

NCDOT / ACEC-NC / CAGC DESIGN-BUILD JOINT COMMITTEE – Meeting Minutes

Date: May 3, 2022 at 9:30 a.m.
Location: Go To Meeting
<https://meet.goto.com/662821245>
United States: +1 (872) 240-3212
Access Code: 662-821-245

Attendees:

- Teresa Bruton
- Ron McCollum
- Victor Barbour
- Kevin Ott
- Jim Seybert
- Sam Blevins
- David Gourley
- Mickey Wing
- Nilesh Surti
- Keith Nixon
- Jonathan Henderson
- Boyd Tharrington
- Malcolm Watson
- Mark Price
- Andy Barry
- David Pupkiewicz
- Hope Grumbles
- John Copeland
- Wiley Jones
- Jason Hoyle
- Paul Atkinson
- Todd Lapham
- Kevin Bailey
- Thomas Wells
- Brian Banks
- Mike Zicko
- Dennis Jernigan
- Drew Baucom
- Jason Mroz
- Stephen Roberts
- Mike Merritt
- Donna Jackson

I. Welcome and Introductions (Teresa)

II. NCDOT / NCTA Items (Teresa)

1. NCDOT

a. Updates

➤ ATC Process

- NCDOT received several comments on the proposed modifications to the *Alternative Technical Concepts and Confidential Questions* Project Special Provision discussed during the previous meeting.
- The Department will continue to count ATCs that receive the responses below towards the maximum number of allowable ATCs.
 - *The ATC does not qualify as an ATC*
 - *The RFP does not permit the concept proposed in the ATC, and the Department did not evaluate or consider the ATC*
 - *A documented question has been received outside of the ATC process on the same topic and the RFP will be revised to address that question without further regard for confidentiality* - The Department encouraged the Industry to rescind confidential questions that could be potential ATCS, and cautioned that the Department will be required to modify the RFP to address confidential questions that are not rescinded
 - *More than one ATC has been received on the same topic and the Department has elected to exercise its right to revise the RFP without further regard for confidentiality* - The Department informed the Industry that the RFP is rarely modified to incorporate a concept that is proposed in more than one ATC; and noted that the RFP was not modified to incorporate a concept that all the short-listed teams proposed in an ATC.



- The Department clarified that the modification below only applies to resubmittals of ATCs that were not approved. It does not apply to ATCs that are resubmitted after the Department distributes an RFP, including Addenda, to request additional variances.

Additionally, should the Design-Build Team resubmit an ATC that the Department did not approve, the original ATC, as well as all ATC resubmittals, shall count towards the maximum number of allowable ATCs, resulting in a minimum of two ATCs.

- Reference the attached *Alternative Technical Concepts and Confidential Questions* Project Special Provision - May 2022 Clarifications

➤ Technical Proposal Evaluation Modifications

- NCDOT received several comments on the proposed modifications to the Technical Proposal evaluation criteria discussed during the previous meeting.
- The short-listed Design-Build Teams will still be required to obtain Department written approval for all team member substitutions. The short-listed Design-Build Teams will not be required to obtain Department approval for team member additions.
- How the Design-Build Team plans to implement design and construction quality control for a project will be part of the evaluation criteria.
- A request was made to sub-divide the Responsiveness to RFP evaluation criterion into individual design disciplines with a separate point assigned to each discipline (Roadway, Hydraulics, Structures, Geotechnical, Right of Way, Utilities, Signing and Safety). The Department plans to maintain one all-inclusive point system for the Responsiveness to the RFP evaluation criterion.
- A request was made to maintain Long Term Maintenance as a separate evaluation criterion. The Department plans to include Long Term Maintenance consideration within the Responsiveness to RFP evaluation criterion.
- Reference the attached *Technical Proposal Evaluation Modifications - May 2022 Clarifications*.

➤ Sound Barrier Walls

- Noise Manual Review
 - The Design-Build Unit did not receive any comments on the proposed updated Traffic Noise Manual from the Industry.
 - It was noted that ACEC members received the updated Traffic Noise Manual outside the Design-Build Joint Subcommittee and comments were provided to ACEC for distribution to the Department.
 - The Department requested that any additional comments be forwarded to the Department by May 6, 2022.

- RFP Requirements
 - The Department clarified the Design-Build Team's investigative cost responsibilities (e.g., geotechnical, utility coordination / construction, supplemental surveys, etc.).
 - Future RFPs will include a maximum square footage quantity for sound barrier walls "on the shoulder" and "off the shoulder". The future RFPs will also include unit prices for additional sound barrier walls required "on the shoulder" and "off the shoulder".
 - Reference the attached *Sound Barrier Wall Modifications - May 2022* document.

➤ Steel Price Index

- The Department has begun including a Steel Price Index provision on Centrally LET projects.
- The Department plans to reconvene the Steel Price Index working group to discuss including the provision in future Design-Build contracts.
- The Department would like to begin using the Steel Price Index provision on the R-5777C Design-Build project (US 70 improvements) which is currently on hold.

b. Design Submittals

➤ Hydraulic Submittals

- Since the Hydraulics Unit currently only requires one design submittal, the Department requested the Industry's input on how best to ensure the Design-Build Team addresses / incorporates the drainage comments. Specifically, if it is determined that hydraulic comments have not been addressed / incorporated, the Design-Build Team may be required to acquire additional right of way / easement and / or develop a permit modification which could significantly impact the project's schedule and costs.
- The Department indicated that the goal is to minimize the Design-Build Team's potential re-work, as well as Revise and Resubmit responses for hydraulic design submittals.
- It was suggested that the Right of Way Plans be reviewed by the roadway and hydraulic reviewers to ensure that the hydraulic comments have been incorporated.
- NCDOT noted that the Design-Build Submittal Guidelines are currently in the process of being updated to reflect electronic submittals and additional hydraulic review requirements may be incorporated.
- The Department requested that the Industry forward recommendations for consideration.

➤ Ten-day Duration

- In an effort to be consistent and eliminate confusion, NCDOT plans to revise the submittal review timeframe. Specifically, the ten-day and 15-day review timeframes shall begin on the first working day after the Department receives the submittal, regardless of the time the submittal is received.
- The Industry had no concerns with this approach and supported the modification.
- The General Section in future RFPs will incorporate details on the submittal review timeframe.

- RFC Format
 - The Department indicated that there are concerns ensuring that the most current design files are easily accessible during construction. Specifically, when the Design-Build Team modifies single plan sheets, the Department may be required to access multiple files for a complete set of up-to-date plans, increasing the potential that older versions are mistakenly accessed.
 - The Department is considering requiring the Design-Build Team to submit a complete set of discipline specific plans to the Department when individual plan sheets are modified.

- Final Submittal
 - The Department asked if the Submittal Guidelines Final Submittal requirement below is clear:
 - Upon completion of the project, the Design-Build Team shall provide both electronic and hard copies of the entire project. The hard copies shall adhere to the NCDOT Design Manual's plan preparation format.
 - The Department indicated that the intent is for the Design-Build Team to provide a complete set of all plans that incorporates the most current RFC Plans for all design disciplines (format of a set of Design-Bid-Build Plans).
 - Since changes to individual plan sheets are often made, it was noted that there may be issues / concerns with developing a complete set of plans that are signed and sealed. Specifically, the combination process may invalidate the DocuSign verification.
 - The Industry agreed that the Submittal Guidelines should clarify / detail the Final Submittal requirements.

2. NCTA (Dennis)

III. Upcoming Design-Build Projects (Anticipated DB List) (Teresa)

IV. Carolina AGC Items (Victor)

1. Progressive Design-Build Update

- a. The Department is currently reviewing Progressive Design-Build documents received from other states.
- b. The Department plans to meet with a subcommittee consisting of NCDOT personnel, AGC members and ACEC members to develop NCDOT's Progressive Design-Build Policy and Procedures in the near future.

2. Express Design-Build Procurement Timeline

- a. The recent Division 6 Express Design-Build procurement was shorter than typical timeframes to assist with hurricane preparedness. Specifically, the bridges being replaced are located in flood prone areas and the Division wanted to minimize construction during hurricane seasons.
- b. The Department does not anticipate reducing the standard Express Design-Build procurement process timeframe.



- c. The Department encouraged the Industry to notify NCDOT when an extended Design-Build procurement timeframe will minimize risk and the associated additional costs.

3. Railroad Coordination

- a. NCDOT and AGC plan to re-activate the Railroad Coordination Joint Task Force to discuss streamlining the railroad coordination process on Design-Build projects.
- b. The goal is to develop a standard questionnaire that will be sent to the Railroads prior to beginning the Design-Build procurement process, as well as a Best Practices Manual for Design-Build Projects impacting Railroads.

V. ACEC Items

(David)

1. Private Utility Approval Process

- a. NCDOT stated that the NC legislators are currently considering ways to hold private utility companies responsible for project delays due to lack of responsiveness. However, at this time, the NCDOT cannot hold the utility companies responsible for project delays.
- b. Currently all delays caused by utility companies, due to redesign efforts or other reasons, are the Design-Build Team's responsibility.
- c. NCDOT expects the Design-Build Team to coordinate with the utility companies to prevent project delays.

2. Save the Date - Joint Transportation Conference November 30th to December 1st - Raleigh Convention Center

3. ACEC Members Rolling Off and New Members

- a. Jonathan Henderson and Mickey Wing will roll-off the subcommittee - Thank you for volunteering these last three years.
- b. New member applications should be received shortly, which will be distributed to current ACEC membership for selections.

4. Co-Chair - An ACEC member has volunteered to serve as Co-Chair for next year and will be coordinated with NCDOT and AGC.

VI. Open Discussion / Ongoing Items

(Committee)

1. As-Built vs. As-Constructed

- a. The Department indicated that As-Built Plans are coordinately correct while As-Constructed Drawings are red-lined mark-ups that adhere to the NCDOT Construction Manual requirements. It was further explained that the distinction was developed after Design-Build Teams informed the Department that providing As-Built Plans would require them to survey the entire project post construction since they were not providing CEI activities.
- b. To eliminate confusion and be consistent with Design-Bid-Build projects, NCDOT is considering shifting some of the As-Constructed responsibilities to the CEI firms.
- c. NCDOT stated that revisions to the As-Built Plans and / or As-Constructed Drawings requirements may be incorporated in future RFPs.

VII. Next Meeting

(David)

1. 2022 Meeting Schedule:

- August 2, 2022
- November 1, 2022
- February 7, 2023

VIII. Meeting Adjourn



Technical Proposal Evaluation Modifications

May 2022

Criteria Changes / Additions

Relocated Criteria

Clarifications

Decisions based on cost alone will not establish the design standards for the project. Technical Proposals shall address the technical elements of the design and construction of the project. The Technical Review Committee will consider the understanding of the project, the anticipated problems and the solutions to those problems, in addition to other evaluation criteria identified herein.

The Design-Build Team's Technical Proposal shall be developed using narratives, tables, charts, plots, drawings and sketches as appropriate. The purpose of the Technical Proposal is to document the Design-Build Team's understanding of the project, demonstrate the Design-Build Team's capabilities to complete the project, document their selection of appropriate design criteria and state their approach and schedule for completing all design and construction activities.

The review of design plans by the Department is not intended to reflect a reviewer's personal preferences, but rather to ensure that all contract requirements are met, sound engineering judgment is exercised by the Design-Build Team, and that the Design-Build Team adheres to all referenced documents, including but not limited to, design standards, codes, memos and manuals. As such, the Award of the Design-Build contract does not in any way imply that the NCDOT accepts the details of the Technical Proposal submitted by the Design-Build Team.

The Technical Proposal will be evaluated in each of the following major categories:

EVALUATION FACTORS	POINTS
1. Design-Build Team	5
2. Responsiveness to Request for Proposal	37
3. Long Term Maintenance	
4. Schedule and Milestones	25
5. Innovation / Added Value	10
6. Maintenance of Traffic and Safety Plan	20
7. Oral Interview	3

TECHNICAL PROPOSAL EVALUATION CRITERIA

1. **Design-Build Team - 5 points**

Provide a comprehensive Organizational Chart that identifies the design, quality and construction **team members**, and the relationships with subconsultants / subcontractors. The Organizational Chart shall identify all firms and personnel changes (additions, substitutions, deletions) to the Design-Build Team since submittal of the Statement of Qualifications.

- Confirm that the key personnel identified in the Statement of Qualifications have not changed and identify all team member additions. - Design-Build Teams will still be required to obtain Department approval for team member substitutions
- Describe the Design-Build Team's concept of design management and identify key positions and subordinate organizational units.
- If different firms and / or offices will develop designs for the project, indicate how the designs will be integrated / consistent.
- Describe how design personnel will interface with the construction personnel.
- List projects, including description and similarity to the subject project that the Design-Build Team's designer(s) have Transportation Management Plans; Pavement Marking Plans; ITS, Traffic Signal, and Signal Communications Plans; and Signing Plans.
- List projects, including description and similarity to the subject project, that the Design-Build Team's right of way firm has performed right of way acquisition services.
- Describe the Design-Build Team's concept of the project construction management organization and how it interrelates with the other elements of the Design-Build Team's organization for the project.
- Describe the work categories that the Design-Build Team anticipates will be performed by the Design-Build Team's own direct labor force and those categories that will be performed by subcontractors.
- Describe how the Design-Build Team will implement quality control for this project. - Includes design and construction quality control
- Describe any significant design and / or construction quality control issues experienced on NCDOT projects in the last ten years and how those issues will be addressed for this project
- Describe all project / construction related Notice of Violations (NOVs) received by any team member within the last five years on projects in the United States and the disposition of each listed NOV.

2. Responsiveness to RFP - 37 points - Request to sub-divide into Roadway, Hydraulics, Structures, Geotechnical, Right of Way, Utilities, Signing and Safety with individual points assigned to each discipline - NCDOT plans to maintain one all-inclusive point system for the Responsiveness to RFP Evaluation Criteria

Natural Environmental Responsibility

- Describe the Design-Build Team's approach to addressing environmental concerns within the project boundaries.
- Identify efforts to minimize impacts on wetlands, streams and other environmentally sensitive areas. Describe any temporary impacts and associated minimization approaches.
- Describe the Design-Build Team's understanding of the overall approach to permitting.
- Identify methods of construction in wetlands and streams.

- Describe all project / construction related Notice of Violations (NOVs) received by any team member within the last five years on projects in the United States and the disposition of each listed NOV.
- Describe the Design-Build Team's approach to Sedimentation and Erosion Control for the project.
- Describe efforts to minimize excavation within the contaminated sites and associated disturbance to underlying soil. If applicable, specify the extent of impacts to properties with contaminated soils, indicating the anticipated contamination excavation limits.
- Provide a narrative overview of the Design-Build Team's Vegetation Management Procedure.

Design Features

- Show plan view of design concepts with key elements noted.
- Identify preliminary horizontal and vertical alignments of all roadway elements.
- Identify the appropriate design criteria for each feature, if not provided herein.
- Identify proposed design exceptions and justify why the design exception is necessary.
- Identify proposed deviations to the preliminary design provided by the Department, not required herein.
- Show mainline typical sections.
- Specify the mainline pavement Alternate chosen. The pavement Alternate chosen for the mainline will not be a part of the Technical Proposal evaluation and the selection thereof will not impact the Technical Scores.
- Specify the base option chosen (ABC or asphalt) for all -Y- Lines, ramps, loops, service roads and roundabouts.
- If applicable, specify where all underlying longitudinal joints will be located and demonstrate how the underlying longitudinal joint location will minimize reflective cracking.
- Indicate how longitudinal joints will be located on a lane line or lane midpoint.
- Identify drainage modifications and designs to be implemented.
- Provide a brief summary of the mainline hydroplaning risk assessment and proposed mitigation.
- Provide a *Box Culverts and Cross Pipes Hydraulic Assessment Table* that contains the box culvert and cross pipe attributes noted in the Hydraulics Scope of Work found elsewhere in this RFP.
- Identify the months the Department should schedule the interagency hydraulic design review meeting and the interagency permit impacts meeting.
- Indicate the specific construction activities that will occur outside USFS properties and jurisdictional resources prior to obtaining the environmental permits and their anticipated start date.
- Discuss the extent and limits of an allowable rise in water elevation in the floodplain(s), identify potentially impacted insurable structures, specify areas anticipated to require additional surveys and estimate the anticipated additional right of way impacts outside the project construction limits.

- Identify all bridge types to be constructed, including any special design features or construction techniques needed.
- Indicate the type and number of bridge expansion joints.
- Identify types of any retaining walls and / or sound barrier walls, if applicable.
- Describe any geotechnical investigations to be performed by the Design-Build Team and note any deviations to NCDOT requirements for subsurface investigations noted in the Geotechnical Engineering Scope of Work found elsewhere in this RFP.
- Identify the approximate location of new permanent ITS devices and when they will be installed and operational in their permanent location.
- Identify any aesthetic considerations not required herein that will be part of the design.
- Describe how utility conflicts will be addressed and any special utility design considerations. Describe how the Design-Build Team's design and construction methods minimize the Department's utility relocation costs.
- Describe how the design will affect the Department's right of way costs.
- Identify the approximate easement and right of way acreage required from State and Federally owned properties.
- Provide a Preliminary Signing Concept Map that includes, at a minimum, all proposed ground mounted Type A and B guide signs.
- List projects, including description and similarity to the subject project that the Design-Build Team's designer(s) have developed Transportation Management Plans; Pavement Marking Plans; ITS, Traffic Signal, and Signal Communications Plans; and Signing Plans.
- List project, including description and similarity to the subject project, that the Design-Build Team's right of way firm has performed right of way acquisition services.
- Describe any proposed special materials, designs and / or construction methods, not referenced elsewhere in this RFP, that will reduce long term maintenance costs.

3. ~~Long Term Maintenance - 4 points~~ - Request to maintain Long Term Maintenance Evaluation Criteria - NCDOT plans to include Long Term Maintenance consideration within the Responsiveness to RFP Evaluation Criteria

- ~~Describe any special materials, not referenced elsewhere in this RFP, incorporated into the project that would result in long term reduction in maintenance.~~
- ~~Describe any special designs or construction methods that would reduce future maintenance costs to the Department.~~
- ~~Estimate a minimum ten-year cost saving resulting from incorporation of these special materials, design or construction methods into the project.~~

3. Schedule and Milestones - 25 points

- Provide a brief narrative description of the Design-Build Team's proposed plan for performing construction on the project. The description shall include at least the following:

- Indicate if, and how, the Design-Build Team intends to divide the project into work segments to enable optimum construction performance.
 - Describe the Design-Build Team's plans and procedures to ensure timely deliveries of materials to achieve the project schedule.
- Provide a detailed schedule for the project including both design and construction activities. The schedule shall show the sequence and continuity of operations, as well as the month of delivery of usable segments of the project.
 - Indicate the specific construction activities that will occur outside jurisdictional resources prior to obtaining the environmental permits and their anticipated start date.
 - Indicate how the Design-Build Team will maintain the project schedule if the right of way acquisition process, railroad agreements and / or utility relocations are delayed.
 - Identify any self-imposed liquidated damages and associated Intermediate Contract Time(s), if applicable.
 - The schedule shall also include the Design-Build Team's final completion date and, if proposed, their substantial completion date. **These dates shall be clearly indicated on the Project Schedule and labeled "Final Completion Date" and "Substantial Completion Date"**.

4. Innovation / Added Value - 10 points

- Identify any aspects of the design or construction elements that the Design-Build Team considers innovative.
- If applicable, describe design parameters / constructions methods that provide added value to the Department.
- Provide a summary of all Alternative Technical Concepts (ATC) submitted, regardless of their approval status. At a minimum, include innovative and / or added value details associated with each ATC in the aforementioned summary. It is recommended, but not required that this summary be provided as part of the 11-inch by 17-inch plan sheets.

5. Maintenance of Traffic and Safety Plan - 20 points

Maintenance of Traffic

- Provide a Transportation Management Phasing Concept (TMPC).
- Identify the type of positive median cross-over protection proposed and replacement / resetting requirements.
- Describe any traffic control measures that will be used for each construction phase.
- Describe how traffic will be maintained as appropriate and describe the Design-Build Team's understanding of any time restrictions noted in the RFP.
- Describe the Design-Build Team's approach to site access and material staging.
- Specifically describe how business, school and residential access will be maintained, if applicable.
- Address how hauling will be conducted, including but not limited to, hauling of materials to and from the site and hauling of materials within NCDOT right of way.

- Describe the Design-Build Team's approach to providing the public access to project personnel for inquiries on vehicular and pedestrian traffic impacts.
- If a temporary portable barrier system will be utilized, provide the type and why it is needed.
- If temporary shoring will be required to maintain traffic, provide the type and why it is required.
- Include all proposed road closures, detour routes, durations and justifications.
- Address where and how law enforcement officers will be used.
- Identify a Traffic Control Supervisor and briefly describe their qualifications for this role.

Safety Plan

- Describe the safety considerations specific to the project.
- ~~Describe the Design-Build Team's overall approach to safety.~~
- Describe any proposed improvements that will be made prior to or during construction that will enhance the safety of the work force and / or travelling public both during and after the project construction.

5. Oral Interview - 3 points

- The Design-Build Team's Project Management Team shall present a brief introduction of the project team and design / construction approach.
- Introductory comments shall be held to no more than 30 minutes.
- The Department will use this interview to ask specific questions about the Design-Build Team's Technical Proposal, background, philosophies and project approach.
- Presentation, questions, and answers shall not exceed 90 minutes. No more than ten people from the Design-Build Team may attend.

The Department will use the information presented in the oral interview to assist in the Technical Proposal evaluation, including but not limited to impacting the other evaluation criteria both positively and negatively.

May 2022 - Clarifications

ALTERNATIVE TECHNICAL CONCEPTS AND CONFIDENTIAL QUESTIONS

(6-8-11) (Rev. 1-27-22)

DB1 G56A

To accommodate innovation that may or may not be specifically allowed by the RFP, or other documents incorporated into the contract by reference, the Design-Build Team has the option of submitting Confidential Questions and Alternative Technical Concepts.

Definitions

A Confidential Question is a private query to the Department containing information whose disclosure could alert others to certain details of doing business in a particular manner.

An Alternative Technical Concept is a private query to the Department that requests a variance to the requirements of the RFP, or other documents incorporated into the contract by reference, that is equal or better in quality or effect, as determined by the Department in its sole discretion, and that has been used elsewhere under comparable circumstances.

Confidential Questions

The Design-Build Team will be permitted to ask Confidential Questions of the Department, and neither the question nor the answer will be shared with other Design-Build Teams. The Department, in its sole discretion, will determine if a question is considered confidential.

Confidential Questions arising prior to issuance of the Final RFP will be allowed during the industry review of the draft RFPs with the individual Design-Build Teams. The Department will answer the Confidential Question verbally at the industry review meeting, if possible, and / or through subtle changes in the Final RFP, which will clarify the scope by either allowing or disallowing the request. To the greatest extent possible, the revision will be made in such a manner as to not disclose the Confidential Question.

After issuance of the Final RFP, Confidential Questions may be submitted to the State Contract Officer via the Design-Build e-mail address (designbuild@ncdot.gov). After evaluation, the State Contract Officer will respond to the question in writing and / or through subtle changes in the Final RFP, as reflected in an Addendum, which will clarify the scope by either allowing or disallowing the request. To the greatest extent possible, the revision will be made in such a manner as to not disclose the Confidential Question. Minor questions will not be acknowledged or answered.

If the Design-Build Team includes concepts / work based on the Confidential Questions and answers, the concepts / work shall be discussed in the Technical Proposal.

Alternative Technical Concepts

The Design-Build Team will be allowed to submit a maximum of **XXX** Alternative Technical Concepts. The aforementioned maximum number of ATCs shall include both Preliminary and Formal ATCs. Excluding (1) Formal ATCs that are submitted in response to the Department's favorable review of a Preliminary ATC, (2) ATCs that are deemed to take advantage of an error or omission in the RFP, and (3) ATCs that contain multiple concepts, all ATCs submitted by the

Design-Build Team shall count towards the maximum number of allowable ATCs, regardless of the Department's response. The Design-Build Team is cautioned that ATCs that receive responses that nullify the ATC shall count towards the maximum number of allowable ATCs. For example, at a minimum, the responses below shall count towards the maximum number of allowable ATCs: Consideration for the bullets high-lighted in green below not to count towards the maximum number of allowable ATCs - Department plans to continue to count all four bullets towards the maximum number of allowable ATCs

- The ATC does not qualify as an ATC
- The RFP does not permit the concept proposed in the ATC, and the Department did not evaluate or consider the ATC
- A documented question has been received outside of the ATC process on the same topic and the RFP will be revised to address that question without further regard for confidentiality - Encourage DBT to rescind confidential questions that could be potential ATCs
- More than one ATC has been received on the same topic and the Department has elected to exercise its right to revise the RFP without further regard for confidentiality - Department rarely modifies the RFP requirements when more than one ATC is received on the same topic

Additionally, should the Design-Build Team resubmit an ATC that the Department did not approve, the original ATC, as well as all ATC resubmittals, shall count towards the maximum number of allowable ATCs, resulting in a minimum of two ATCs. - Only applies to resubmittals of ATCs that were not approved - Approved ATCs that are resubmitted after the Department distributes an RFP, including Addenda, to address modifications to the RFP will not count towards the maximum number of allowable ATCs

Once an ATC has been submitted to the Department, the Design-Build Team will **NOT** be allowed to rescind the ATC.

Should the Design-Build Team submit a single ATC with multiple concepts, the Department (1) will not evaluate the concepts proposed in the ATC, and (2) will return the ATC to the Proposer requiring a separate submittal for each individual concept. The single ATC with multiple concepts will not be considered received within the ATC submittal deadlines noted below.

Initial ATC submittals shall be submitted in accordance with the following deadlines:

- The Design-Build Team will be allowed to submit the maximum number of allowable ATCs prior to the Final RFP distribution.
- The Design-Build Team will be allowed to submit a maximum of **YYY** ATCs after the Final RFP distribution provided (1) the ATC submittal does not exceed the aforementioned maximum number of allowable ATCs, and (2) the ATC is received by the Department no later than seven weeks prior to the Technical and Price Proposals submittal deadline.

The Design-Build Team may include an ATC in the Technical and Price Proposal only if the ATC was received by the Department in accordance with the requirements noted above and it has been approved by the Department (including conditionally approved ATCs, if all conditions are met).

The submittal deadlines above only apply to initial ATC submittals that contain one concept. Resubmittal of an ATC that (1) has been revised in response to the Department's requests for further information concerning a prior submittal, (2) is a Formal ATC for a Preliminary ATC that received a favorable response from the Department, or (3) requests approval of additional required variances to the RFP requirements that were omitted in the original ATC submittal shall be received by the Department no later than three weeks prior to the Technical and Price Proposals submittal deadline.

The Design-Build Team shall be solely responsible for reviewing all versions of the RFP, including all Addenda, and determining variances required by a Formal ATC. The Design-Build Team is cautioned that the Department's approval in no way implies that the Design-Build Team has requested approval of all the required variances to the RFP requirements. Additionally, should the Department revise the RFP after a Formal ATC has been approved, the Design-Build Team shall be solely responsible for reviewing the RFP and determining if the ATC deviates from the revised requirements. If necessary, the Design-Build Team must submit a request for approval of all additional required variance(s) no later than three weeks prior to the Technical and Price Proposals submittal deadline unless the ATC deviates from revised requirements in an RFP Addendum that is distributed within three weeks prior to the Technical and Price Proposals submittal deadline. If the ATC deviates from revised requirements in an RFP Addendum that is distributed within three weeks prior to the Technical and Price Proposals submittal deadline, the Design-Build Team must submit a request for approval of all additional required variance(s) within five business days of the date of the Department's ATC response letter and / or the RFP Addendum distribution, as appropriate.

An ATC shall in no way take advantage of an error or omission in the RFP, or other documents incorporated into the contract by reference. If, at the sole discretion of the Department, an ATC is deemed to take advantage of an error or omission in the RFP, or other documents incorporated into the contract by reference, the RFP will be revised without further regard for confidentiality. If at any time, the Department receives a documented question on the project similar to a concept submitted in the form of a Preliminary ATC or Formal ATC, the Department reserves the right to revise the RFP without further regard for confidentiality.

By approving an ATC, the Department acknowledges that the ATC may be included in the design and RFC Plans; however, approval of any ATC in no way relieves the Design-Build Team of its obligation to satisfy (1) other contract requirements not specifically identified in the ATC submittal; (2) the Department's comments resulting from review of the design details post-Award; (3) any obligation that may arise under applicable laws and regulations; and (4) any obligation mandated by the regulatory agencies as a permit condition.

ATC Submittals

All ATCs shall be submitted in electronic .pdf format to the State Contract Officer, via the Design-Build e-mail address (designbuild@ncdot.gov). Excluding the ATC distribution letter, the ATC shall not include any reference to the submitter's identity.

Formal ATCs

Each Formal ATC submittal shall include the following information:

- 1) **Description** - A detailed description and schematic drawings of the ATC configuration or other appropriate descriptive information (including, if appropriate, product details [i.e., specifications, construction tolerances, special provisions, etc.] and a traffic operational analysis, if appropriate)
- 2) **Usage** - Where and how the ATC would be used on the project
- 3) **Deviations** - References to all RFP requirements, or other documents incorporated into the contract by reference, that are inconsistent with the proposed ATC, an explanation of the nature of the deviations from said requirements, and a request for approval of such variance(s)
- 4) **Analysis** - An analysis justifying use of the ATC and why the variance to the RFP requirements, or other documents incorporated into the contract by reference, should be allowed. **All intersection and interchange reconfigurations shall include corresponding electronic traffic analyses files and a signing concept.**
- 5) **Impacts** - Discussion of potential vehicular traffic impacts, environmental impacts, community impacts, safety and life-cycle project impacts, and infrastructure costs (including impacts on the cost of repair and maintenance)
- 6) **History** - A detailed description of other projects where the ATC has been used, the success of such usage, and names and telephone numbers of project owners that can confirm such statements
- 7) **Risks** - A description of added risks to the Department and other entities associated with implementing the ATC
- 8) **Costs** - An estimate of the ATC implementation costs to the Department, the Design-Build Team, and other entities (right of way, utilities, mitigation, long term maintenance, etc.)

The Formal ATC, if approved, shall be included in the Price Proposal if the Design-Build Team elects to include it in their Technical Proposal.

Review of ATCs

A panel will be selected to review each ATC, which may or may not include members of the Technical Review Committee. The Design-Build Team shall make no direct contact with any member of the review panel, except as may be permitted by the State Contract Officer. Unapproved contact with any member of the review panel shall result in a disqualification of that ATC.

At any time, the Department may request additional information regarding a proposed ATC. To the greatest extent possible, the Department will return responses to, or request additional information from, the Design-Build Team within 15 business days of the original submittal of a Formal ATC. If

additional information is requested, the Department will provide a response within ten business days of receipt of all requested information.

In accordance with the *Individual Meetings with Proposers* Project Special Provision found elsewhere in this RFP, a Design-Build Team's ATC may be discussed during confidential one-on-one meeting(s). Under no circumstances will the Department be responsible or liable to the Design-Build Team or any other party as a result of disclosing any ATC materials, whether the disclosure is deemed required by law, by a court order, or occurs through inadvertence, mistake or negligence on the part of the Department or their respective officers, employees, contractors, or consultants.

In the event that the Department receives 1) ATCs from more than one Design-Build Team or 2) an ATC and a documented question outside of the ATC process that are deemed by the Department, in its sole discretion, to be similar in nature, the Department reserves the right to modify the RFP without further regard for confidentiality.

The Department Response to Formal ATCs

The Department will review each Formal ATC and will respond to the Design-Build Team with one of the following determinations:

- 1) The Formal ATC is approved.
- 2) The Formal ATC is not approved.
- 3) The Formal ATC is not approved in its present form, but may be approved upon satisfaction, in the Department's sole discretion, of certain identified conditions that shall be met or certain clarifications or modifications that shall be made (conditionally approved).
- 4) The submittal does not qualify as an ATC but may be included in the Design-Build Proposal without an approved ATC (i.e., the concept complies with the baseline requirements of the RFP).
- 5) The Formal ATC is deemed to take advantage of an error or omission in the RFP, or other documents incorporated into the contract by reference, in which case the Formal ATC will not be considered, and the RFP will be revised to correct the error or omission without further regard for confidentiality.
- 6) A documented question has been received outside of the ATC process on the same topic and the RFP will be revised to address that question without further regard for confidentiality.
- 7) More than one ATC has been received on the same topic and the Department has elected to exercise its right to revise the RFP without further regard for confidentiality. This response could also follow and supersede one of the other previously provided responses above.
- 8) The Formal ATC contains multiple concepts and has not been considered. Should the Design-Build Team wish to pursue one or more of the concepts presented in the Formal ATC, a submittal for each individual concept shall be required.

Formal ATC Inclusion in Technical Proposal

The Design-Build Team may incorporate one or more approved Formal ATCs as part of its Technical and Price Proposals. If the Department responded to a Formal ATC by stating that it would be approved if certain conditions were met, those conditions shall be stipulated and met in the Technical Proposal or the concept will be deemed in violation of the RFP requirements.

In addition to outlining each incorporated Formal ATC, and providing assurances to meet all attached conditions, the Design-Build Team shall also include a copy of the Formal ATC approval letter from the State Contract Officer in each of the twelve Technical Proposals submitted. This letter will be included in the distribution of the Technical Proposals to the Technical Review Committee.

Approval of a Formal ATC in no way implies that the Formal ATC will receive a favorable review from the Technical Review Committee. The Technical Proposals will be evaluated in regards to the evaluation criteria found in this RFP, regardless of whether or not Formal ATCs are included.

The Price Proposal shall reflect all incorporated Formal ATCs. Except for incorporating approved Formal ATCs, the Technical Proposal may not otherwise contain exceptions to, or deviations from, the requirements of the RFP, or other documents incorporated into the contract by reference.

Preliminary ATCs

At the Design-Build Team's option, a Preliminary ATC submittal may be made that presents a concept and a brief narrative of the concept's benefits. The purpose of allowing a Preliminary ATC is to limit the Design-Build Team's expense in the pursuit of a Formal ATC that may be quickly denied by the Department.

To the greatest extent possible, the Department will review Preliminary ATCs within ten business days of submittal and will respond to the Design-Build Team with one of the following determinations:

- 1) The Preliminary ATC would be considered as a Formal ATC if the Team so elects to pursue a Formal ATC submission.
- 2) The Preliminary ATC is denied.
- 3) An ATC is not required.
- 4) The Preliminary ATC takes advantage of an error or omission in the RFP or other documents incorporated into the contract by reference, in which case the Preliminary ATC will not be considered, and the RFP will be revised to correct the error or omission without further regard for confidentiality.
- 5) A documented question has been received outside of the ATC process on the same topic and the RFP will be revised to address that question without further regard for confidentiality.

- 6) More than one ATC has been received on the same topic and the Department has elected to exercise its right to revise the RFP without further regard for confidentiality. This response could also follow and supersede one of the other previously supplied responses above.
- 7) The Preliminary ATC contains multiple concepts and has not been considered. Should the Design-Build Team wish to pursue one or more of the concepts presented in the Preliminary ATC, a submittal for each individual concept shall be required.

The Department in no way warrants that a favorable response to a Preliminary ATC submittal will translate into a favorable response to a Formal ATC submittal. Likewise, a favorable response to a Preliminary ATC submittal is not sufficient to include the ATC in the Technical Proposal.

Sound Barrier Wall Modifications **May 2022 - New changes high-lighted in green**

The Department will provide an accepted X-XXXX Traffic Noise Report (TNR) that is based on the Department's preliminary design. The Design-Build Team shall evaluate the **entire** X-XXXX project and develop the Design Noise Report (DNR) based on the plans developed by the Design-Build Team, regardless of changes to the Department's preliminary design. The Design-Build Team shall complete TNM model validation, including but not limited to the collection of additional noise measurement data, regardless of what was included in the TNR. **Unless noted otherwise elsewhere in this RFP**, the DNR shall be developed in accordance with the NCDOT 2016 Traffic Noise Policy and the NCDOT 2016 Traffic Noise Manual; and be reviewed and accepted by NCDOT. **The DNR developed by the Design-Build Team must achieve a noise reduction design goal of at least 7dB(A) for as many impacted receptors as possible, while meeting all other feasibility and reasonableness criteria. If a 7 dB(A) noise reduction cannot be achieved for at least one impacted receptor, the sound barrier wall will not be considered reasonable.** Unless noted otherwise elsewhere in this RFP, the Design-Build Team shall include all design and construction costs for all sound barrier walls required by the accepted DNR, **including but not limited to all costs associated with performing any additional geotechnical investigations necessary to design the foundations, any additional utility coordination / construction, and any supplemental surveys, in the lump sum price bid for the entire project.** However, the Design-Build Team will not be required to include any designs associated with the proposed sound barrier walls in the Technical Proposal. Prequalification under Discipline Code 441 shall be required for the firm developing the DNR.

The Design-Build Team is cautioned that the TNR is provided to show the general location of potential walls. Thus, as with all information provided by the Department, the TNR is provided for informational purposes only; and the Department will not honor any requests for additional contract time or compensation for any variations between the accepted TNR and the accepted DNR.

The Department will ballot all benefited receptors to determine which sound barrier walls recommended in the accepted DNR will be constructed. The Design-Build Team shall (1) develop and provide the information required by the Department to complete the balloting process, and (2) attend and / or speak at all balloting meetings and workshops. The Department will require four months to complete the balloting process. The Department will not honor any requests for additional contract time or compensation for the sound barrier wall construction unless the aforementioned four-month timeframe is exceeded. If time were granted, it would only be for that time exceeding the four-month period, which shall begin on the date the Department accepts the DNR developed by the Design-Build Team. The Design-Build Team shall not construct any sound barrier walls until the balloting process has been completed by the Department.

In accordance with Subarticle 104-8(A) of the 2018 Standard Specifications for Roads and Structures, if the accepted DNR and balloting process require more than 115,000 square feet (sf) of sound barrier wall on the shoulder and / or more than 100,000 sf of sound barrier wall off the shoulder, the amount over 115,000 sf and / or over 100,000 sf will be paid for as extra work at the unit prices noted below:

- **Sound barrier walls constructed on the shoulder - \$55.00 per square foot**

- Sound barrier walls constructed off the shoulder - \$50.00 per square foot
- All work tasks required to design and construct the sound barrier walls, including but not limited to traffic control, pavement, drainage, concrete barrier, geotechnical investigation, utility coordination / construction, supplemental surveys, and earthwork shall be considered inclusive in the aforementioned unit prices.

The amount of square footage to be paid for as extra work shall be determined by deducting all additional sound barrier wall square footage required as a result of horizontal and / or vertical alignment changes to the Preliminary Roadway Plans provided by the Department from the accepted DNR and balloting process sound barrier wall total square footage.

The Design-Build Team shall only credit the Department the construction cost of all sound barrier walls eliminated by the balloting process. The construction costs of all sound barrier walls eliminated solely by the balloting process shall be deducted from the lump sum amount bid for the entire project.

The Design-Build Team shall provide absorptive-faced sound barrier walls at the following locations:

- Where a sound barrier wall is located on the opposite side of the highway from impacted noise sensitive receptors that are not receiving a sound barrier wall and the receptors are located within ten times the proposed sound barrier wall height.
- Where the parallel barrier analysis (PBA), including PBAs for a single wall configuration with a minimum six-foot high retaining wall on the opposite side of the highway, shows that the noise reduction degradation results in noise levels and / or insertion loss values cause the sound barrier wall to not be feasible and reasonable.
- Where the PBA, including PBAs for a single wall configuration with a minimum six-foot high retaining wall on the opposite side of the highway, results in impacted receptors no longer being benefited.

At all sound barrier walls, the Design-Build Team shall provide 1) a four-foot berm between the wall and fill / cut slopes steeper than 6:1 and 2) a parallel concrete ditch at locations where the final grade slopes toward the wall.

The Design-Build Team shall design and construct all sound barrier walls a minimum of ten feet inside the right of way.

For all sound barrier walls, the Design-Build Team shall design and construct maintenance access points, as necessary and / or as directed by the Engineer.

To satisfy the FHWA's Abatement Measure Reporting requirements, the Design-Build Team shall prepare and concurrently submit a summary of the sound barrier walls to be constructed on the project with the final sound barrier wall working drawings submittal. The Design-Build Team shall submit the sound barrier wall summary directly to the NCDOT Traffic Noise and Air Quality Group and include the information noted in Title 23 Code of Federal Regulations Part 772 Section 772.13(f), including but not limited to overall cost and unit cost per square foot.