Answer: A selected PMC CONSULTANT’s team or any affiliate would not be prohibited from submitting on an LPA contract, assuming no other conflict of interest exists. The PMC CONSULTANT may be asked to provide support review services for oversight of Local Public Agency Projects regardless of District. This would be based on MDOT needs and any potential conflicts of interest would be reviewed on a case-by-case basis.

Question #15: Given the RFPs flexibility in providing a staffing plan, can a firm submit a single proposal with a staffing plan shown to service the entire state as part of one contract?

Answer: No, per page 12, PART 2 of the RFP, “MDOT intends to issue no more than two (2) contracts with the most qualified firm(s) for those PMC services outlined in Part 3 of this RFP for three (3) Districts per contract. Therefore, the CONSULTANT’s PROPOSAL should consider providing the appropriate levels of staff outlined in this RFP for three (3) Districts. MDOT will assign the appropriate three (3) Districts to the selected CONSULTANT(s) during the negotiation process. Should one firm wish to be considered to provide those services listed in Part 3 for all six (6) Districts, that firm shall submit two (2) different proposals addressing the requirements outlined in this RFP for each proposal.”

Question #16: Page 12, PART 2 of the RFP states “Should one firm wish to be considered to provide those services listed in Part 3 for all six (6) Districts, that firm shall submit two (2) different proposals addressing the requirements outlined in this RFP for each proposal.” Can you provide the breakdown of the Districts for each contract?

Answer: Per page 12, PART 2 of the RFP, “MDOT will assign the appropriate three (3) Districts to the selected CONSULTANT(s) during the negotiation process.”

Question #17: If we are not allowed to submit a single proposal with a staffing plan that will service the entire state, how should we identify the contract(s) we are submitting on?

Answer: Consultants desiring to service the entire state shall submit two (2) different proposals addressing the requirements outlined in this RFP for each proposal. Each proposal should address the requirements outlined in this RFP and should provide the appropriate levels of staff outlined in this RFP for three (3) Districts. The Consultant may identify their first proposal as “Proposal Set No. 1” and their second proposal as “Proposal Set No. 2”. Each proposal will be reviewed independently.

Question #18: Page 6, PART 1, Section XI of the RFP states, “The original and all required copies of the PROPOSAL should be signed by an official authorized to bind the

CONSULTANT to its provisions.” Are electronic signatures acceptable for the PROPOSAL?

Answer: Yes.