OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION

<u>ADDENDUM NO. 2</u>
ISSUED: SEPTEMBER 27, 2021

to

LOI NO. 16-2021

REQUEST FOR LETTERS OF INTEREST (LOIs)
FOR PROFESSIONAL ENGINEERING SERVICES FOR PROJECT NO. 71-21-05
ISSUED: AUGUST 27, 2021

LETTERS OF INTEREST DUE DATE: 5:00 P.M. (Eastern) ~~SEPTEMBER 28~~, OCTOBER 1, 2021

<u>ATTENTION OF RESPONDENTS IS DIRECTED TO:</u>

ANSWERS TO QUESTIONS RECEIVED THROUGH 10:00 AM ON SEPTEMBER 27, 2021:

-AND-

2021 BRIDGE INSPECTION REPORT

-AND-

EXTENSION OF THE LETTERS OF INTEREST DUE DATE TO
5:00 PM ON OCTOBER 1, 2021

Issued by the Ohio Turnpike and Infrastructure Commission through Aimee W. Lane, Esq., Director of Contracts Administration.

Aimee W. Lane

_____ September 27, 2021
Aimee W. Lane, Esq. Date
Director of Contracts Administration

ANSWERS TO QUESTIONS RECEIVED THROUGH 10:00 P.M. ON SEPTEMBER 27, 2021:

Q#1 Can you please tell me how many points our firm will have deducted from our total score due to our current workload? Assuming we have the potential to score perfectly on all other areas, then our deduct would be x/100, correct?

A#1 In accordance with Section 153.65, et seq., of the Ohio Revised Code, the Commission does not score potential respondents prior to the evaluation stage of the LOI process. After the letter of interest due date, the Commission will convene an Evaluation Team comprised of Engineering staff to review, rate and rank each response in accordance with the Ohio Revised Code and the Commission's policies, using the criteria and points set forth in Part VIII, Evaluation of LOIs, of the Request for Letters of Interest. A firm's current workload may be evaluated differently under different projects based on the pool of respondents for a specific project, the scope of work or other considerations.

After a contract is awarded and executed, the results of the LOI evaluation process may be obtained by making a public records request via the Commission's website at: https://www.ohioturnpike.org/about-us/contact-us or by sending an email request to recordrequest@ohioturnpike.org.

Q#2 Our firm, an SBE, previously submitted a question regarding SBE Utilization for work self-performed as a prime consultant as it pertains to instruction form Note (A). After further investigation of the Q&A for previous RFP's we have determined that OTIC has previously responded that they only count 20% of the work self-performed by a prime SBE firm toward the utilization goal. We respectfully request that this provision be reconsidered as it is an unfair burden on SBE firms submitting as prime consultants when compared to the requirements on non-SBE firms. Simply put, if Firm A is a 10,000 employee non-SBE, and Firm B is a 10 employee SBE firm, a team that is comprised with a work split of 80% Firm A/20% Firm B would meet the SBE requirements, whereas a team that is comprised of 80% Firm B/20% Firm A would not meet the SBE requirements. This is despite the fact that the second scenario described would have the SBE firm performing four times as much work as the first scenario.

A#2 The Commission's Standards and Practice Manual for the Small, Minority and Disadvantaged Business Enterprise Inclusion Program is available on the Commission's website https://www.ohioturnpike.org/business/oei. The Manual provides at Article VI, Paragraph A, in part: "For work self-performed by a MBE, LDBE or SBE bidding as a prime contractor, the Bidder may claim only 20% of the amount self-performed towards meeting the goal." The Commission is not able to waive this 20% self-perform credit requirement for this Project but will take your comments into consideration when reviewing and updating the Manual.

Q#3 Part 1 last paragraph states:

> Any person responding (a "Respondent") must clearly demonstrate depth of experience in providing construction administration and inspection services, including familiarity with the various methodologies and industry best practices for performing the required tasks. Demonstrated experience in providing the necessary services is required.

Since this is a design contract, are these the correct experience types the commission would like included in the submission?

A#3 Respondents should clearly demonstrate depth of experience providing the services identified in the Scope of Services attached to the Request for Letters of Interest as Appendix A which include Phase I – site inspection, engineering report, design and plan preparation and Phase II-engineering support during construction.

Q#4 In Appendix B, under Indemnification:

- **To minimize additional risk that may have to be factored into pricing, would the Commission consider adding the following clause to the Contract between the Commission and Consultant: "The Commission and the Consultant agree to waive any claim against each other for consequential, incidental, special or punitive damages, but only to the extent permitted by law."**
- **To minimize additional risk that may have to be factored into pricing, would the Commission consider adding the following clause to the Contract between the Commission and Consultant: "Consultant's liability under the Contract shall be limited to the value of the insurance coverage to be provided by Consultant pursuant to the Contract."**

A#4 Any respondent that takes exception to the form contract in Appendix B should submit those exceptions in writing with its proposal as explained in the Request for Letters of Interest. If the top ranked respondent submitted written exceptions to the form contract, the Commission will attempt to negotiate those terms to the satisfaction of the parties. If those negotiations fail, the Commission reserves the right to enter into contract negotiations with the next ranked respondent.

Q#5 Is geotechnical engineering anticipated to be required for any or all of these projects?

A#5 Geotechnical engineering is not anticipated to be required for this specific project.

Q#6 If geotechnical engineering is required on a given project, would it be considered a conflict of interest for us to provide services for that project as the prime consultant under "99-22-01 Construction Administration and Inspection for Various Construction Projects in 2022", given that the OTIC would be our ultimate client in both roles?

A#6 See A#5

Q#7 Our understanding is that 99-22-01 will be a task order agreement. If it would be considered a conflict of interest, could that be resolved by assigning administration and inspection services to our subconsultant for a project where we provided geotechnical engineering to the design engineer?

A#7 See A#5 and note that in accordance with Section 153.65, et seq., of the Ohio Revised Code, the Commission does not score potential respondents prior to the evaluation stage of the LOI process. After the letter of interest due date, the Commission will convene an Evaluation Team comprised of Engineering staff to review, rate and rank each response in accordance with the Ohio Revised Code and the Commission's policies, using the criteria and points set forth in Part VIII, Evaluation of LOIs, of the Request for Letters of Interest. A firm's disclosure of any conflict of interest may be evaluated differently under different projects based on the pool of respondents for a specific project, the scope of work or other considerations.

After a contract is awarded and executed, the results of the LOI evaluation process may be obtained by making a public records request via the Commission's website at: https://www.ohioturnpike.org/about-us/contact-us or by sending an email request to recordrequest@ohioturnpike.org.

Q#8 Has a deck Chloride Test been performed confirming the overlay scope of work vs deck replacement for the 93.0 overhead bridge?

A#8 A chloride test has not been performed for this Project.

Q#9 Can the most recent bridge inspection comments and recommendations be made available?

A#9 The 2021 OTIC Bridge Report for each is provided as part of this Addendum.

Q#10 Can you please provide access of the latest OTIC Special Provisions (SP) including OTIC bridge overlay specifications.

A#10 The latest OTIC Special Provisions including the bridge overlay specification (SP 848 as indicated in A#11) are available upon request to purchasing@ohioturnpike.org and will be provided by an FTP link.

END OF ADDENDUM NO. 2