

### 5-1 Introduction

The procurement process is one of the most important milestones of Design-Build (DB) delivery. It is important to recognize that the procurement milestone is much more than selection of the Design-Builder for the project. It is a pivotal step in the development of the project. It implements a process whereby the owner and the Design-Builder advance the design of the project in a manner that both maximizes the project goals and provides the most cost-effective designs to achieve those goals.

DB apparent best value selection typically utilizes a two-step procurement process. In step 1, WSDOT prepares the Request for Qualifications (RFQ) outlining the minimum and desired DB team qualifications. Interested DB teams submit Statements of Qualifications (SOQ) in response to the RFQ. An Evaluation Team evaluates the SOQs according to the criteria published in the RFQ and establishes a short list of the most highly qualified Submitters. It is best practice to select three to five Submitters for the short list.

In step 2, the Request for Proposal (RFP) is issued to short listed Submitters. Proposers submit Technical and Price Proposals in response to the RFP. Prior to opening the Price Proposals, the Evaluation Team evaluates the Technical Proposals. The proposal offering the apparent best value is awarded the contract

### 5-2 Procurement Resources

All procurement resources mentioned in this chapter are available for download on the [DB Program SharePoint site](#) in the [DB Resources folder](#).

**Preparation Guide:** This chapter does not go into detail on how to prepare the actual RFQ, Instructions to Proposers (ITP), and RFP documents. For suggested best practices on DB procurement document preparation, refer to the *Preparation Guide*.

**Design-Build Procurement Folder Structure:** A standardized folder structure for storing and organizing DB procurement called the *Design-Build Procurement Folder Structure* is designed to accommodate projects of varying size and complexity and should be used for all DB projects during the procurement process. Within the *Design-Build Procurement Folder Structure* is a Word file with brief instructions detailing which documents should be included in each folder.

**SOQ/Proposal Review Checklists:** After the SOQ and Proposal Due Dates, Contract Ad & Award uses these checklists to ensure Submitter and Proposers are adhering to the submission requirements of the RFQ and ITP. Each SOQ and proposal are reviewed prior to being sent to the Evaluation Team.

**SFTP Configuration Instructions:** Instructions detailing the steps for configuring to the WSDOT SFTP are for Submitters. Contract Ad & Award will post these instructions on the online directory for the project in the folder named "Submittals".

**Design-Build to Advertisement Checklist:** The tool used on all DB projects to determine the level of formal approval needed to advertise. This spreadsheet assigns level of confidence to key elements of the RFP to determine whether those key elements are on target for the advertisement date. The advertisement date represents the RFQ date.

**Advertisement Notice:** WSDOT's initial release of information to procure a DB project is prepared in a formal notice to the industry as an *Advertisement Notice*. You can find examples of past advertisement and pre-advertisement notices on the SharePoint site.

**Confidentiality and Non-Disclosure Agreement and No Conflicts of Interest Affidavit:** To ensure confidentiality and impartiality, everyone who is involved in the procurement of a DB project in any capacity must fill out a *Confidentiality and Non-Disclosure Agreement* and *No Conflict of Interest Affidavit*. These agreements will be kept on file with the project office; and will become part of the evaluation record. The *Confidentiality and Non-Disclosure Agreement* and *No Conflict of Interest Affidavit* are discussed in further detail in [Chapter 6](#).

**Apparent Best Value Determination Spreadsheet:** The tool that calculates the Proposal Price with the Technical Score to determine which Proposer provides WSDOT with the apparent best value.

**Qualitative Evaluation Forms:** The forms used by Evaluators to comment and score SOQs and Proposals.

**Prompt Questions:** A list of suggested questions for External Debriefs.

### 5-3 Timelines and Deliverables

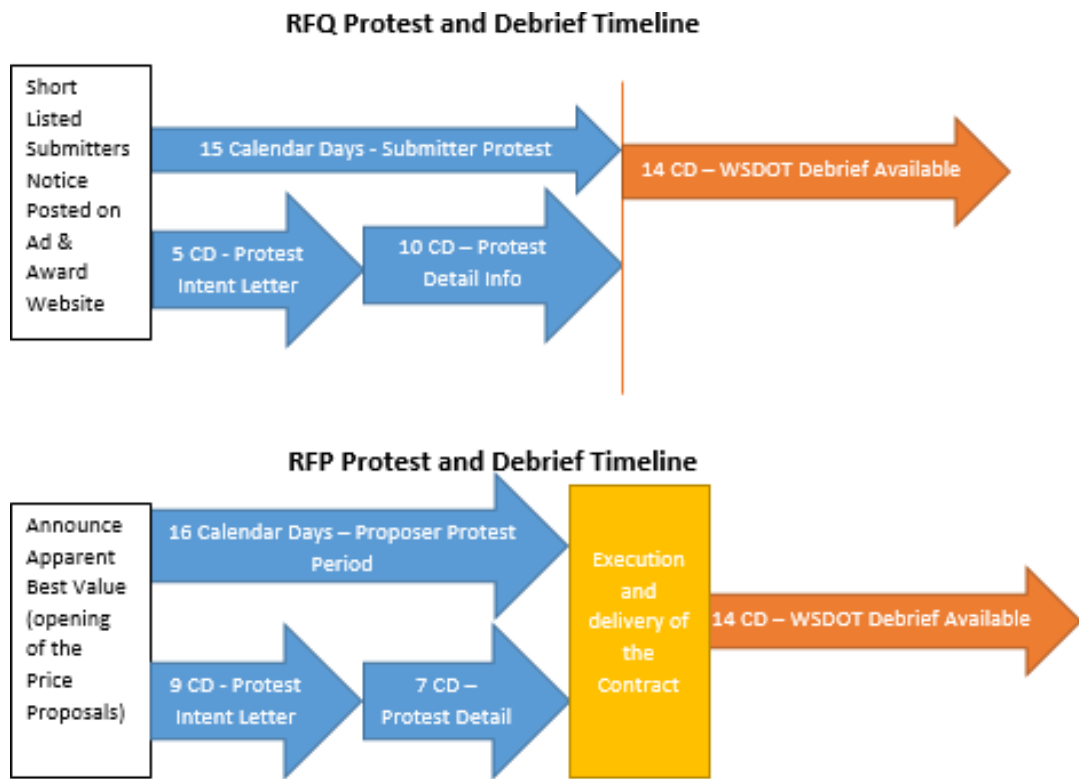
The procurement steps represent the process of selecting the Design-Builder. However, the procurement steps include many activities beyond just the procurement process. As can be seen from the flowchart in [Exhibit 5-1](#), an extensive work effort is necessary to support the procurement process and to simultaneously advance the project development.

Exhibit 5-1



Exhibit 5-2 identifies the timeframe required for both protest and debrief for the RFQ and the RFP.

Exhibit 5-2



[Exhibit 5-3](#) identifies approximately a 1-year timeline for the procurement process, which is generally appropriate for large DB projects. Though DB delivery offers a strong potential to minimize the overall projects delivery time, it does require a significant duration for the procurement step to realize its benefits. Refer to [Exhibit 5-3](#) as you populate the procurement timeline tables in the RFQ and the ITP.

### Exhibit 5-3

#	Action	Typical schedule logic	Notes
Step 1 – SOQ Phase			
1	Pre-advertisement	Approx. 2 to 8 weeks before RFQ advertisement	During this period your website will be posted with the advertisement notice, fact sheet and any informational documents. This period builds the Interested Parties List and is important for generating interest in large or unusual projects.
2	RFQ Issue Date	Approx. 8 to 12 weeks before RFP issue (#14)	
3	Voluntary Submitter's Meeting	7 to 10 days after #2	Must occur after advertisement in Daily Journal of Commerce (DJC). The DJC is published every Friday, and the advertisement must be submitted to Contract Ad & Award before Wednesday in order to be published the same week.
4	Deadline for Submission of Submitters' Questions	2 weeks prior to #7	
5	Deadline for requesting Username and Password for WSDOT SFTP site	2 weeks prior to #7	Must be done to ensure Submitters have access to the WSDOT SFTP site.
6	Deadline for WSDOT Response to Submitters' Questions	1 week after #4 and 1 week before #7	<ul style="list-style-type: none"> <li>• Provide guidance on where to find the answer in the RFQ</li> <li>• Issue an addendum</li> </ul>
7	SOQ Due Date	4 to 6 weeks after #2	Provide a longer timeline for SOQ development if advanced notification of the project was not given to industry.
8	SOQ Review Checklist	Day after #7	Done by Contract Ad & Award
9	SOQ Evaluations	Allow 3 to 5 weeks between #7 and #11	Projects may receive several SOQs for review. Ensure sufficient time is provided for Evaluators to review and comment on SOQs and for the Evaluation Team to combine comments.

Exhibit 5-3

#	Action	Typical schedule logic	Notes
10	Internal Debriefs with WSDOT Management and Executive Teams	Before #11	Present evaluation results to project, region, and Headquarters (HQ) management and executives to gain their concurrence. Schedule debriefs prior to advertising RFQ to ensure availability of executives. See the <i>Internal Debriefs</i> subsection of this chapter for a list of executives to be invited to the debrief meetings.
11	Notify Short Listed Submitters	Before #14	WSDOT Project Team provides a letter to Contract Ad & Award to publish shortlisted Submitters. WSDOT Project Team provides copies of each Submitter's evaluation comments, individual score, summary scoring sheet for each submitter without other Submitters' names
12	Protest	Notice of protest must be filed within 7 days of #11	Protests have the potential to delay the procurement. See RFQ Section 7.13 for more details.
13	External Debriefs with Submitters	Immediately following the end of the protest period	
<b>Step 2 – Proposal Phase</b>			
14	RFP Issue Date	Week of #11	Within the week after notification of short list. Maybe longer depending on circumstances.
15	Voluntary Proposer's Meeting	5 to 10 days after #14	Provide a short period of time for the short listed Submitters to review the RFP.
16	1:1 Meeting	Start within 1 week of #14 and end 2 to 3 weeks prior to #20	1 to 2 hour(s) per week per Proposer. Consider scheduling meetings to occur all on the same day.
17	ATC Submittal Deadline	2 to 3 weeks prior to #20	WSDOT has 14 calendar days to evaluate ATCs, then provide a 2 week "quiet period" for Proposers to finalize proposal.
18	Deadline for Submission of Proposers' Questions	2 to 3 weeks prior to #20	
19	Deadline for WSDOT Response to Proposers' Questions	1 to 2 weeks after #17 and at least 2 weeks before #20	Ensure WSDOT has enough time to answer questions and that the Proposers have a "quiet period" prior to proposal due date. This is the last day to issue an addendum.

## Exhibit 5-3

#	Action	Typical schedule logic	Notes
20	Proposal Due Date	6 to 9 months after #14 (typical)	This varies greatly depending on the scope/ complexity of the project. To take advantage of innovative design solutions, a minimum of 6 to 9 months should be provided for proposal development. Emergency projects could have 2 month procurement periods, but this would be an exception.
21	Proposal Review Checklist	Day after #20	Done by Contract Ad & Award
22	Proposal Evaluations	Allow a minimum of 3 to 6 weeks between #20 and #26	Include time for Evaluators to review and score proposals, and for the Evaluation Team to combine comments.
23	Internal Debrief with WSDOT Management	Within week after #22	Time to present evaluation results to project, region, and HQ executives. Debrief meetings should be scheduled while the SOQ debriefs are being scheduled to ensure availability of executives.
24	Price Proposals Opening	Within week after #22	The unsealing of the proposal price always occurs on a Wednesday (unless Monday is a holiday) WSDOT Project Team provides copies of each proposer's evaluation comments, individual score, and summary scoring sheet without the other proposer's names.
25	Announce Apparent Best Value Proposer	Same time as #22	Allow time for evaluation and debrief/ concurrence from Region and HQ Executive Teams
26	Protest	Within 9 business days after #25	Protests have the potential to delay the procurement. See ITP Section 8.0 for more details.
27	Notice to Award	Within 45 calendar days after #25	Prior to award, you will need to submit your list of agreed betterments to Contract Ad & Award.
28	Pay Stipends	Within 30 calendar days after receiving Form N, <i>Stipend Invoice</i> .	WSDOT will pay a Stipend to all Proposers who submit a Form M ( <i>Stipend Agreement</i> ), Form N ( <i>Stipend Invoice</i> ) and responsive proposal.
29	Execution of Contract	20 to 40 calendar days after #27	

Exhibit 5-3

#	Action	Typical schedule logic	Notes
30	Practical Design Workshop (Optional)	Within 7 calendar days after #29 and before #32	Within 7 calendar days of Contract execution, and prior to issuing NTP, the parties will discuss and potentially initiate a Practical Design Workshop. The Practical Design Workshop may last up to 30 Calendar Days
31	External Debrief with Proposers	Within 14 calendar days after #29 and must be after #26	
32	Estimated Notice to Proceed	Up to 30 calendar days after #27 and 29	Approx. 7 days to Award (can be expedited if necessary) and 3 weeks to Execute the Contract (cannot be expedited without changing the ITP – DBer is allowed 20 days to return signed contract).

#### 5-4 Approval of Design-Build Projects to Advertise

All DB projects must have formal approval action for the RFQ and RFP to be published. Publishing the RFQ is a function of the RFP and shall be based on a readiness assessment of the RFP. The form of this approval action will depend on the risks WSDOT will be assuming with the publishing of the RFQ and RFP. It is the goal of WSDOT to minimize risks associated with the RFQ and RFP prior to publishing.

The risk levels are not to be confused with right of way certification status. Right of way certification is specific to the status of right of way acquisition needed for the project. The risk levels detailed below quantify risk associated with all the project development disciplines, including right of way certification. This assessment needs to be a collaborative effort between the Region and Headquarters.

The risk levels described below are associated with an assessment of the RFP status. The assessment is intended to determine that all components of the RFP are on track to be completed and incorporated into the RFP prior to Issue RFP Date.

Prior to publishing the RFQ, Region and HQ will conduct a collaborative assessment of the RFP to determine if it is on target for the Ad Date by comparing the target dates in the *Design-Build to Advertisement Checklist* to the actual schedule dates. The “Level of Confidence” column in the checklist will be used to document whether all key elements are tracking by selecting green, yellow, or red status.



### 5-4.1 **Level 1 Approval**

This approval level is for projects that demonstrate that all aspects of the project are on track to be complete by the “Target Date” column in the checklist, and there is high confidence (all green) the RFP will be complete by the Ad Date.

Approval action shall consist of a letter from the Region to Contract Ad & Award Office certifying the project meets the conditions of a Level 1 Approval.

### 5-4.2 **Level 2 Approval**

This approval level is for projects that are generally on track to be complete by the Target Date, but still have some activities/issues to be resolved prior to the Ad Date. Note, elements in the checklist that are at risk to miss the Target Date but are tracking to be complete prior to Ad Date shall have a yellow Confidence Level. Elements that are tracking to be complete after the Ad Date shall have a red Confidence Level.

Approval action for these projects shall consist of a letter from the Region to the Contract Ad & Award Office, certifying the project meets the criteria for a Level 2 Approval, and identifying all outstanding issues along with a plan to resolve said issues prior to the Ad date. Approval to publish the RFQ will require concurrence by HQ Construction. This concurrence will be based on the risk associated with outstanding issues and the likelihood of resolving them prior to the scheduled Ad date.

### 5-4.3 **Level 3 Approval**

This approval level is for projects that are not on track for completion prior to the Ad Date, missing critical elements required for a complete biddable project, but there is a clear and compelling need to begin the advertisement process. Note, elements in the checklist that are at risk to miss the Target Date but are tracking to be complete prior to Ad Date shall have a yellow Confidence Level. Elements that are tracking to be complete after the Ad Date shall have a red Confidence Level.

Approval action for these projects shall consist of a letter from the Region to the Contract Ad & Award Office, certifying the project meets the criteria for a Level 3 Approval, identifying all outstanding issues along with a plan to resolve said issues two weeks prior to the proposal due date. HQ’s approval to proceed to RFQ publishing will be based on clearly defined risk associated with outstanding issues, and a plan for resolving said issue two weeks prior to the scheduled proposal due date. In the event all issues are not resolved, and appropriate conditions incorporated into the contract a minimum of two weeks before the proposal due date, the proposal due date may be extended. Any conditions incorporated into the RFP and extensions proposal due date will require concurrence by HQ Construction.

## 5-5 Electronic Submittal Process

It is the intent of WSDOT to implement a “paperless” DB process in accordance with Executive Order E 1066.00, Executive Order E 1010, and [RCW 19.360](#).

Part of the “paperless” DB initiative is to move away from hard copy, paper documents and allow for the electronic submittal of SOQs and proposals. Contract Ad & Award, HQ DB and the IT Division developed an electronic submittal process, outlined below, that allows Submitters and Proposers to send in their submissions securely and remotely.

### 5-5.1 *WSDOT Secure File Transfer Protocol*

WSDOT is requiring that all DB procurements be submitted completely electronically. Electronic submittal of the SOQs and the Technical Proposal is accomplished using a WSDOT Secure File Transfer Protocol (SFTP) site. Shortly after the Voluntary Submitters Meeting, Submitters will request a username and password, then use an FTP Client to configure and connect to the WSDOT SFTP site using their assigned username and password. This WSDOT SFTP site is set up once a DB contract is advertised and published on the Contract Ad & Award page.

### 5-5.2 *Requesting a Username and Password*

To connect to the WSDOT SFTP site, Submitters must request a username and password from Contract Ad & Award by sending an email [caa@wsdot.wa.gov](mailto:caa@wsdot.wa.gov). Once a username and password are requested, Contract Ad & Award will forward the request on to the IT Division so that a username and password can be generated for the Submitter. This username and password is unique to the Submitter and only applicable to the specific contract that the Submitter plans on pursuing.

To submit a Technical Proposal, Short Listed Submitter will use the same username and password Contract Ad & Award assigned to them in the SOQ phase to connect to WSDOT SFTP site once again in the proposal phase.

### 5-5.3 *Statement of Qualifications Electronic Submittal*

SOQs are submitted prior to the SOQ due date to WSDOT via the WSDOT SFTP site. At midnight on the SOQ due date, Submitters will have their access to the WSDOT SFTP site revoked so that Contract Ad & Award can conduct their SOQ review using the *SOQ Review Checklist*. After the SOQ review, SOQs are passed along to the Evaluation Team.

### 5-5.4 *Proposal Electronic Submittal*

The Proposal is separated into two parts: Technical Proposal and Price Proposal. The Proposer must follow two separate processes to submit. Technical Proposals and Form C, *Upset Amount Determination* (if applicable to the project) are also uploaded to the WSDOT SFTP site the same way SOQs were submitted. After midnight on the proposal due date, Proposers will have their access to the WSDOT SFTP site revoked so that Contract Ad & Award can conduct their proposal review using the *Proposal Review Checklist*. After the proposal review, Technical Proposals are passed along to the Evaluation Team.

Price Proposals and Proposal Bonds are submitted electronically using BidX. Former Form B, *Price Proposal* and Form F, *Proposal Bond* are built into BidX, so they are no longer part of the ITP. Proposers will need a BidX account, have an approved digital ID, submit a request to bid with WSDOT, then download the bid file in advance. Once their account is set up, Proposers can submit their electronic proposal bond and complete their price proposal through BidExpress. The Bid may be resubmitted as many times as needed prior to the deadline. Bids are still publicly opened by the Contract Ad & Award office on the date of the Apparent Best Value determination.

## 5-6 Contract Ad & Award

DB contracts follow a different process during contract advertisement and contract award than Design-Bid-Build (DBB) or small works contracts. Typically, DB contracts have a need to enter the advertisement and award period before the RFQ has been fully developed to share informational documents with interested parties and start to gain notice in the contracting community. This is referred to as the pre-advertisement period. Due to the number and size of advertising documents on a DB contract, these documents are shared with contractors electronically through use of a website. Because all documents are shared electronically, a GovDelivery distribution list is created by Contract Ad & Award and this list is used to communicate to interested parties throughout the procurement period. Throughout this period, the project office generating documents will work with Contract Ad & Award who will manage, post, and notify interested parties of these documents. These processes are outlined in detail below.

### 5-6.1 *Initiating the Advertisement and Award Period*

To initiate the advertisement and award process, a contract number for the subject contract must be assigned. Contract numbers are assigned by the Contract Administration and Payment System (CAPS) office in HQ Accounting. Email [CAPS@wsdot.wa.gov](mailto:CAPS@wsdot.wa.gov) with a request for a contract number. Contract Ad & Award will post new DB project pages and notices on Mondays so the request for a contract number needs to reach CAPS by no later than Wednesday afternoon the week prior. The request should include the following items:

1. A request for a contract number
2. The Construction Project Engineer's (PE) name (if known). Otherwise the Design PE's name may be given.
3. The proposed advertisement date (when the RFQ is published) for the DB contract (if known)
4. Evidence of construction funding

### 5-6.2 Request a Project Webpage and Document Directory

To request a webpage and document directory, email [caa@wsdot.wa.gov](mailto:caa@wsdot.wa.gov) by no later than 1:00 p.m. on the Wednesday prior to the project page going live on Monday. Provide Contract Ad & Award with the following information:

1. Project Title
2. County
3. Name, phone number, and email address of the project contact that will be receiving questions for the project

Contract Ad & Award will create a project webpage for the project, creating a file directory on the <ftp://ftp.wsdot.wa.gov/contracts> server and create a GovDelivery subscription service for interested parties to sign up to receive alerts about the project during the procurement process. Note that Contract Ad & Award cannot create the project webpage and document directory until a request for a contract number is submitted and the contract number is provided from HQ CAPS.

### 5-6.3 Advertisement Notice

As is customary with developing, advertising, and awarding work, WSDOT publicly communicates its intent to procure the DB project. This communication effort informs industry partners of WSDOT's intent to solicit proposals, and it establishes a process and opportunity for WSDOT and industry partners to begin to exchange information, gain understanding, and measure interest. The project office should allow up to 30 Calendar Days for this step.

The project office shall prepare the *Advertisement Notice* using an official WSDOT letterhead template and, at a minimum, include the following information:

- Project title
- Contract number
- The schedule for the procurement process
- The approximate construction value
- Prequalification bidding amount and major work class number
- Scope of work/a brief description of the project
- RFQ advertisement date
- Date, time, and place of the Voluntary Submitters Meeting
- Links to project website and interested parties list
- Small and Veteran-Owned Business Enterprise (SVBE)/ Disadvantaged Business Enterprise (DBE)/Federal Small Business Enterprise (FSBE) Goal (as applicable) and On-The-Job Training and Apprentice Utilization goals (as applicable)

- Outstanding permits
- Outstanding agreements
- Utility and railroad issues
- Right of way issues
- EBASE job number and version

Authorization of the notice content and approval to release should be obtained from the Regional Administrator, Regional Administrator for Construction, or HQ Construction.

Once the notice is approved, email it to [caa@wsdot.wa.gov](mailto:caa@wsdot.wa.gov).

#### **5-6.4 Submitting Documents for Web Posting and Notifications**

The project office will need to set up another location on the FTP site that you can use as a directory for submitting your documents to Contract Ad & Award. Small documents can be attached to an email and sent to [caa@wsdot.wa.gov](mailto:caa@wsdot.wa.gov) but large documents will need to be saved on the FTP server and you may send a link to the file directory.

Please use care in choosing your file and folder names and adhere to the following best practices when setting up your appendices and creating folders and files:

- Do not use spaces in folder and files names – remember these will become internet links and web browsers turn every space into “%20”
- Do not use underscores “\_” in file names. When viewing the URL it is not possible to tell whether or not the symbol is there because all URL text appears underlined.
- Only use safe characters in file and folder names (alphanumeric and limited special characters (although we recommend using no special characters as a best practice))
- File and folder names should be as short as possible.
- Do not repeat the same text in file and folder names.
- Do not repeat the name of the project in file and folder names.
- Shorten whenever possible (example – use “A” instead of Appendix). The total length of the URL cannot be more than 256 characters (if it is, most browsers will not allow users to view the files and they will get an error message).

Contract Ad & Award will review and rename your documents as necessary to conform to best practices for web posting and to be consistent with other DB contracts, and post them in the file directory for your contract at: <ftp://ftp.wsdot.wa.gov>. Contract Ad & Award will also update your project webpage and add links to the new documents. When that is completed, Contract Ad & Award will send an alert to the GovDelivery account for your project informing interested parties that new documents are available.

## 5-7 Statement of Qualification Process

### 5-7.1 *Voluntary Submitters Meeting*

After the issuance of the RFQ, WSDOT typically holds a voluntary meeting for potential Submitters that provides information regarding the project and answers questions arising from the RFQ. There is not a set agenda for the meeting, but common topics are:

- Introduction of WSDOT Project Team
- Project Scope
- Project Goals
- Review SOQ Process
- Electronic Submittal Process
- Minority and Women Business Enterprise (MWBE)/SVBE/DBE Networking

The WSDOT Project Team is usually present and introduced. The WSDOT Project Team is available to describe and answer questions on the project scope and goals. The SOQ process is reviewed, including important dates. The Voluntary Submitter's Meeting should elaborate on exactly how the project goals will be scored. The discussion with Submitters regarding the scoring of goals should be the same as will be used with the Evaluation Team.

To the extent that there are goals or participation requirements for MWBE, SVBE or DBE, these are explained. In addition, sometimes there is a networking event set up for Submitters, and the details of the event are announced.

Submitters should be informed that, to the extent that any information in the meeting conflicts with information in the RFQ or any of other procurement documents, the written procurement document will govern. The purpose of this announcement is to encourage the flow of information. Because it is impossible for the people holding the meeting to be certain that the information provided in response to questions is 100 percent accurate, Submitters should be encouraged to refer to the documents in writing as the final word on any issues.

### 5-7.2 *Request for Username and Password*

This process should take place no less than 2 weeks before the SOQ due date. See [Section 5-5.2](#) above for more information on this process.

### 5-7.3 *Request for Qualifications Questions, Clarifications, and Addenda*

The clarification process allows WSDOT to respond to Submitters' questions during the RFQ advertisement period. Submitters may have two types of questions: proprietary (confidential) or general questions. Initial determination of whether a question is general or proprietary can be made by simply asking the Design-Builder if they would object to WSDOT posting their question online. The PE shall employ their professional judgement when considering Design-Builder claims of proprietary questions. If the PE disagrees with the Design-Builder and considers their question to be general (non-proprietary), then

they may choose to not answer the question unless the Design-Builder agrees to allow WSDOT to post it online.

A response to a proprietary question will be sent directly to the Submitter that asked the question. A response to a general question will be posted on the project webpage for all to see. Responses to clarification questions need to be carefully drafted for consistency and ensure fair competition. Clarification responses are meant to clarify the RFQ, but should not be used to materially change the RFQ. Material changes to the RFQ should be modified via the addendum process. All responses to clarification questions need to be approved by the Assistant State Construction Engineer (ASCE).

#### **5-7.4 Request for Qualifications Addenda**

RFQ addenda are generated by clarification questions but can also be generated to modify the contents of the RFQ. Submitters begin preparing SOQs shortly after the RFQ is issued. Changes to the RFQ often have a major impact on SOQs. If a notable addendum needs to be issued less than 2 weeks before the SOQ due date, the PE should consider delaying the SOQ due date. Please notify Contract Ad & Award whenever a change to the SOQ will impact a document submittal date or otherwise require rescheduling of Contract Ad & Award resources.

#### **5-7.5 Receipt of Statement of Qualifications**

Contract Ad & Award receives all SOQs and completes the SOQ review check using the *SOQ Review Checklist*. Contract Ad & Award will compile and distribute the Submitter's List with Single Point of Contact.

#### **5-7.6 Evaluation Process**

The evaluation of SOQs is done by the Evaluation Team. For more information on the evaluation process, see [Chapter 6](#).

##### **5-7.6.1 Short Listing**

The short listing of contractors will take place following the completion and acceptance of the Evaluation Process as described in [Chapter 6](#). The Project Team will provide the short list letter, unsuccessful letter, complete scoring spreadsheet, summary comments for each submitter, detailed scores for each submitter and summary scores with the names of each submitter removed to Contract Ad & Award for review, signing and distribution. Contract Ad & Award and distribute the short list information and scoring to each submitter.

##### **5-7.6.2 Protests**

Contract Ad & Award will receive and respond to any protests.

## 5-8 Request for Proposal Process

### 5-8.1 Voluntary Proposers Meetings

After the issuance of the ITP/RFP, WSDOT typically holds a voluntary meeting for Proposers that provides information regarding the project and answers questions arising from the ITP or RFP. There is not a set agenda for the meeting, but common topics are:

- Introduction of WSDOT Project Team
- Project Scope
- Project Goals
- Electronic Submittal Process
- Review any unique RFP content
- Engineers Estimate/Upset Amount
- Procurement Schedule
- Outstanding ROW
- Supplemental Boring Program
- Alternative Technical Concept (ATC) Process

Typically, there will be very few questions, with the Proposers holding their cards close in this public setting. This is the reason we hold confidential 1:1 meetings.

### 5-8.2 1:1 Meetings

The 1:1 meetings are an effective communications tool during the procurement process. Very important discussion occurs here. These meetings require significant effort by WSDOT and Proposer, but also offer significant value. The WSDOT Project Team should recognize the significant effort required for the 1:1 meeting process when determining staffing levels on DB projects. Consider keeping staff participation small and limit consulting support to ensure the strictest confidentiality.

In general, the following project personnel each have a role during the 1:1 meetings:

1. Point of Contact/PE
  - Quality control responses to formal questions and addenda
  - Solicit Engineering Manager (EM) and ASCE approvals
2. Design Manager/Conceptual Design Lead/Team Leader
  - Write responses to formal questions and addenda
3. Procurement Manager
  - Record/track issues, questions, addenda
  - Resolve 1:1 action items
  - Facilitate coordination with Contract Ad & Award
  - Maintain original and conformed documents
4. Approving Authority – EM/ASCE
  - Review and approve formal questions and addenda



The 1:1 meetings are confidential and conducted individually with each short listed Proposer. WSDOT cannot disclose information about competing Proposers, including their relative standing among the other Proposers. WSDOT cannot disclose any specific pricing that a Proposer must meet.

In 1:1 meetings, Proposers may ask any questions they wish. The meetings are the Proposer's to manage, although WSDOT should track any action items. The Procurement Manager should request that the Proposers send an agenda at least 2 days prior to the meeting to allow WSDOT time to organize subject matter experts to attend the meeting as necessary. The meetings are an appropriate venue for the Procurement Manager to discuss pending addendums, progress on permits or ROW, or any other updates. These updates must be consistent between all the Proposers. Questions may range from evaluation processes, RFP content, scope of work, to what does WSDOT consider a good example of "xyz".

In most DB procurements where the Proposers develop their designs, the owner has very little communication with the proposers and, therefore, the owner has limited opportunity to provide input and guidance regarding the design. WSDOT is unique in the number of 1:1 meetings it conducts with its Proposers. These meetings allow for significant WSDOT input and collaboration into the development of the design. For large projects, the 1:1 meetings are as frequent as once per week, typically lasting from 1 to 2 hours. The Proposers can vet their ideas with WSDOT staff and ask questions to clarify any ambiguities in the RFP.

The development of ATCs requires significant effort. The 1:1 meetings allow Proposers to vet the ATC ideas with WSDOT prior to expending that effort. WSDOT may still reject an ATC once it is developed. The early vetting allows WSDOT to guide Proposers in the right direction and steer Proposers away from ATCs that the WSDOT Project Team knows will not be acceptable.

WSDOT can use the 1:1 meetings to ask Proposers if there is any portion of the RFP that is unnecessarily increasing the cost of the procurement.

WSDOT should respect the Design-Builders' need to wrap up during last 2 weeks, finish estimates, and produce their proposals. We recommend a quiet period during the last weeks with no addenda or no significant addenda. Finally, we recommend when structuring your internal teams, that members of RFP development and 1:1 meetings transition to contract administration to provide continuity.

It is very important that the procurement team respond to questions from each Proposer in a consistent manner. The procurement team should be open and honest about providing information to Proposers to help them better understand project risks, challenges, stakeholder participation, project needs and any other key elements related to making the project a success. Each Proposer should be treated by the procurement team as members of the project team. It is in the best interest of WSDOT to provide open communication to each Proposer to ensure they are able to submit a successful proposal that provides an innovative solution to solving the project needs. The procurement team must respond to Proposer questions and innovative solutions carefully as to not

tip a Proposer that the procurement team has already discussed the issue with another Proposer. Proposers need to evaluate how they intend to market their proposal to meet the RFP and meet or exceed the project goals. WSDOT's expectations or preference must be clearly stated in the RFP. Proposals will be evaluated based on criteria found in the RFP/ITP. See [Chapter 6](#) for additional information.

### 5-8.2.1 Following the Meeting(s)

The PE should recap each 1:1 meeting to determine if there are any action items, make a general assessment as to what items may need an addendum and target a date for the addendum. The PE should also evaluate what resources are needed to process the addendum (technical expertise, etc.). Issues that have the greatest impact to Proposers should be prioritized first, followed by what can reasonably be handled within the period of time available.

### 5-8.3 Request for Proposal Questions, Clarifications, and Addenda

The clarification process allows WSDOT to respond to Proposers' questions during the RFP advertisement period. See [Section 5-7.4](#) of this manual for discussion on general versus proprietary questions. A response to a general question will be posted on the project webpage for all to see. Responses to clarification questions need to be carefully drafted for consistency and ensure fair competition. Clarification responses are meant to clarify the RFP but should not be used to materially change the RFP. Material changes to the RFP should be modified via the addendum process. The Procurement Manager should ensure that the Proposer wants their question to be posted publicly prior to posting the Q&A on the project website. To ensure confidentiality of the content of a proposal, the Procurement Manager should allow each Proposer to ask confidential questions during 1:1 meetings. All responses to clarification questions need to be approved by the ASCE.

#### 5-8.3.1 Questions

Submitting Deadline is "fill in date and time" from RFQ/RFP. Response Deadline is "fill in date and time" from RFQ/RFP. Submitter/Proposer Questions are provided to the Point of Contact in writing. RFQ Section 3.3 outlines the process for Questions, Clarifications, and Addenda and ITP Section 2.3, Section 2.4 and Section 2.5 for Communications, Questions, and Addenda.

- WSDOT should track formal questions (on a spreadsheet or other tool)
- Responses should generally be one of the following:
  - Your question will be addressed by addendum
  - Refer to the RFQ/RFP documents – page/sheet #
  - Submit in accordance with the RFQ/RFP
- Responses may also include clarifying information
- Responses should not change the intent of the RFQ/RFP
- WSDOT can ask the submitting Submitters/Proposers to rephrase their question
- WSDOT can refuse to answer the question

- Do not give partial answers
- WSDOT may submit formal questions
- The EM and ASCE need to concur with the responses prior to posting
- Submitters/Proposers bring their questions for WSDOT to answer – WSDOT does not offer up solutions, suggestions, or opinions
- In general, WSDOT will share the following information
  - Redirect to information posted on the WSDOT website (Contract Ad & Award, and project site) – RFQ, RFP, ITP, fact sheet, conceptual plans or potentially any responses to formal questions
  - Share that detailed technical information is available in the RFQ/RFP/ITP
  - Restate information that was shared at the Voluntary Submitter/Proposers Meeting
- Provide uniform information to each Submitter/Proposer (if at all possible on the same day)
- WSDOT may need to ask if questions are intended to be a formal question (public) – which will be posted to the Contract Ad & Award site along with a response

#### **5-8.4 Request for Proposal Addenda**

RFP addenda are generated by clarification questions but can also be generated to modify the contents of the RFP. Proposers begin preparing proposals shortly after the short list is announced. Changes to the RFP often have a major impact on proposals. If a notable addendum needs to be issued less than 2 weeks before the proposal due date, the PE should consider delaying the proposal due date. Please notify Contract Ad & Award whenever a change to the RFP will impact a document submittal date or otherwise require rescheduling of Contract Ad & Award resources. You must also notify Contract Ad & Award each time a change is made to EBASE that needs to be advanced to the bids module (a change to the Price Proposal).

##### **5-8.4.1 Posting Addenda and Formal Question Process**

- The PE will notify the EM and ASCE of addenda and formal questions as they are identified
- The WSDOT Project Team will assemble documents and review for spelling, grammar, line and section references, etc. a minimum of 1 day prior to posting to Contract Ad & Award
- The PE will review and comment
- After review, the PE will solicit EM and ASCE approval(s)
- Upon EM/ASCE approval, the WSDOT Project Team will provide the PE a conformed document at the conclusion of the addenda process and send documents to the Contract Ad & Award to be posted and distributed.
- The PE will provide the conformed document(s) to Proposers as a courtesy (they are not contractual) after they are posted to the Contract Ad & Award website

### **5-8.5 Receipt of Proposal**

Contract Ad & Award receives all proposals and completes the proposal review using the *Proposal Review Checklist*. See [Chapter 6](#).

### **5-8.6 Proposal Evaluation and Determination of the Apparent Best Value Proposer**

The Evaluation Team performs the evaluation of the proposals. For information on the evaluation process, see [Chapter 6](#).

#### **5-8.6.1 Apparent Best Value Determination**

After the Evaluation Team has completed the Evaluation and secured concurrence from the Executive Team, the Project Team and Contract Ad & Award will prepare for the Best Value Determination. The Project Team will send Contract Ad & Award the full evaluation spreadsheet for use at the public opening. Only the sheet with the calculation showing the best value will be shared publicly. Contract Ad & Award will conduct the public opening of the price proposal and the Best Value Determination on the date specified at the link available on the website. Contract Ad & Award will publicly open the price proposals on camera and read the prices and overall scores and announce the Best Value Proposer, second Best Value Proposer and Third Best Value Proposer.

After the public opening and announcement, Contract Ad & Award will post and distribute the Best Value Determination. Contract Ad & Award will then begin the post-bid opening process which will eventually result in a tabulations of the price proposals being posted and distributed.

#### **5-8.6.2 Protests**

Contract Ad & Award will receive and respond to any protests.

#### **5-8.6.3 Contract Award and Execution**

After the Apparent Best Value Determination has taken place, Contract Ad & Award will clear the Apparent Best Value Proposer for award and begin preparations to award the contract. If additional information is needed of the proposer, Contract Ad & Award will send a request for pre-award information. This would be done in cases where additional information is needed in order to determine that the Apparent Best Value proposer submitted a responsive proposal. When the request has been satisfied by the contractor, award can move forward.

Prior to contract award, the Project Team will need to provide Contract Ad & Award with a list of the agreed-to betterments. It is preferred to verify that the contractor agrees to the betterments identified prior to awarding the contract because once the contract is awarded, it must be executed within 20 days. Contract Ad & Award will conform the Contract Form to the successful proposer and prepare the award documents. Prior to the awarding the contract, the following approvals must be provided:

- Region approval to award
- HQ Construction approval to award

- HQ Bridge approval to award
- HQ CPDM funding approval
- FHWA concurrence (only for select PoDi or PoCi projects)
- Other approvals as needed (Contract Ad & Award will notify you)

After all approvals are secured, Contract Ad & Award will prepare the award documents and award the contract. This begins the 20 day timeline for execution of the contract. The execution documents will be routed by CAPS and upon the return of the completed and compliant documents the contract will be signed and executed by the Deputy State Construction Engineer. At this point, CAPS will issue the Notice to Proceed.

## 5-9 Alternative Technical Concepts

An ATC is a confidential request by a Proposer to modify a contract requirement, specifically for that Proposer, prior to the proposal due date. The Procurement Manager should encourage Proposers to discuss potential ATC concepts early to ensure that time is not wasted pursuing a concept that is fatally flawed, and to allow WSDOT to help ensure Proposers are aware of any potential challenges in getting an ATC approved. ATCs are evaluated for approval or denial by WSDOT within the deadline set forth in the ITP, which is usually set to occur several weeks before the proposal due date. The Proposer may only incorporate unconditionally approved ATCs into a proposal, but they do not have to include an approved ATC in their proposal. Except as noted herein, any contract requirement can generally be subject to consideration for an ATC. To be approved, an ATC must be deemed, in WSDOT's sole discretion, to provide a project that is "equal or better" on an overall basis than the project would be without the proposed ATC. Concepts that simply delete scope, lower performance requirements, lower standards, or reduce contract requirements are not acceptable as ATCs. WSDOT generally allows the ATC process for all DB contracts to promote innovation, find the best solutions, and to maintain flexibility in the procurement process.

### 5-9.1 Submittal

To allow sufficient time for review, all proposed ATCs must be submitted to WSDOT no later than the time specified in the ITP. This deadline applies to both initial submissions and revised submissions in response to WSDOT's comments.

Each ATC submittal package shall address the elements required by the ITP. Each of the elements are intended to facilitate one of the following purposes:

1. Help WSDOT understand what is being proposed
2. Help WSDOT understand specifically what changes to the RFP are being requested
3. Establish a firm commitment from the Design-Builder to implement the requested changes
4. Help WSDOT determine whether or not the ATC will provide a project that is "equal or better" on an overall basis to what the project would be without the proposed ATC

At no time during the ATC submittal and review process shall the Proposer disclose any pricing information related to the ATC, including but not limited to, estimated increases or decreases to the Proposer's Price Proposal, if any.

Absent permission from WSDOT, once an ATC is discussed with or submitted to WSDOT, the ATC shall not be disclosed to third parties including other Proposers, and to the extent permitted by law, shall remain confidential until after contract award. WSDOT's permission to the Proposer prior to the Proposer disclosing ATC information to third parties (such as other governmental agencies that may have an interest in the ATC) is required in order to allow WSDOT to review and either approve or disapprove the ATC.

## 5-9.2 Review

Incomplete ATC submittal packages may be returned to the Proposer without review or comment. WSDOT may, in its sole discretion, request additional information regarding a proposed ATC. WSDOT may, in its sole discretion, deny any ATC. ATCs that do not meet the "equal or better" standard shall be rejected. ATCs that would require excessive time or cost for WSDOT to review, evaluate, or investigate will not be considered.

WSDOT will not consider contract cost savings in the "equal or better" determination. This is because (1) doing so could create an unlevel playing field where all Proposers are not bidding on an equivalent project, and (2) there is no way of identifying whether the suggested price benefit actually materialized in the proposal documents.

All discussions with Proposers regarding ATCs and information contained in an ATC submittal will remain confidential. Due to the confidential nature of ATCs and the need to respond in a timely manner, the WSDOT Project Manager shall minimize the number of staff involved in the ATC review process. When technical issues and questions arise that are outside the WSDOT Project Team's expertise, HQ Construction should be consulted. All staff that are to be involved in the review shall sign a confidentiality agreement before beginning the review.

WSDOT shall refrain at all times during the ATC submittal review process, including 1:1 meetings, from indicating in any manner to a Proposer that a particular ATC would favorably or unfavorably affect the Proposers technical score. To do so can not only short circuit the proposal evaluation process, but it can also interject the owner's bias into the proposal process. When measured in terms of the competitive process, this could provide advantages to a single Proposer to the detriment of the remaining Proposers. The Proposer should be advised that, if approved, the ATC will be evaluated in accordance with the ITP.

Design analyses, as described in the WSDOT [Design Manual](#) M 22-01, are not categorically prohibited from consideration in an ATC. In addition, design analyses that are approved for inclusion into an ATC shall not be disclosed to other Proposers until such time as the contract is executed and WSDOT takes full ownership and control of the unsuccessful proposals, which includes the design analysis. Any question that may arise regarding conducting an "apples to apples" comparison of proposals is resolved by requiring the ATC to meet the "equal or better" standard.

The policy notwithstanding, owing to the nature of design analyses, which in and of themselves tend to lower the functionality of the project, meeting the “equal or better” standard will be difficult.

Matters that are specifically not eligible for approval as an ATC include the following:

1. Concepts that are not deemed, in WSDOT’s sole discretion, to meet the “equal or better” criteria (as stated above, concepts that simply delete scope, lower performance requirements, lower standards, or reduce contract requirements are not acceptable as ATCs). When making this determination, consider the project as a whole. Ask the following question: “Is the project with this ATC ‘equal or better’ than the project without the ATC?”
2. Any change that would require excessive time or cost for WSDOT review, evaluation, or investigation

WSDOT reserves the right in its sole discretion to reject any ATC.

### **5-9.3** *WSDOT Response*

WSDOT will respond to each Proposer within the timeframe stipulated in the ITP. The WSDOT Project Manager shall obtain written approval from the State Construction Engineer or his delegate, and Federal Highway Administration (FHWA) concurrence as appropriate on Federal oversight contracts, prior to providing a final response to an ATC. The format for the response should include the ATC number, brief description, and shall be limited to one of the designated responses provided in the ITP.

### **5-9.4** *Incorporating Alternative Technical Concepts into the Proposal*

A Proposer has the option to include any or all unconditionally approved ATCs in its proposal and the proposal price should reflect such incorporated ATCs. If WSDOT returned an ATC stating that certain conditions must be met prior to granting approval, the Proposer must satisfy the stated conditions and obtain WSDOT’s unconditional approval of the ATC prior to incorporating the ATC in the proposal. Except for approved ATCs, the proposal shall not otherwise contain exceptions to or variations from the requirements of the RFP.

WSDOT will not advise Proposers on whether or not to include ATCs in their proposals in that such a practice can lead to claims of favoritism thereby resulting in an increased likelihood of a bid protest.

### **5-9.5** *Evaluating Alternative Technical Concepts in the Proposal*

To avoid potential conflicts and ensure the objectivity of the evaluation process, WSDOT employees or consultants that participate in pre-proposal 1:1 meetings with Proposers shall not participate in the evaluation of the proposals.

Once an approved ATC is included in a proposal, it is the responsibility of the Evaluation Team to determine how the ATC fits within the evaluation criteria. Technical scoring shall be the sole province of the Evaluation Team and shall be based solely on the scoring criteria in the ITP.

### 5-9.6 *WSDOT Use of Concepts Contained in an Alternative Technical Concept*

By submitting a proposal in compliance with the ITP, all unsuccessful Proposers acknowledge that upon payment of the designated stipend, all ATC incorporated into a proposal, shall become the property of WSDOT without restriction on use.

## 5-10 Security and Confidentiality

### 5-10.1 *Confidentiality and Non-Disclosure Agreement and No-Conflicts of Interest Affidavit*

The most important pieces of the DB procurement process are confidentiality and impartiality. Whether it be development of the RFQ (such as project goals), the RFP (elements of the conceptual plans), or the actual evaluations of SOQs and proposals, confidentiality and impartiality are of utmost importance. This is to ensure that no DB Teams submitting SOQs and proposals could have an unfair advantage by obtaining “inside information” about the proposed project that other firms would not have access to or by receiving an evaluation tainted by conflicts of interest.

At the Evaluation Kick-Off Meeting, prior to the start of the evaluation, the Facilitator will inform the Evaluation Team, and all others present in the evaluation room, of the importance of confidentiality safeguards. The Facilitator will verify the submission of a *Confidentiality and Non-Disclosure Agreement* (Appendix X) and a *No-Conflict of Interest Affidavit* (Appendix X) from each Evaluation Team member.

The Management Team will resolve indications of real, apparent, perceived, or possible conflicts of interest. If a conflict cannot be resolved, the individual involved will be removed from the evaluation process. The submissions of the *Confidentiality and Non-Disclosure Agreements* and *No Conflict of Interest Affidavits* to the Facilitator will become part of the evaluation record. After the Evaluation Kick-Off Meeting, all individuals involved in the evaluation process will be responsible for maintaining confidentiality.

#### 5-10.1.1 (RFQ) Voluntary Submitters/Proposers Meeting:

The Voluntary Submitters Meeting really has no expectation of confidentiality. Clarifications or questions answered (unless trivial, at the PE’s discretion) would typically be published on the project website.

See [Chapter 6](#) for additional information.

#### 5-10.1.2 (RFP) One on One Meetings:

Unlike the Voluntary Submitters Meeting, the discussions and content of the 1:1 meetings are highly confidential. For details on these 1:1 meetings, see [Chapter 6](#) for additional information.



### **5-10.2 Security of Work Area**

The Facilitator will secure a private meeting room for all group reviews, evaluations, and discussions pertaining to the evaluation. Only the Evaluation Team will be authorized admittance to this area. For details on Security of Work Area. See [Chapter 6](#) for additional information.

### **5-10.3 Documentation Control**

Authorized personnel should directly control and keep secured all SOQ and proposal evaluation documentation at the end of each day. Adherence to the procedures in this manual as it relates to safeguarding and storing of confidential documentation is of utmost importance. Do not store computer files on drives accessible to others. All computer-generated data will be securely stored on drives accessible only to those on the Evaluation Team or the individual Evaluation Team member (such as personal drives).

At the conclusion of the evaluation process, the Evaluation Team will not retain any part of the SOQs or proposals. All work must remain in the project specific evaluation file, clear of any notations or markings by the Evaluation Team. Remember it is the intent of WSDOT to remain paperless during this process.

### **5-10.4 Information Release**

No information regarding the contents of the SOQs/proposals, members of the Evaluation Team, deliberations by the Evaluation Team, or other information relating to the evaluation process shall be released (except to authorized persons) or publicly disclosed without WSDOT executive authorization. It is particularly important that any information designated as “proprietary or confidential” by any Proposer be carefully guarded to avoid its inadvertent release.

## **5-11 Roles and Responsibilities**

### **5-11.1 Responsibilities of the Contract Ad & Award Office**

See [Chapter 6](#) for the roles and responsibilities of the Project Management Team.

### **5-11.2 Project Management Team**

See [Chapter 6](#) for the roles and responsibilities of the Project Management Team.

### **5-11.3 Region Executive Team**

See [Chapter 6](#) for the roles and responsibilities of the Region Executive Team.

#### **5-11.4 Headquarters Executive Team**

The HQ Executive Team consists of the Assistant Secretary for Regional and Mega Programs/Chief Engineer, the Assistant Secretary for Multimodal Development & Delivery, the Director of Construction/State Construction Engineer, and the Deputy State Construction Engineer. If appropriate, consider including the State Design Engineer, Environmental Services Office (ESO), and Office of Equal Opportunity (OEO) to the above list of participants.

#### **5-11.5 WSDOT Project Engineer**

The WSDOT PE is responsible for ensuring the timely progress of the evaluation and coordinating any consensus meetings or re-evaluations. To the extent that the WSDOT PE determines it appropriate, the WSDOT PE may deviate from any procedure as prescribed herein as long as said deviations do not otherwise constitute a violation of applicable law. Any such deviation must be documented and addressed in the presentation to the Management Team. The WSDOT PE is Responsible for scheduling oral debriefing sessions with the Submitters/Proposers (in accordance with the ITP). The WSDOT PE selects the Evaluators. If an Evaluation Team member is unable to complete their evaluation responsibilities to the extent the WSDOT PE determines necessary, or if additional Evaluators or Technical Advisors are necessary to evaluate the Technical Proposals more completely, the WSDOT PE will take the required steps necessary to arrange for substitution or supplementation of evaluation personnel.

The WSDOT PE will facilitate the participation of Observers, as may be necessary during the course of the evaluation process.

#### **5-11.6 Technical Point of Contact**

A Technical Point of Contact is identified to Submitters/Proposers in the RFQ and the RFP documents. The Technical Point of Contact is available for questions and clarifications during the processes. Often this role is filled by the WSDOT PE. The Technical Point of Contact cannot be an Evaluator.

#### **5-11.7 Assistant State Construction Engineer**

The ASCE provides HQ oversight of the entire procurement process, including:

- Provides input on goal setting, scoring, and development of the RFQ, participates in the Voluntary Submitters Meeting, and the SOQ Evaluations as the HQ Observer. Reviews and approves the RFQ prior to advertisement.
- Provides input on the development of the RFP and Information to Proposers (ITP), scoring, participates in the 1:1 meetings, and the proposal evaluations as the HQ Observer. Reviews and approves the ITP/RFP prior to advertisement. Reviews Q&A and addendums prior to posting.
- After the apparent best value Proposer is announced, continues oversight of the award and contract administration of the project.

### 5-11.8 **Procurement Support/ Request for Qualifications /Request for Proposal Coordinator**

- Responsible for ensuring the timely progress of the evaluation
- Responsible for scheduling oral debriefing sessions with the Submitters/Proposers (in accordance with the ITP).
- The PE works with region leadership to select Evaluators and an alternate, in the event of an Evaluator being unable to complete their evaluation responsibilities.
- Scheduling Technical Advisors necessary to evaluate the Technical Proposals
- The WSDOT PE will facilitate the participation of Observers, as may be necessary during the course of the evaluation process.

For more information on Roles and Responsibilities, see [Chapter 6](#).

## 5-12 **Design-Build Delivery Interface with Other Processes**

DB delivery is unique in the way in which it interfaces with many processes that are integral parts of WSDOT transportation projects. Primary among those are environmental processes, FHWA processes and WSDOT internal administrative processes. This section identifies key elements of interfaces between those three processes and DB delivery, primarily through the use of flowcharts.

### 5-12.1 **Environmental Processes**

Environmental interface is important throughout the development and execution of DB delivery. Most all significant transportation projects include elements of risk associated with the environmental conditions. As a result, environmental conditions play a role in the selection of the appropriate method of delivery, the initial project development, the development of the RFP, the procurement process, and ultimately the implementation of the project.

Federal regulations establish the parameters by which State departments of transportation may deliver projects using DB ([23 CFR Part 636](#)). For environmental aspects of the regulation, see [Chapter 1](#). Per guidance from FHWA, WSDOT has established a standard of practice that typically includes the issuance of an RFP on DB projects after the National Environmental Policy Act (NEPA) process has been completed and a decision document has been signed. Exceptions to this practice should be carefully considered.

If the NEPA process has not been completed prior to the issuance of an RFP, the solicitation document must include a notification of the status of the NEPA review and a statement that no commitments are to be made to any of the NEPA alternatives currently under consideration, including the no-build alternative. WSDOT must receive prior FHWA concurrence before issuing the RFP, per [23 CFR 636.109](#).

When a specific DB project is developed within the limits of a previously completed NEPA decision document, it is not uncommon for the design development of the project to vary somewhat from the preferred alternative of the NEPA decision document. In those

instances, it may be determined that a formal environmental reevaluation needs to be completed prior to the issuance of the RFP to determine the requirements for the final NEPA approvals. When an environmental reevaluation is necessary, its processes must be carefully determined and integrated into the design development procurement schedule for the project as it can often dictate the critical path of the project schedule.

It is not uncommon for Design-Builders to develop designs that are not fully consistent with the final NEPA decision documents, usually as a result of ATCs. If the Design-Builder designs or constructs the project in such a way that causes different impacts to the environment or surrounding communities, additional NEPA/State Environmental Policy Act (SEPA) documentation may be required. If required, the Design-Builder shall be responsible for providing additional information/data necessary to support WSDOT's NEPA/SEPA analysis. In addition, the Design-Builder shall pay all costs and accept all responsibility for any schedule delays associated with updating or securing the additional environmental approvals. WSDOT will coordinate with all applicable agencies as part of any environmental documentation process.

In situations where the NEPA process had not been completed prior to the award of a DB contract, the Design-Builder's specific responsibilities concerning NEPA approvals and associated environmental permitting processes must be clearly defined in the RFP and contract documents. The process requires the Design-Builder to closely coordinate with WSDOT. The DB contract must include termination provisions in the event that the no-build alternative is selected. The DB contract must also include appropriate provisions preventing the Design-Builder from proceeding with final design activities and physical construction prior to the completion of the NEPA process (WSDOT uses a two phase Notice to Proceed to comply with this requirement).

### 5-12.2 *Federal Highway Administration Processes*

Although not all WSDOT DB projects include Federal funding, the interface with DB projects and the FHWA is an important component of the delivery method. WSDOT and FHWA have jointly developed the *Washington State Department of Transportation Federal-Aid Highway Program Stewardship and Oversight Agreement*, which defines how they will work together to provide project and program oversight.

For more information on FHWA processes, see [Chapter 10](#).

## 5-13 **Debriefs**

The debrief process is a valuable part of WSDOT's DB program. The debrief process consists to two basic parts: debriefing internally with the Management, Region, and HQ Executive Teams, and externally with the Submitters/Proposers. WSDOT continues to improve its DB Program and the debrief process is one way WSDOT gathers input on how we can improve and WSDOT shares input on how the Submitters/Proposers can improve.

The internal debrief process is used to gain concurrence on the Evaluation Team's score and assessment of the SOQs and proposals.

The external debrief process is a coordinated effort with our industry partners. Our industry partners have continued to say that they appreciate the feedback, positive and negative, and value the transparency that WSDOT creates by holding these meetings and that we incorporate them into our DB procurement process.

The debrief process is integral to, and a continuation of, WSDOT's SOQ and proposal evaluation and scoring efforts. The Information that we discuss comes directly from the SOQ and proposal evaluation as well as the procurement documents.

### **5-13.1 Evaluation – Key Points**

The input on the evaluation and scoring forms comes directly from the Evaluation Team. The Evaluation Team should be encouraged to provide feedback to the Submitters/Proposers about their SOQ/proposal content, how the information was presented, did they address the contractual requirements (how were project goals addressed), was the SOQ/proposal clearly written, etc. This information is critical to both the internal and external debriefs to demonstrate that the evaluation process for fair, consistent, and followed WSDOT's processes.

Strong SOQs/proposals assume that the Evaluation Team is not familiar to WSDOT.

SOQs/proposals should stand-alone, be complete, and not leave questions for the Evaluators to make assumptions on what the Submitter/Proposer meant.

SOQs/proposals should tell the readers how their experience or approach relates to the project goals. The Evaluation Team should not have to make assumptions or rely on their own experience.

The Evaluation Team should provide thoughtful comments. The Evaluation Team should present these comments in a positive way. The Facilitator should be helping the Evaluation Team to record this feedback on the scoring spreadsheets.

The Evaluation Team should make sure their comments support the score that has been chosen for each section. The supporting information should be reviewed at all levels of WSDOT and revised as needed to make sure the written comments support the score. It may require being more specific in a comment and indicating why the Evaluation Team determined this score was appropriate.

### **5-13.2 Incorporating Reference Feedback**

Reference checks are an important and integrated piece of the evaluation process. Reference reviews should be consistent and should be a group effort. How to incorporate reference feedback:

1. Never use reference names in a comment
2. An appropriate comment might read like – “Reference checks support an evaluation in the Excellent” range”; or, “Reference checks indicated that the WSDOT Project Manager did not collaborate well to solve contract issues”
3. Other references than those listed may be used. If asked, we should tell the Submitter that other references were contacted.

### 5-13.3 *Incorporating Statement of Qualifications and Proposal Comments*

When possible be specific and incorporate page and figure references. This information will help the teams relate to specific issues or items of work.

The comments should be related to what WSDOT is asking for in the RFQ or ITP. The comments should support the score that is shown and provide documentation from the proposals.

### 5-13.4 *Getting Ready for Debrief Sessions*

#### 5-13.4.1 **General Items**

The comment sheets should be reviewed and proofread to ensure there are no typos, no grammatical errors, there are no personal or derogatory comments, there are no personal opinions, and that all comments comply with the terms of the contract.

#### 5-13.4.2 **Internal Debriefs**

Determine who the WSDOT representatives will be. The WSDOT Project Team will select whom they want to present the evaluation results. It is important that the person(s) presenting have knowledge of the contract and evaluation process. These debrief meetings are fairly short, typically no longer than a half-hour and are supported by previously distributed evaluation material and scoring results. Due to the DB paperless process, paper handout should not be used. For an in person meeting, you should have a presentation. If for any reason handouts are provided in hard copy, collect and destroy them.

These debrief meetings will need to be scheduled several months in advance with WSDOT executives and in time to support the overall project schedule. The WSDOT Project Team needs to determine whether or not to hold these debriefs in person; an in person meeting is not necessary. The Evaluation Team should be invited and encouraged to provide the support as well.

All HQ staff listed below should receive an invitation to the debrief meeting. The **bolded** titles in the list are considered the core meeting group, so the date and time of the meeting should be determined based on those individuals' schedule.

- **Assistant Secretary Regions and Mega Programs,**
- **Assistant Secretary of Urban Mobility & Access**
- **Deputy Assistant Secretary Mega Projects**
- **Deputy Assistant Secretary Multimodal Development and Delivery**
- **State Construction Engineer (Director of Construction Division)**
- **Deputy State Construction Engineer**
- Lead Construction Engineer, Projects
- Lead Construction Engineer, Administration
- ASCE supporting the project

- State Design-Build Program Manager
- State Design-Build Engineer
- Procurement Manager/PE/Point of Contact

During the Internal Debrief Meeting:

- Agenda
- It is strongly encouraged that practice sessions be used to prepare the presenter for these debrief sessions. Each WSDOT Project Team will need to make their own decision on how they will get prepared to present to Region and HQ Executive Teams.
- Never compare one proposal to another, one Proposer to another, or one key person to another
- You are not defending the Evaluation Team's score. That is not the purpose of the meeting.
- You need to be prepared to describe the process and why the Evaluation Team scored the way that they did. The assumption is that the Evaluation Team reached agreement on the scores and that the process was fair and consistent.

### 5-13.5 External Debriefs

For the RFQ, Contract Ad & Award will email each successful Submitter an "Invitation to Submit Proposal" notification and include their scoring summary and summarized Evaluator comments of their SOQ. Submitters who did not make the short list are notified that they did not make the short list and are sent their scoring summary and summarized Evaluator comments of their SOQ.

For the RFP, within 7 calendar days after the announcement of Apparent Best Value Proposer, WSDOT will email each Proposer the scoring summary and summarized Evaluator comments of their proposal.

PE's Office should determine who the WSDOT representatives will be. There should always be two WSDOT staff in the meeting. It is highly recommended that one person be someone who was a member of the Evaluation Team and one at a management level that can speak to policy issues if needed. It is suggested that at least one person be at EM level or above.

Be prepared to schedule debriefs as quickly as possible after protest period is complete ([Exhibit 5-2](#)). Suggest allowing for a least one hour. This length of time should provide the opportunity for a good conversation and to answer any questions the Submitters/Proposers may have.

Please note that the amount/type of information provided is different for internal and external debriefs.

Do have the summary scores for all Submitters. This information is OK to share. It is not appropriate to share Submitter's name with their scores. Make sure have available the SOQ or proposal for that specific Submitter/Proposer. During the External Debrief Meeting:

- Remember you are providing feedback to Submitters/Proposers that reflects on their hard work. Feedback should be presented in a positive manner that will help lead them to lessons learned and to make improvements on their next submittals, whether they are the successful team or not
- See [list of prompt questions](#) to help get prepared
- Never indicate who the Evaluators or references were
- Never compare one proposal to another, one team to another, or one key person to another
- You are not defending the Evaluation Team's score. That is not the purpose of the meeting.
- You need to be prepared to describe the process and why the Evaluation Team scored the way that they did. The Evaluation Team reached agreement on the scores and that the process was fair and consistent.
- You should prepare a short agenda to help guide the meeting – suggested topics might include:
  1. Introductions
  2. Safety Briefing
  3. Hand out the comment forms and allow time to review
  4. Overall assessment of the Submitter or Proposer and where they scored (this is your chance to summarize the Evaluation Team's comments)
  5. Highlight several key areas from evaluations – positive and negative
  6. Open discussion or dialog
- Remember the debrief meetings are for the Submitters or Proposers so the meeting should really be managed so that they get what they need
- Never offer an opinion about your thoughts about the strengths or weaknesses of a particular teaming partner

### 5-13.6 **Summary or Closing**

Thank the Submitter or Proposer for their interest and participation and encourage them to submit on future WSDOT DB projects.

Let them know about any upcoming work and encourage them to stay engaged with WSDOT. Let them know about ways to get involved or to stay in touch:

- Project/program webpages
- HQ DB office and their resources
- WSDOT/AGC/ACEC Committees
- Offer follow up meetings as needed