

PORT AUTHORITY OF ALLEN COUNTY  
(PAAC)

N THAYER ROAD N Thayer Road Roundabout

LAT N 40 45' 03.2760"  
LONG W 84 00' 47.3760"

DESIGN-BUILD

ODOT Prequalified & Best Proposal

Instruction to Offerors for  
Request for Qualifications

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## PROJECT EXPECTATIONS

This Request for Qualifications (RFQ) document describes the Statement of Qualifications and (RFP) requirements for the N Thayer Road DB Roundabout Construction Project. The project is in Bath Township, Allen County, Ohio. The proposed project will include (but not be limited to) constructing a roundabout.

This project provides commercial access to N Thayer Road. The project is located in Allen County in Bath Township, Ohio, on N Thayer Road between Reservoir Road and SR81.

This project should be completed with as little impact as possible on N Thayer Road traffic.

The allowable complete closure timeframe along N Thayer Road to construct the structure is 60 days.

The Project's substantial completion date will be July 15, 2025.

The Project construction completion date will be August 15, 2025.

The Design Build Team, including the Lead Contractor and subcontractors must pay Ohio prevailing wages on this Project.

The Goals of the Project are:

- Provide commercial access to the east and west sides of N Thayer Road via a traditional roundabout to facilitate safe commercial access across N Thayer Road between industrial sites.

# 1 GENERAL

## 1.1 SELECTION PROCESS OVERVIEW

The PAAC requests an RFQ from those entities (Offerors) interested in serving as the DBT on the Design-Build N Thayer Road DB Roundabout Construction Project. The Offeror includes the Lead Contractor (also considered the legal entity contracting with the PAAC to perform the work), Lead Designer, Sub-Contractors, Sub-Consultants, and any other entities or individuals proposed in the RFQ as required in Section 2.5. The purpose of this RFQ is to solicit information enabling the PAAC to determine which Offerors: (a) are best qualified to execute the design and construction of the Project successfully.

The RFQ presents, in general terms, the Offeror's qualifications, understanding, and approach to the Project. Shortlisted offerors shall prepare their RFP in response to this RFQ and Work as outlined in the Scope of Services, its attachments, and appendices.

The Project will be procured and awarded through a Two Step Best Proposal Design-Build process. Selection of a DBT for this project will consist of the following:

- Evaluation of Qualifications to the Offeror, submission review of Alternative Technical Concepts, submission review of Intermediate Technical Proposals, and receipt of a Price Proposal.

The RFQ evaluation will be based on the criteria established in this RFQ. Requirements of this RFQ generally will use the words "shall," "will," or "must" (or equivalent terms) to identify a required item that must be submitted with an Offeror's RFP.

An RFQ Evaluation Team will evaluate and rank Offerors' RFQs. See Section 2.6.

Offerors' RFQs must meet the requirements established by this RFQ. Failure to meet an RFQ submission requirement may render an Offeror's RFQ non-responsive. The extent to which an Offeror definitively meets or exceeds the evaluation criteria described in Section 2.2 will be determined by the RFQ Technical Evaluation Team in its sole discretion. This will be reflected in the scoring and ranking of the offeror's RFQs. Specific formatting instructions for preparing the RFQ are found in Section 2.5.

Offerors will submit an intermediate technical proposal and an abbreviated version of the PAAC's traditional alternative technical concepts, along with a Price Proposal that will include the price to complete all work per the contract documents and any committed betterments within the RFQ. Complete requirements for the Project and Price Proposals will be provided in the RFP.

## 1.2 PREQUALIFICATION

An Offeror's Lead Contractor and Lead Designer must be prequalified by the Ohio Department of Transportation for the elements described below according to ORC Chapters 5525 and 5526, respectively, and the prequalification rules and regulations.

### 1.2.1 Lead Designer Prequalification

The Lead Designer must meet the Ohio Department of Transportation's prequalification requirements.

<b>Lead Designer Prequalification Categories @ RFQ</b>
Roadway: Complex Roadway Design

Failure to provide a named Lead Designer Prequalified in the **Lead Designer Prequalification Categories @ RFQ** will be grounds for non-responsiveness.

### 1.2.2 SUBCONSULTANT PREQUALIFICATION

If known at the time of RFQ submittal, include the listing of anticipated prequalified firms in Part 4.

<b>Lead Designer or Subconsultant Prequalification</b>
Lighting: Non-Complex Lighting Design (if not identified as Lead Designer)

Not providing the named prequalified sub-consultant (s) in the RFP for the work types identified as **Lead Designer or Subconsultant Prequalification** will be grounds for non-responsiveness. Upon award, all design-related work must be performed by a prequalified firm.

### 1.2.3 Contractor & subcontractor Prequalification

Listed below are anticipated work types for contractors identified for the Project. This is not a comprehensive and final list. The list may be revised in the RFP. A prequalified subcontractor firm or the Lead Contractor shall be prequalified and shall be named to perform the work items noted as **Lead Contractor or Named Subcontractor - Prequalification @ RFQ Required**. The Lead Contractor shall be prequalified and named in at least one of the work items noted as **Lead Contractor or Named Subcontractor - Prequalification @ RFQ Required**.

The Offeror shall name the prequalified firms performing the work for the work types listed as **Other Prequalification Categories - Not required @ RFQ** if known at the time of RFP submittal. Firms shall be prequalified for the work types identified within this category at least one week before the Anticipated Award. Not providing a named subcontractor in the RFP for these work types not identified as **Lead Contractor or Named Subcontractor - Prequalification @ RFP Required** will be grounds for non-responsiveness.

The Lead Contractor must possess sufficient work type prequalifications and perform work equal to 50% of the total amount of the submitted bid price. The PAAC may, by inserting a contract provision, reduce the amount by 50% during the RFP.

Include the listing of anticipated prequalified firms and associated work types in Part 4 of the RFQ.

Work Type Code	Work Type Description
<b>Lead Contractor or Named Subcontractor - Prequalification @ RFQ Required</b>	
04	Roadway Excavation and Embankment Construction
24	Structural Steel Erection (if applicable to Offeror's anticipated design)
39	Maintenance of Traffic
<b>Other Prequalification Categories - Not required @ RFQ</b>	
<b>*Includes but not limited to:</b>	
5	Major Roadway Excavations
10	Flexible Paving
23	Reinforcing Steel
35	Drainage (culvert, misc.)
36	Guardrail/Attenuators
38	Miscellaneous Concrete
45	Pavement Markings

Refer to requirements governing changes in the Offeror's team and Key Personnel in Section 3.2.

**1.3 RIGHTS OF THE PAAC**

The PAAC reserves the right to reject any RFQs.

The PAAC reserves the right to cancel, withdraw, postpone, modify, revise, or extend any part of the procurement process in whole or in part at any time before the PAAC executes the Design-Build Contract without incurring any obligations or liabilities.

At its sole discretion, the PAAC reserves the right to ask questions of the Offerors, seek clarifications, and conduct discussions on the RFQs. Such requests will be for purposes of clarification only. The Offeror agrees to respond to the PAAC's requests with the appropriate personnel to answer questions necessary to clarify any areas where the intent or meaning of the submittal is uncertain. In response to a requested clarification, changes or modifications to the RFP will not be permitted.

Offerors shall be aware that the PAAC reserves the right to conduct an independent investigation of any information, including prior experiences, by contacting project references, accessing public information, contacting independent parties, or by any other means. The PAAC reserves the right to acknowledge and include this information within the evaluation regardless of the Offeror's RFQ referencing the noted information.

**1.4 ADVERTISEMENT**

The initial advertisement for this project at the RFQ stage includes a Scope of Services along with other documents applicable to the Project.

Offerors should thoroughly review the information provided at the time of the issuance of this RFQ. These documents can be found at the following link: [www.aedg.org](http://www.aedg.org)

The PAAC may clarify, correct, or revise the information provided.

The Scope of Services and other bid documents will be distributed through the PAAC's traditional bidding process when the final RFP is released. Offerors shall note the Scope of Services and its attachments & appendices are being provided for informational purposes only for the development of the RFP, and all documents included therein are subject to change; therefore, these documents shall not be relied upon to develop the Price Proposal.

Any Offeror-initiated questions must be directed to: [toddaudet@outlook.com](mailto:toddaudet@outlook.com)

## 1.5 SCHEDULE

The PAAC currently anticipates conducting this procurement per the following list of milestones. This schedule is subject to revision, and the PAAC reserves the right to modify it as necessary.

Milestone	Date
<b>RFP Phase</b>	
Advertise RFQ	Monday, November 4, 2024
RFQ submission	Monday, November 18, 2024
RFP submission	Monday, November 25, 2024
Authorization to Proceed	Monday, November 29, 2024
Substantial Completion Date	Friday, August 1, 2025
Construction Completion Date	Friday, August 15, 2025
Right of Way Drawings	Friday, August 29, 2025

## 2 SELECTION BASED ON QUALIFICATIONS

### 2.1 REQUEST FOR QUALIFICATIONS (RFQ)

The PAAC will evaluate, and rank submitted RFQs.

### 2.2 EVALUATION OF QUALIFICATIONS

The Offeror's qualifications will be evaluated based on the following criteria:

Ranking Topic	Evaluation Criteria	Maximum Points
Project Understanding and Approach (Part B)	<p>Ability of the Offeror to demonstrate knowledge of the Project (in response to Section 2.5.3) through the following:</p> <ul style="list-style-type: none"> <li>• Approach to timely construction of a single lane (2x1, one through and one slip lane) 4 leg 150' diameter modern roundabout on N Thayer Road while maintaining local traffic flow not to exceed 75 days to substantial completion</li> <li>• Proposed added project specific Offeror procedures/processes likely to ensure project success and succeed in meeting Project goals</li> </ul>	20
Design-Build Project Team (Part C)	<p>Ability of the Offeror to demonstrate a successful team relative to the requirements of the Project as demonstrated by the following in response to Section 2.5.4:</p> <ul style="list-style-type: none"> <li>• Descriptions of firms general and specific experiences as relative to the Project.</li> <li>• The likelihood of the potential effectiveness of the proposed team organizational structure and notable team members</li> <li>• Key Personnel based on their qualifications, experience and known performance while considering acceptableness of availability for their roles as demonstrated in resumes included with Part E.</li> </ul>	40
Project Management Methodologies and Experience (Part D)	<p>Ability to demonstrate the following in accordance with Section 2.5.5:</p> <ul style="list-style-type: none"> <li>• the establishment of a successful project management methodologies focused on coordination with stakeholders &amp; the PAAC, and ensuring a cost-effective approach</li> <li>• a Company culture of working with the owner when significant issues and conflicts are encountered</li> </ul>	40



Ranking Topic	Evaluation Criteria	Maximum Points
	<ul style="list-style-type: none"> <li>successful experience in design and construction of projects of similar scope and complexity, timely completion of similar projects, and Key Personnel role in highlighted projects as shown based on information provided in the Technical Experience Attachments (included in Part F) and Evaluation Forms (Part H)</li> </ul>	
Total:		100

**2.3 RFQ GENERAL PROCESS**

The RFQ phase of the procurement process is intended to enable Offerors to demonstrate their qualifications to perform the specific Project being advertised and to allow the PAAC to evaluate those qualifications. Offerors are advised that the RFQ should include information that will demonstrate the qualifications and experience this RFQ requires and specific to the Project. Offerors should note that it is not the intent of the PAAC to receive project-specific design or engineering recommendations as part of the RFP unless specifically requested by the RFQ.

Suppose the Offeror has concerns about the information in its RFQ that may be deemed confidential, trade secret, or proprietary. In that case, the Offeror shall adhere to the requirements set forth by Section 2.7.1.

**2.4 RFQ SUBMISSION REQUIREMENTS**

Submit one electronic searchable single file in PDF format, which does not restrict printing or copying text, images, and other content, to the PAAC at [toddaudet@outlook.com](mailto:toddaudet@outlook.com) by 2 pm on Monday, November 18, 2024.

**2.5 RFQ CONTENT**

RFQs shall contain all information as detailed in this section. The RFQ format must adhere to this section's requirements to ensure a timely and consistent review.

**2.5.1 Layout**

The following table lists the maximum number of pages allowed to be used by the Offeror in the RFQs. Content should be organized by parts as indicated. The RFQ response shall be organized according to the requested RFQ organizational structure to ensure a timely and consistent review.

Part	Content	Maximum Pages
A	Introduction	2
B	Project Understanding and Approach	10
C	Design-Build Project Team	
D	Project Management Methodologies and Experience	
E	Resumes of Key Personnel	8
F	Technical Experience Attachments	12
	Total	32

All pages shall be printable to an 8 ½” x 11”. Upon printing, the font shall be at least 11 points in Trebuchet MS (regular-spaced lettering). All pages should be numbered with a footer depicting, at a minimum, the Offeror’s name and page number (Offeror name - Page X of XX). Margins shall be at least 1” all around.

RFQ Part divider pages that contain project information will be counted toward the maximum number of pages.

Graphics, tables, and figures, which include text to describe the graphics, tables, and figures, may use a smaller font size but remain legible. The abuse and excessive use of graphics, tables, or figures text to unreasonably expand the content of the RFQ (as determined by the PAAC) may be grounds for rejection.

Submissions exceeding the page limitations (individual sections and overall), substantial deviations from formatting requirements, or failing to follow the section format instructions outlined above may be rejected.

**2.5.2 PART A - Introduction**

Provide introduction pages on the Lead Contractor's letterhead and identify the full legal name and address (font, font size, and page margins requirements may be disregarded regarding the Lead Contractor’s letterhead if the Lead Contractor’s standard blank letterhead would violate the formatting limitations). Offerors who are joint ventures may submit on any letterhead of the joint venture’s members or submit on a new letterhead depicting the joint venture. Submission of an RFQ by the DBT affirms the accuracy of the information and the intent to follow through with any clear and identifiable commitments within the RFQ.

The introduction shall contain the following information:

1. Name, title, address, phone numbers, and e-mail address of an individual who will serve as the Point of Contact for the Offeror.
2. The full legal name of the Lead Contractor. The Lead Contractor is the prime/general contractor responsible for the project's overall construction and will serve as the legal entity executing the Contract with the PAAC.

Provide:

- Company address
- Company telephone number
- Contact person name, contact telephone number, and contact email address (if different than the Point of Contact for the Offeror)
- Company structure (a corporation, Limited Liability Company, general partnership, joint venture, limited partnership, or other form of legal organization)

3. Identify the full legal name of the Lead Designer for this Project.

Provide:

- Company address
- The firm's registration number of the Lead Designer with the Ohio State Board of Registration for Professional Engineers and Surveyors at the time of submittal
- Project-specific contact person name, telephone number, and contact email address

4. A statement that the Offeror's Lead Contractor and Lead Designer are prequalified for the work as required in the RFP with the PAAC.

### **2.5.3 PART B - Project Understanding and Approach**

Approach to timely construction of a single-lane modern roundabout on SR 582 while maintaining traffic flow not to exceed 75 days to substantial completion

**Proposed added project specific Offeror procedures/processes likely to ensure project success and succeed in meeting Project goals**

### **2.5.4 PART C - Design-Build Project Team**

The Offeror shall provide sufficient information to enable the PAAC to understand and evaluate the Offeror's Team. Include the following:

1. General Offeror Experiences
2. Organizational Narrative
3. Key Personnel:

Identify/Name the Offeror’s proposed Key Personnel, as described in the Key Personnel Table. Provide the resumes within Part E. Resumes for individuals not identified in the RFP as Key Personnel shall not be included.

The PAAC will accept a repeat of Key Personnel for differing roles identified in the Key Personnel Table.

Key Personnel Table	
KEY PERSONNEL	DUTIES
DB Project Manager	The DB Project Manager shall be ultimately responsible for the Offeror’s performance. Ensures that personnel and other resources are made available. Responsible for contractual matters. This position is required for the duration of all design and construction-related activities on the Project.
DBT Design Engineer	The DBT Design Engineer shall be responsible for overall design of the project. Must be an employee of the Lead Designer. Responsible for overall design of the project inclusive of the roadway/highway items (alignment, drainage, pavement, lighting, traffic signals, maintenance of traffic, etc.) Must be an Ohio P.E. at time of award.
DBT Construction Manager	The DBT Construction Project Manager actively manages the overall construction of the project. Must be an employee of the Lead Contractor. Responsible for overall construction inclusive of all structures and structural elements (bridge substructure and superstructure, retaining walls, noise walls) and roadway items (alignment, drainage, pavement, lighting, traffic signals, maintenance of traffic, etc.).

**2.5.5 PART D - Project Management Methodologies & Experience**

The Offeror shall provide sufficient information to enable the PAAC to understand and evaluate the Offeror’s Project Management Methods and Past Experiences. Specifically, address the following:

- 1) Describe and subsequently demonstrate the Offeror’s company culture in working with the PAAC when significant project issues and/or contract discrepancies are encountered and
- 2) Demonstrate experiences relative and relatable to the Project through Technical Experience Attachments, with consideration to D.1 (above), and provided within Part F.

### **2.5.6 PART E - Resumes of Key Personnel**

This section shall include Resumes of Key Personnel. Resumes shall be limited to up to two (2) pages per individual. (Resumes for individuals shall be on separate and distinct pages).

### **2.5.7 Part F - Technical Experience Attachments**

Please provide specific information related to previous project experience and anticipated project management approaches through Technical Experience Attachments as requested in 2.5.5, which shall be, at most, 12 pages in total.

Provide project information consisting of descriptions of up to 3 projects completed by the Offeror's Lead Contractor or Sub-Contractors and up to three projects completed by the Offeror's Lead Designer or Sub-Consultants. Provide no more than six projects.

Include work by firms or joint-venture members that best illustrates current qualifications specifically and directly relevant to this Project.

Projects should be completed or substantially completed for the represented Work. Specifically, note whether the represented work cost is in design or construction. Cost shall be that which is directly performed.

Technical experience attachments shall be on distinct pages and not continue across multiple pages, limited to 2 pages per project. Firms listed are subject to Sections 3.2.

The narratives should demonstrate experiences in the following areas:

- Construction of projects of similar scope and complexity, as applicable to the Contractor
- Design of projects of similar scope and complexity, as applicable to the Designer
- Timely completion of projects of similar scope and complexity
- Proposed Key Personnel members' roles in the identified project (if applicable) and/or firms' roles within the project
- The ability to function in a coordinated, high-performing team internally and with the Owner
- Mitigation efforts utilized by the Offeror to overcome unexpected project challenges which may translate to the proposed project

Each technical experience attachment must include the following information:

- a) Sponsoring/Owner Agency's Project Name, Project Location, and Contract Type (e.g., DB, DBB, CMGC). Provide any commonly known industry-wide name (if applicable) and owner's project number (If applicable).
- b) Name of the representative Firm (i.e., Offeror's Lead Contractor, Sub-Contractors, Lead Designer, or Sub-Consultants) and the firm's responsibility.
- c) Overall Project contract value. Provide the represented firm's contract value for which the firm was directly responsible (excluding subcontracted values).
- d) The sponsor/owner's contact information (project manager's name, phone number, e-mail address). If the owner's project manager is no longer with the owner, provide alternate contact at the agency that is familiar with the project. The

alternate contact must have played a leadership role for the owner during the project.

- e) Dates of design (if applicable) and construction (if applicable).
- f) General Description of the Overall Project.
- g) Detailed description of the work or services provided

## **2.6 RFQ REVIEW AND SELECTION PROCESS**

RFQs will be evaluated by an RFQ Evaluation Team consisting of PAAC representatives from ODOT District 1or 2, PAAC, and Allen County Engineer's Office. The RFQ Evaluation Team will evaluate the RFQs based on the criteria established in this RFQ.

The PAAC's RFQ Evaluation Team will rank the Offerors' RFQs comparatively (at their sole discretion) based on the evaluation criteria in this RFP and the PAAC's internal RFQ Evaluation Guidelines (as applicable).

Please meet critical RFQ requirements (as determined by the PAAC) to ensure an RFQ is responsive. The PAAC Evaluation Team will comparatively rank the extent to which an Offeror meets or exceeds evaluation criteria and will reflect the PAAC Evaluation Team's rankings (in their sole discretion) of the RFQs submitted by Offerors. The PAAC reserves the right to find clerical errors, omissions, or general errors *de minimis*.

The RFQ Technical Evaluation Team may be assisted by any number of technical subgroups and/or subject matter experts within the PAAC, FHWA, other involved agencies, and/or firms contracted by the PAAC.

For each ranking topic, the RFQ Evaluation Team will determine the highest-ranked Offeror within each subject, with the highest-ranked Offeror receiving the maximum number of points. Lower-ranked Offerors will receive commensurately lower rankings based on a relative comparison to the highest-ranked Offeror. Relative comparison shall be at the discretion of the PAAC. Evaluations and rankings will consider PAAC-identified strengths, weaknesses, committed betterments, RFP completeness, past performance (demonstrated or known to the PAAC), professional judgment, and overall RFP clarity.

If three or fewer responsive RFPs are received, the PAAC may choose not to rank RFQs.

## **2.7 THE PUBLIC RECORDS ACT**

The PAAC considers the RFP/RFP process part of a competitive selection, thereby subject to Section 9.28 of the Ohio Revised Code (Competitive Solicitation as Public Record).

All documents received by the PAAC are subject to Section 149.43 of the Ohio Revised Code, also known as The Public Records Act, and are subject to eventual release unless a statutory exception exempts the documents from public release.

### **2.7.1 Trade Secrets**

Suppose any information in an RFP is to be treated as a "trade secret" as defined by the Ohio Revised Code Section 1333.61(D). In that case, the Offeror must identify each occurrence of the information within the RFP by:

- 1) Listing the page numbers of every "trade secret" occurrence on the Trade Secret Notification submitted with the RFP.

- 2) An asterisk before and after each line of the RFP containing “trade secret” information is placed.

### **2.7.2 Disclosure**

The PAAC shall not share with or convey to any person, trade secret information provided by the Offeror unless disclosure is required by law, or the Offeror gives prior written approval for such disclosure. If the PAAC is required to disclose any information the Offeror considers a trade secret under applicable law, the PAAC shall notify the Offeror in writing before disclosing such information. The PAAC shall make reasonable efforts to give disclosure notice at least three days before release.

The PAAC shall not be obligated to maintain in confidence any information that is not a trade secret, including information that:

- 1) The State already knows it,
- 2) Is or comes into the public domain through no fault of the State,
- 3) Does the State independently develop it, or
- 4) Comes to the State from a third party in a manner not in violation of any obligation of confidentiality by such third party to the Offeror.

State law generally requires that documents containing confidential/trade secret and non-confidential information be disclosed with confidential information redacted.

Because of the confidential nature of competitive selection and to preserve the propriety of each Offeror’s RFQ, it is the PAAC’s intention, subject to applicable law, not to consider a request for disclosure until after the Award of the Project. Submitted RFQs, any clarification requests made by the PAAC, any clarifications provided by Offerors, and ranking information shall be held confidential until after the Award. Offerors are on notice that once a Design-Build Contract is executed, some or all the information submitted in the RFP may lose its protection under the applicable Ohio law. Upon award, all information provided to the PAAC used in evaluating the RFP will be considered a public record.

## **3 MISCELLANEOUS**

### **3.1 CONFLICT OF INTEREST**

Any RFQ received in violation of this section’s requirements may be rejected.

The Offeror’s attention is directed to 23 CFR Part 636 Subpart A, Section 636.116 regarding organizational conflicts of interest. Section 636.103 defines “organizational conflict of interest” as follows:

“Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person’s objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.”

Offerors are prohibited from receiving any advice or discussing any aspect relating to the Project or procurement with any person or entity with an organizational conflict of interest. The PAAC may disqualify an Offeror if an organizational conflict of interest exists.

The Offeror agrees that if an organizational conflict of interest is discovered after the award, the Offeror must make an immediate and complete written disclosure to the PAAC that includes a description of the action that the Offeror has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the PAAC may, at its discretion, cancel the contract for this Project.

The Offeror's attention is further directed to Ohio Administrative Code Section 4733-35-05 (C) and the organizational conflicts of interest requirements.

Each Offeror shall require its proposed team members to identify potential conflicts of interest or an actual or perceived competitive advantage relative to this procurement. Offerors are notified that prior or existing contractual obligations between a company and a federal or state agency relative to the Project or ODOT's Design-Build program may present a conflict of interest or a competitive advantage.

If a potential conflict of interest or competitive advantage is identified, the Offeror shall submit the pertinent information to the PAAC in writing before the RFQ submittal. The Offeror may request a waiver of the conflict of interest for the PAAC's consideration.

The PAAC, at its sole discretion, will decide relative to potential organizational conflicts of interest or an actual or perceived competitive advantage and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated shall not be allowed to participate as a DBT member for the Project. The PAAC will attempt to make all reasonable efforts to respond to a waiver request promptly. Failure to abide by the PAAC's determination may result in an RFP being declared non-responsive.

Conflicts of interest and an actual or perceived competitive advantage are described in state and federal law and, for example, may include, but are not limited to, the following situations:

An organization or individual hired by the PAAC to assist in developing instructions for offerors or evaluation criteria for the project.

An organization or individual hired by the PAAC to assist in developing Instructions to Offerors or evaluation criteria as part of the programmatic guidance or procurement documents for the PAAC's Design-Build program, and as a result, has a unique competitive advantage relative to the Project.

An organization or individual with a present or former contract with the PAAC to prepare planning, environmental, engineering, or technical work product for the Project has a potential competitive advantage because such work product is only available to some potential Offerors promptly before the procurement process.

An organization or individual with a present contract with the PAAC to provide assistance in Design-Build contract administration for the Project.



The PAAC may, in its sole discretion, determine that a conflict of interest or an actual or perceived competitive advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Ohio law, the Offeror will be allowed to waive this protection from protection from disclosure. If the Offeror elects not to disclose, the Offeror may be declared non-responsive.

Offerors are cautioned that this is not an all-inclusive listing and must determine if any potential member has a Conflict of Interest.

The PAAC may request additional information if a potential conflict of interest is found within an RFP. The PAAC may only accept an RFP if a conflict of interest is found to exist, and a written waiver has been received before submission.

### **3.2 ESCROWED DOCUMENTS**

It is anticipated that the PAAC will not include PN110 - Escrow Bid Documents but reserves the right to add such in the RFP phase.

### **3.3 OBLIGATED FOR COSTS OF PROPOSING**

The PAAC assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ or the subsequent Bid. All such costs shall be borne solely by each Offeror and its team members.

## **4 APPENDIX**

### **PREQUALIFICATIONS (Ohio)**

