

**STATE OF LOUISIANA**  
**I-10 CALCASIEU RIVER BRIDGE**  
**PUBLIC-PRIVATE PARTNERSHIP**  
**PROJECT**

**CALCASIEU PARISH**

**STATE PROJECT NO. H.003931**  
**FEDERAL AID PROJECT NO. 010121**

**REQUEST FOR QUALIFICATIONS**  
**ADDENDUM NUMBER 2**

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**MARCH 30, 2021****MAY 5, 2021****CONFORMED**



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#### Environmental

folder: Alternatives Lines and Grade

file: LineGrade Belden to RR 3A 3E and 5G.pdf

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file: LineGrade Opelousas to US 171 3A 3E and 5G.pdf

file: LineGrade Sampson PBA 3A and 3E.pdf

file: LineGrade Sampson PBA 5G.pdf

file: LineGrade Sulphur Interchange PBA 3E.pdf

file: LineGrade Sulphur PBA 3A.pdf

file: LineGrade US90 PPG 3A 3E and 5G.pdf

#### INFRA Grant

file: INFRA-FY21-Application.zip

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## 1.0 INTRODUCTION AND GENERAL INFORMATION

The purpose of this Request for Qualifications (RFQ) is to seek Statements of Qualifications (SOQ) from a limited number of qualified Proposers for the design, construction, finance, operations, maintenance, and other identified activities for the I-10: Calcasieu River Bridge Public-Private Partnership (PPP) Project (the “Project”).

**Statements of Qualifications will only be accepted from Proposers that have submitted a Letter of Interest (LOI) and that intend to provide services required under the Comprehensive Agreement. Responses from individual engineering, construction, or consultant firms not offering to provide all required services will not be accepted.**

After receipt of SOQs in response to the RFQ, the LA DOTD will evaluate Proposers’ qualifications. Based upon the evaluation of qualifications, the LA DOTD will determine a Short-List of no more than four of the most highly qualified Proposers. The Draft Request for Proposals (the “Draft RFP”) and the Final Request for Proposals (the “Final RFP”) will only be issued to, and Proposals will only be considered from, those Proposers that have been notified of their inclusion on the Short-List.

## 1.1 ABBREVIATIONS AND DEFINITIONS

This Request for Qualifications includes abbreviations and specific defined terms as indicated below.

### 1.1.1 Abbreviations

DB	Design-Build
DBE	Disadvantaged Business Enterprise
FEIS	Final Environmental Impact Statement
ITP	Instructions to Proposers
JV	Joint Venture
KCS	Kansas City Southern Railroad
LA DOTD	Louisiana Department of Transportation and Development
LLC	Limited Liability Company
LOI	Letter of Interest
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NTP	Notice to Proceed
PPP	Public-Private Partnership
RFP	Request for Proposals
RFQ	Request for Qualifications
ROD	Record of Decision
SOQ	Statement of Qualifications
UP	Union Pacific Railroad
US	United States

### 1.1.2 Definitions

**“Addenda/Addendum”** means supplemental additions, deletions, and modifications to the provisions of the RFQ after the Advertisement date of the RFQ.

**“Advertisement”** means a public announcement in the form of the Notice of Intent (NOI) inviting prospective Proposers to obtain an RFQ and submit an SOQ. The Advertisement includes a brief description of the Work proposed to be the subject of the procurement with an announcement where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters as the LA DOTD may deem advisable to include therein. The Advertisement for this Project was published on January 4, 2021.

**“Affiliate”** means, when used to indicate a relationship with a specified Person, a Person that: (A) directly or indirectly, through one or more intermediaries has a 10% or more voting or economic interest in such specified Person; or (B) controls, is controlled by or is under common control with such specified Person, and a Person is deemed to be controlled by another Person, if controlled in any manner whatsoever that results in control in fact by that other Person (or that other Person and any Person or Persons with whom that other Person is acting jointly or in concert), whether directly or indirectly and whether through share ownership, a trust, a contract or otherwise.

**“Clarification”** means a written exchange of information that takes place between a Proposer and the LA DOTD after the receipt of all SOQs during the evaluation process. The purpose of Clarifications is to address ambiguities, omissions, errors or mistakes, and clerical revisions in an SOQ.

**“Comprehensive Agreement”** means the written agreement between the LA DOTD and the successful Proposer setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the Work, the furnishing of labor and material, financing, the operations and maintenance of the facility, and the basis of payment. The Comprehensive Agreement includes the Contract Documents identified in the Request for Proposals (RFP); the successful Proposer’s Technical Proposal; the successful Proposer’s Financial Proposal; the Notice to Proceed (NTP); and any amendments, supplemental agreements, and change orders that are required to complete the design, construction, financing, operations, and maintenance of the Project, including authorized extensions thereof, all of which constitute one instrument.

**“Construction Subcontractor”** means any member of the Proposer’s team, other than the Design-Build Contractor, that will be responsible for 20% or more of the construction work on the Project.

**“Contract Documents”** means the Comprehensive Agreement, Technical Provisions, the successful Proposer’s Technical Proposal, the successful Proposer’s Financial Proposal, and all provisions required by law to be inserted in the Comprehensive Agreement whether actually inserted or not. Whenever separate publications, including the LA DOTD’s Standard Specifications, are referenced in the Contract Documents, it is understood to mean the publication, as amended, which is current as of the Proposal due date, unless otherwise noted.

**“Design Work”** means all Work of design, engineering, or architecture for the Project, Project ROW acquisition, or Utility Adjustments.

**“Design-Build Contractor”** means the Subcontractor that has entered into a Design-Build Contract with the Developer.

**“Design-Build Period”** means the period commencing on the Agreement Date through the Final Acceptance Date.

**“Design-Build Work”** means all Design Work and Construction Work required under the Contract Documents to achieve Final Acceptance.

**“Design Subcontractor”** means any member of the Proposer’s team, other than the Lead Designer, that will be responsible for 35% or more of the design work on the Project.

**“Developer”** means the Person selected pursuant to the RFP that enters into the Comprehensive Agreement with the LA DOTD to design, construct, finance, operate, and maintain the Project.

**“Equity Member”** means any Person with a direct equity interest in the Developer.

**“Governmental Authority”** or **“Governmental Entity”** means any court or any federal, state, or local government, department, commission, board, bureau, agency, or other regulatory or governmental authority, but not including the LA DOTD.

**“Instructions to Proposers”** means those documents containing directions for the preparation and submittal of information by the Proposers in response to the RFP.

**“Key Personnel”** means the individuals designated by a Proposer in its Statement of Qualifications (SOQ) for the positions, and meeting the qualifications, identified in Appendix B, Section B4.3. The LA DOTD reserves the right to include additional Key Personnel positions in the RFP.

**“Lead Designer”** means the member of the Proposer, whether a single entity or joint venture, primarily responsible for the design and engineering of the Project.

**“Louisiana Department of Transportation and Development”** means an agency of the State, and any other State agency duly succeeding to the powers, authorities and responsibilities of the LA DOTD invoked by or pursuant to the Agreement.

**“Operations and Maintenance Contractor”** means the member of the Proposer, whether a single entity or joint venture, primarily responsible for the operations and maintenance of the Project (except for toll operations if toll operations are to be provided by a separate Tolling Operator).



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**“Operations and Maintenance Period”** means the period commencing on the Partial Acceptance Date through the end of the Term.

**“Partial Acceptance Date”** means the date on which partial acceptance, as defined by the Comprehensive Agreement, is achieved.

**“Person”** any individual (including, the heirs, beneficiaries, executors, legal representatives, or administrators thereof), corporation, partnership, joint venture, trust, limited liability company (LLC), limited partnership, joint stock company, unincorporated association, or other entity or a Governmental Authority.

**“Project”** means the improvements to be designed, constructed, financed, operated, and maintained by the Developer and all other Work product to be provided by the Developer in accordance with the Contract Documents.

**“Proposal”** means the proposal submitted by the Developer pursuant to the ITP.

**“Proposer”** means a Person submitting an SOQ for the Project in response to this RFQ, and, if selected for the Short-List, an entity submitting a Proposal.

**“Public-Private Partnership”** means a project delivery methodology by which the LA DOTD contracts with a Person that has responsibility for the design, construction, financing, operations, and maintenance of a project under a single contract with the LA DOTD.

**“Reference Documents”** means the collection of information, data, documents and other materials that the LA DOTD has provided to the Developer for general or reference information only.

**“Request for Proposals”** means a written solicitation issued by the LA DOTD seeking Proposals to be used to identify the successful Proposer. The RFP includes the Instructions to Proposers (ITP), Contract Documents, and Reference Documents. The RFP is issued only to Proposers that are on the Short-List.

**“Request for Qualifications”** means the written solicitation issued by the LA DOTD seeking SOQs to be used to identify and short-list the most qualified Proposers to receive the RFP for the Project.

**“Secretary”** means the Secretary of the Louisiana Department of Transportation and Development.

**“Short-List”** means the list of those Proposers that have submitted SOQs that the LA DOTD determines, through evaluation of the SOQs, are the most qualified Proposers and that will be invited to submit Proposals in response to an RFP.

**“State”** means the State of Louisiana.

**“Statement of Qualifications”** means the information prepared and submitted by a Proposer in response to this RFQ.

**“Subcontractor”** means any Person with whom the Developer has entered into any Subcontract to perform any part of the Work or provide any materials, equipment, or supplies for the Project and/or the Utility Relocations included in the Work, on behalf of the Developer, and any other Person with whom any Subcontractor has further subcontracted any part of the Work, at all tiers.

**“Term”** means the term of the Comprehensive Agreement, inclusive of the Design-Build Period and the Operations and Maintenance Period (or, “O&M Period”).

**“Toll System Provider”** means the firm responsible for the design and integration of toll systems.

**“Tolling Operator”** means the member of the Proposer, whether a single entity or joint venture, primarily responsible for toll operations, unless toll operations are to be provided by the Operations and Maintenance Contractor.

**“Weakness”** means a flaw in the SOQ that increases the risk of unsuccessful performance under the Comprehensive Agreement. A significant Weakness in the SOQ is a flaw that appreciably increases the risk of unsuccessful performance under the Comprehensive Agreement.

**“Work”** means, collectively, the finance, development, planning, design, acquisition, installation, construction, completion, management, equipment, operation, repair and maintenance and any other services identified in the Contract Documents to be performed by the Developer.

## **1.2 PROJECT POLICY STATEMENT AND GOALS**

### **1.2.1 Project Policy Statement**

The LA DOTD has recognized the necessity for the replacement of the existing Interstate-10 (“I-10”) Calcasieu River Bridge that is an integral part of a larger project extending from the I-10/I-210 east to I-10/I-210 west interchanges. Replacement of the existing I-10 Calcasieu River Bridge and modifications of existing ramps and interchanges from the I-10/I-210 west interchanges to the Ryan Street exit ramp on the east side of the bridge are critical to improving traffic efficiency in daily commutes, while at the same time compensating for the growth the Lake Charles, Louisiana, area has experienced since being integrated as part of I-10 in the 1960s.

On August 19, 2020, Governor John Bel Edwards signed Executive Order JBE 2020-18 that established the Climate Initiative Task Force (the “Task Force”). The Task Force is committed to implementing greenhouse gas emission reduction strategies, policies, and incentives that will limit impacts of climate change harming the State’s natural and cultural heritage, while maintaining Louisiana’s position as a world leader in energy, industry, agriculture, and transportation. The LA DOTD is a key partner in delivering the Task Force’s mission and fully supports federal policies promoting enhanced environmental stewardship, social justice, and equity.

The LA DOTD seeks to partner with qualified firms that also embrace these values bringing innovations that integrate social equity and environmental considerations into the delivery and long-term management of quality sustainable infrastructure. This Project provides an opportunity to involve private-sector partners that will bring innovative approaches to the development, design, construction, financing, operations, and maintenance of the Project.

### **1.2.2 Project Goals**

The Louisiana Department of Transportation and Development's goals for the Project are as follows:

- A) Maximize mobility and safety in the corridor, including the following:
  - 1) Reduction of traffic congestion on mainline I-10;
  - 2) Mobility improvement along Sampson Street; and
  - 3) The safety of, and minimization of disruption to, vehicular, rail, and maritime traffic during construction and operations, including the demolition of existing structures;
- B) Develop an overall financially feasible Project, optimizing the available public subsidy amount, the concession term, and an acceptable and user-friendly tolling structure, that includes the following:
  - 1) Delivery of all of the LA DOTD's required scope of the Project;
  - 2) Employment of an automated cashless toll collection method or methods that facilitate interoperability with other toll facilities located in the State of Louisiana; and
  - 3) An excellent customer experience responsive to all users that takes into account the socioeconomic make-up of the affected local communities;
- C) Optimize design and construction of the physical assets through delivery of high-quality, durable, and maintainable infrastructure that is resilient to withstand events, such as, natural and man-made disasters, vehicle or vessel collision, or extreme heat due to fire, including the following:
  - 1) Life cycle maintenance considerations;
  - 2) A structure that is aesthetically appropriate given the community and immediate surroundings;
  - 3) Solutions that are responsive to key Project challenges, including environmental needs within the corridor and the needs of adjacent industrial stakeholders and railroads and affected local communities; and
  - 4) Delivery of the Project in a manner that supports ingenuity and industry;
- D) Develop a strong partnership between the LA DOTD and the Developer during all phases of the Project, including management of the toll facility;

- E) Prioritize transparent communication with the public during the design, construction, operations, and maintenance phases;
- F) Employ innovative approaches that increase involvement of Disadvantaged Business Enterprises (DBE) in all aspects of the Project's delivery, including, but not limited to, material sourcing, finance, design, construction, operations, maintenance, and technology solutions; and
- G) Maximize opportunities to facilitate sustainable economic success, job growth, and career development in the Project vicinity, particularly in surrounding underserved communities.

### **1.3 ROLE OF THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

In the context of the Project, the LA DOTD is responsible for the following activities:

- A) Obtain environmental clearances and permits except those specifically assigned to the Developer;
- B) Prepare the RFQ and RFP, evaluate the SOQs and Proposals, determine the Short-List, and select the Developer;
- C) Procure and administer the Comprehensive Agreement;
- D) Provide due diligence information and data included in the Request for Proposals; and
- E) Approve and accept Work and payment of the public subsidy.

### **1.4 PROJECT DESCRIPTION**

*See Appendix A.*

### **1.5 PROJECT SCHEDULE**

The anticipated commercial close of the Comprehensive Agreement is no later than March 2023.

*See Section 2.2 for the procurement schedule.*

### **1.6 GOVERNING LAW**

The laws of the State of Louisiana will govern the RFQ, RFP, and Comprehensive Agreement.

### **1.7 RULES OF CONTACT**

The following rules of contact shall apply during this procurement. Contact includes face-to-face, telephone, Electronic-mail (E-mail), or formal written communications.

The rules are designed to promote a fair, unbiased, legally defensible procurement process. The LA DOTD is the single source of information regarding this procurement.

The selection process began on January 4, 2021, with the publication of the NOI, and is anticipated to be completed with the execution of the Comprehensive Agreement. These rules of contact are now in effect. The specific rules are as follows:

- A) After submittal of SOQs, no Proposer or any of its members may communicate with another Proposer or members of another Proposer with regard to the Project or the SOQs, except that a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, so long as those Proposers establish a written protocol to ensure that the Subcontractor will not act as a conduit of information between the Proposers. (Communications among Proposers and their members is allowed during LA DOTD sponsored workshops and meetings);
- B) Contact between the Proposers and the LA DOTD (questions and responses to questions) must only be through the process identified in Section 1.8 and as otherwise expressly stated herein;
- C) The Proposers shall not contact LA DOTD employees, including, department heads, members of the evaluation and short-list and/or evaluation and selection organization, and any official regarding the Project except through the process identified in Section 1.8;
- D) The Proposers shall not contact stakeholder staff or any official regarding the Project or procurement;
- E) Any contact determined to be improper, at the sole discretion of the LA DOTD, may result in disqualification;
- F) Any official contact regarding the Project will be disseminated in writing from the LA DOTD and signed by the LA DOTD's designated representative; and
- G) The LA DOTD will not be responsible for any verbal communication or any other information or contact that occurs outside the official communication process specified herein.

## **1.8 PROPOSER QUESTIONS**

The LA DOTD will only consider questions submitted in writing in accordance with this Section 1.8 by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing in the format shown on Form Q (Appendix C) to [I-10CalcasieuBridgeP3@la.gov](mailto:I-10CalcasieuBridgeP3@la.gov).

All responses shall be in writing and shall be delivered without attribution to all Proposers.

**Only questions regarding the RFQ received by 2:00 p.m. (Central Time) on the date specified in Section 2.2 will be addressed.**

RFQ questions must include the requestor's name, address, E-mail address, and telephone number and the Proposer he/she represents.

Each question shall be categorized as a Category 1, 2, or 3, as indicated on Form Q (Appendix C). “Category 1” means a potential “go/no-go” issue that, if not resolved in an acceptable fashion, may preclude the Proposer from submitting an SOQ or, ultimately, a Proposal. “Category 2” means a major issue that, if not resolved in an acceptable fashion, will significantly affect value for money or, taken together with the entirety of other issues, may preclude the Proposer from submitting an SOQ or, ultimately, a Proposal. “Category 3” means an issue that is minor in nature, such as, a clarification, a comment concerning a conflict between documents or within a document, or a typographical mistake.

Proposer questions shall be limited to questions that address the RFQ, including the Project’s description and evaluation factors, and the procurement process. The LA DOTD reserves the right to forego response to Proposer questions related to documents or issues outside the parameters identified above.

At this time, the LA DOTD is not implementing a limitation as to the number of questions each Proposer may submit, however, the LA DOTD explicitly reserves the right to implement such a limitation at any time under this RFQ or under a subsequent RFP, in its sole discretion.

Responses to RFQ questions will be issued without attribution and sent to all recipients of this RFQ not later than the date specified in Section 2.2.

## **1.9 REQUEST FOR QUALIFICATIONS ADDENDA**

If necessary, the LA DOTD will issue Addenda to modify conditions or requirements of this RFQ to recipients of this RFQ not later than the date identified in Section 2.2.

## **1.10 PRE-SOQ MEETINGS AND SUBMITTALS**

The LA DOTD reserves the right to hold either joint informational meetings or individual one-on-one meetings with all Proposers at any time prior to the SOQ due date identified in Section 2.2.

### **1.10.1 Joint Informational Meetings**

Prior to submission of SOQs, the LA DOTD will conduct a joint informational meeting with Proposers on the date and time specified in Section 2.2. The joint informational meeting is anticipated to last no more than two hours and will include a question and answer period. The LA DOTD reserves the right to hold additional joint informational meetings as it deems necessary.

The purpose of the joint informational meeting is for the LA DOTD to present information regarding the Project to Proposers. The joint informational meeting will be in-person and virtual.

The in-person joint informational meeting will be held at the LA DOTD’s Auditorium, located at 1201 Capitol Access Road, Baton Rouge. Proposers may bring no more than two representatives to the in-person joint informational meeting. In addition, Proposer representatives may attend

the one-on-one meeting via Zoom. The Zoom log-in and call-in information will be transmitted to each Proposer's designated single point of contact prior to the joint informational meeting. There is no limit to the number of Proposer representatives that may attend the one-on-one meeting via Zoom, however, Proposer representatives will be admitted to the Zoom meeting on a first come, first served basis.

Attendance at the joint informational meeting is not mandatory. Attendance at the joint informational meeting constitutes the Proposer's waiver of protest rights related to these meetings. Further, each Proposer, by submittal of its SOQ, acknowledges the opportunity to attend the joint informational meeting was offered to all Proposers, and waives any right to challenge this procurement based on its failure to attend any joint informational meetings.

In order to qualify to attend the joint informational meeting, Proposers are required to confirm their attendance at this meeting, including the names of the Proposer's attendees (whether in-person or virtual), no later than five calendar days prior to the meeting date identified in Section 2.2.

Nothing stated at any joint informational meeting will modify the RFQ unless it is incorporated into the RFQ via an addendum issued pursuant to Section 1.9. The LA DOTD reserves the right to disclose to all Proposers any issues raised during joint informational meetings.

#### **1.10.2 One-on-One Meetings**

The LA DOTD may hold one-on-one meetings with individual Proposers at any time prior to the SOQ due date specified in Section 2.2.

If the LA DOTD determines that one-on-one meetings are in the best interest of this procurement, an invitation to a one-on-one meeting will be issued identifying the eligibility of firms to participate in the one-on-one meetings; specifics of the time, date, and location; attendees; and whether or not attendance at the one-on-one meetings is mandatory. Each Proposer will be required to submit Form O (Appendix C) prior to the commencement of the one-on-one meeting and as instructed in the invitation.

Attendance at one-on-one meetings constitutes the Proposer's waiver of protest rights related to these meetings. Further, each Proposer, by submittal of its SOQ, acknowledges the opportunity to attend the one-on-one meetings, if offered, and waives any right to challenge this procurement based on its failure to attend any one-on-one meetings.

Any information and documents necessary for the preparation of SOQs that are disclosed by the LA DOTD during the course of a one-on-one meeting will be made available to all Proposers as soon as practicable, provided that the LA DOTD will not disclose such information if doing so would reveal a Proposer's confidential business strategy. All Proposers and the LA DOTD agree that any other communications exchanged during the course of a one-on-one meeting will remain confidential until execution of the Comprehensive Agreement, unless records are exchanged that are proprietary or trade secret information. Should the LA DOTD receive a request for the release of information, not already protected, prior to execution of the Comprehensive Agreement, the Proposer whose information is requested will defend and hold harmless the LA



DOTD as set forth in Section 4.4(D).

### **1.11 NOTIFICATION OF FIRMS ON THE SHORT-LIST**

Each Proposer will be notified in writing whether or not it has been selected for the Short-List. Notifications may be expected not later than the date specified in Section 2.2.

### **1.12 COSTS**

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, attending briefing(s), providing supplemental information, and all subsequent costs and expenses.

### **1.13 INELIGIBLE FIRMS**

The Proposer is responsible to disclose all potential organizational conflicts of interest in its SOQ. A potential organizational conflict of interest may occur where consultants and/or subcontractors that assisted the LA DOTD in the preparations of this RFQ or the RFP will not be allowed to participate as a Proposer or a member of a Proposer in response to that RFQ/RFP. Without limiting the foregoing, the following firms are determined to have a potential organizational conflict of interest for this Project:

- A) Nossaman LLP;
- B) Anastasia Brennan Communication Group, LLC;
- C) CDM Smith Inc.;
- D) Ernst and Young Infrastructure Advisors, LLC;
- E) Forte and Tablada, Inc.;
- F) GOTECH, Inc.;
- G) HNTB Corporation;
- H) Lamont Financial Services Corporation;
- I) Metro-Source, LLC;
- J) Mott McDonald, LLC;
- K) Providence Engineering and Environmental Group LLC;
- L) T. Baker Smith, LLC;
- M) TRC Engineers, Inc.; and
- N) WSP.

However, the LA DOTD may determine that there is not an organizational conflict of interest for a consultant or subcontractor under the following circumstances:

- 1) Where the role of the consultant or subcontractor was limited to provision of preliminary design, reports, or similar “low level” documents that will



be incorporated into the RFP and did not include assistance in the development of the ITP or evaluation criteria at either the RFQ or RFP phase; and

- 2) Where all documents and reports that were delivered to LA DOTD by the consultant or subcontractor are made available to all the Proposers through the RFQ or the RFP.

The Proposer is required to provide information concerning potential organizational conflicts of interest in its SOQ, including disclosure of all relevant facts concerning any past, present, or currently planned interests that may present an organizational conflict of interest. The Proposer and its Equity Members must state how their interests, or those of their chief executives, directors, Key Personnel, or any proposed Subcontractor may result in, or could be viewed as, an organizational conflict of interest.

In addition, any firm that is rendered ineligible through any state or federal action is ineligible to participate with any Proposer/Proposal. A Proposer must not submit an SOQ or Proposal, nor will an SOQ or Proposal be considered, if the Proposer or any Equity Member, including those entities identified in Section 1.14(A) through (G), is on the LA DOTD's list of Disqualified Contractors or Consultants or is debarred by the LA DOTD, any other agency of the State of Louisiana, or the federal government at any time prior to execution of the Comprehensive Agreement.

#### **1.14 ORGANIZATIONAL REQUIREMENTS**

Only prospective Proposers that are capable of completing this Project in its entirety will be eligible to be considered for the Short-List.

Participation by any of the following Persons on more than one Proposer's team shall be deemed an organizational conflict of interest disqualifying the affected Proposers:

- A) An Equity Member;
- B) The Design-Build Contractor;
- C) The Lead Designer;
- D) The Operations and Maintenance Contractor;
- E) The Tolling Operator;
- F) A Design Subcontractor ~~responsible for performing more than 15% of the design~~ or a Construction Subcontractor; or
- G) An Affiliate of any Person identified in Section 1.14(A) through (C) on another Proposer's team.

All Proposers affected by the conflict of interest will be disqualified, even if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above.

**It is a requirement of the LA DOTD that the Proposer's organization, including, Equity Members, the Design-Build Contractor, the Lead Designer, ~~Construction Subcontractors~~, ~~Design Subcontractors~~, the O&M Contractor, the Tolling Operator, and Key Personnel, identified in the SOQ remain intact for the duration of the procurement process including the subsequent Comprehensive Agreement. A Proposer may propose substitutions for participants after the SOQ submittal. However, such changes will require written approval by the LA DOTD, which approval may be granted or withheld in the LA DOTD's sole discretion. Requests for changes must be made in writing no later than 30 working days prior to the due date for submittal of the Proposals. Requests for changes in any of the Key Personnel, Equity Members, the Design-Build Contractor, the Lead Designer, ~~Construction Subcontractors~~, ~~Design Subcontractors~~, the Operations and Maintenance Contractor, the Tolling Operator, or other firms meeting criteria listed in Section 1.14 will be particularly scrutinized.**

#### **1.15 ACCESS TO CONFIDENTIAL INFORMATION**

The Proposer may be given access to records that are confidential under state laws solely for the purpose of performing the required services under the Comprehensive Agreement. The Proposer shall be required to sign a nondisclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents.

#### **1.16 PROPOSAL STIPEND**

The LA DOTD will provide a stipend to Proposers on the Short-List that submit a Proposal meeting the minimum requirements as disclosed in the RFP. The stipend amount and any other stipend eligibility requirements for receipt of the stipend will be disclosed in the RFP. The LA DOTD has the authority to use the concepts contained in the Proposal of any Proposer that accepts a stipend.

#### **1.17 FEDERAL REQUIREMENTS**

It is anticipated that the Project will be funded using federal-aid programs. Therefore, the procurement documents and the Comprehensive Agreement must conform to requirements of applicable federal law, regulations, and policies, including, but not limited to, Buy America, Davis-Bacon wage rates, and DBE requirements. The RFP will include DBE requirements, including DBE participation goals for the Project.

#### **1.18 COMPLIANCE WITH APPLICABLE LAWS**

In connection with this RFQ, RFP, and the Comprehensive Agreement, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of this Project and the performance of the Comprehensive Agreement.

## **2.0 PROCUREMENT PROCESS**

### **2.1 OVERALL PROCUREMENT PROCESS**

The process for procurement of the Comprehensive Agreement will be in accordance with Louisiana Revised Statutes Title 48 Sections 250.4 and 2084 *et seq.*

The procurement process will include the following two phases:

- A) Request for Qualifications (determination of the Short-List); and
- B) Request for Proposals (selection of the Developer from the Proposers on the Short-List that submit Proposals).

Evaluation of the SOQs and Proposals will be based on information submitted in the SOQs and Proposals or otherwise available to the LA DOTD.

Pass/fail and qualitative evaluation factors will be present in both the RFQ and RFP phases.

The selection of the Developer for the Comprehensive Agreement will be based on both pass/fail evaluation factors and a combined evaluation of the Technical Proposal and Financial Proposal.

#### **2.1.1 Request for Qualifications Phase**

Statements of Qualifications submitted in response to this RFQ must include a response to each pass/fail and qualitative evaluation factor. The Short-List of Proposers that will be invited to submit Proposals will be determined based on evaluation of the pass/fail and qualitative evaluation factors set forth herein. This RFQ sets forth what is required to be included in the SOQ (*see* Section 4.0 for SOQ submittal requirements).

At the end of the SOQ evaluations, the LA DOTD will determine the Short-List.

#### **2.1.2 Documents in the Request for Qualifications**

The documents issued as part of this RFQ consist of the following:

- A) This main RFQ document;
- B) Additional documents issued by Addenda to this RFQ;
- C) Appendix A – Project Description;
- D) Appendix B – Statement of Qualifications Instructions;
- E) Appendix C – Statement of Qualifications Forms; and
- F) Reference Documents.

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The components of the RFQ are intended to be complementary and to describe and provide for a fair and competitive procurement process. The components of the RFQ complement one another in the descending order of precedence stated above.

The Reference Documents are included in the RFQ for the purpose of providing information to Proposers that is in the LA DOTD's possession. The LA DOTD has not determined whether the Reference Documents are accurate, complete, pertinent, or of any value to Proposers. The Reference Documents will not form a part of the Comprehensive Agreement. Except as may be provided otherwise in the Comprehensive Agreement, the LA DOTD makes no representation, warranty, or guarantee as to, and shall not be responsible for, the accuracy, completeness, or pertinence of the Reference Documents and shall not be responsible for any conclusions drawn therefrom.

### 2.1.3 Request for Proposals Phase

Following the shortlisting of Proposers, the LA DOTD anticipates releasing a Draft RFP for Proposer review and comment. After issuance of the Draft RFP, the LA DOTD may schedule one-on-one and/or group meetings with the Short-List to discuss issues and comments identified by the shortlisted Proposers.

The Draft RFP and Final RFP will only be issued to, and Proposals will only be considered from, those Proposers that have been notified of their inclusion on the Short-List.

The RFP will provide further specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation, and the evaluation rating and scoring guidelines for the RFP phase of the procurement.

## 2.2 PROCUREMENT SCHEDULE

The following represents the current schedule for the procurement. The schedule is subject to change at the discretion of the LA DOTD. All times are Central time.

Activity	Due Date
Issue Request for Qualifications	March 30, 2021
Proposer joint informational meeting	10:00 a.m. April 15, 2021
Final date for receipt of Proposer's questions related to the RFQ	2:00 p.m. May 11, 2021
Issue date for final Addendum and/or Responses to Proposer's Questions related to the RFQ	May 25, 2021
Statement of Qualifications Due Date	2:00 p.m. June 8, 2021
Short-List Announced	July 13, 2021
Issue Draft Request for Proposals	August 10, 2021

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Activity	Due Date
First round of one-on-one meetings	Week of September 13, 2021
Second round of one-on-one meetings	Week of October 11, 2021
Third round of one-on-one meetings	Week of November 8, 2021
Informational utility/stakeholder meetings	Week of December 13, 2021
Proposer comments on the Draft Request for Proposals due	2:00 p.m. January 14, 2022
Issue Final Request for Proposals	March 15, 2022
Proposal Due Date	August 30, 2022
Selection for negotiations	November 15, 2022
Commercial Close	March 21, 2023
Notice to Proceed	April 4, 2023

### **3.0 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS**

#### **3.1 EVALUATION OBJECTIVE**

The objective of the RFQ phase of the procurement is to create a Short-List of no more than four of the highest rated Proposers with the general capability (technical, financial, and management), capacity, and experience necessary to successfully undertake and complete the Work. The Developer will have primary responsibility to plan, design, manage, control, construct, finance, operate, and maintain the Project and to open the Project to revenue service on or ahead of schedule. The LA DOTD has set high responsibility standards for the Developer that are reflected in the pass/fail and qualitative evaluation factors of this RFQ and will be reflected in the RFP and the Comprehensive Agreement. Specific objectives relating to each of the pass/fail and qualitative evaluation factors are listed in Appendix B – Statement of Qualifications Instructions.

#### **3.2 REVIEW AND EVALUATION OF THE STATEMENT OF QUALIFICATIONS**

The information submitted in accordance with Section 4.0 will be evaluated in accordance with both the pass/fail evaluation factors listed in Section 3.3.2 and the qualitative evaluation factors provided in Section 3.3.3.

The written SOQs will be evaluated by the PPP RFQ Evaluation Committee on the pass/fail evaluation factors and qualitative evaluation factors identified in this RFQ. The PPP RFQ Evaluation Committee consists of the following members, or their designees:

- A) ~~Edward Wedge, P.E., Deputy Chief Engineer~~Chad Winchester, P.E., Project Development Division Chief;
- B) Jared Chaumont, P.E., District 07 Traffic Operations Engineer;
- C) Vertie Gary, Plan Quality Unit Engineer 6;
- D) Ty Hampton, Traffic Engineering Management Engineer 6;
- E) Kelly Kemp, P.E., Assistant Bridge Design Administrator;
- F) Chris Nickel, P.E., Pavement and Geotechnical Engineer Administrator; and
- G) Brian Owens, P.E., Construction Engineer Administrator.

If any member of the PPP RFQ Evaluation Committee listed in this Section 3.2 requires replacement due to an unforeseeable circumstance, Proposers will be notified as expeditiously as possible.

### **3.3 EVALUATION FACTORS FOR THE REQUEST FOR QUALIFICATIONS/STATEMENT OF QUALIFICATIONS**

This Section 3.3 outlines the evaluation factors for the RFQ phase of the procurement.

The LA DOTD has identified for this Project the following responsiveness requirements and evaluation factors that are of particular importance to the LA DOTD. This information is provided here to assist Proposers in organizing their teams and preparing their SOQs.

#### **3.3.1 Statement of Qualifications Responsiveness**

An initial responsiveness review of the SOQ will be performed prior to any evaluation in order to determine that all information requested in this RFQ is provided and in the format specified in Appendix B.

#### **3.3.2 Pass/Fail Evaluation Factors**

The pass/fail evaluation factors are as follows:

- A) Legal; and
- B) Minimum Financial Capacity.

If a Proposer passes all pass/fail evaluation factors, its SOQ will be further evaluated using the factors for qualitative rating in Section 3.3.3. If a Proposer fails any single pass/fail evaluation factor, the SOQ will be rated a fail and the Proposer will not be included on the Short-List.

#### **3.3.3 Qualitative Evaluation Factors and Subfactors and Their Relative Importance**

The following are the qualitative evaluation factors:

- A) Technical Qualitative Evaluation Factor;
- B) Tolling Approach and Experience Qualitative Evaluation Factor; and
- C) Financial Experience Qualitative Evaluation Factor.

The qualitative evaluation factor listed in Section 3.3.3(A) is the most important. The qualitative evaluation factors listed in Sections 3.3.3(B) and (C) are of equal importance, but less important than the qualitative evaluation factor listed in Section 3.3.3(A).

##### **3.3.3.1 Technical Qualitative Evaluation Factor**

The Technical Qualitative Evaluation Factor is made up of the following subfactors:

- A) Proposer Technical Experience Qualitative Evaluation Subfactor;
- B) Initial Statement of Technical Approach Qualitative Evaluation Subfactor;
- C) Technical Organization and Key Personnel Qualitative Evaluation Subfactor;; and

D) Past Performance Qualitative Evaluation Subfactor.

The qualitative evaluation subfactors listed in Sections 3.3.3.1(A) and (B) are of equal importance. The qualitative evaluation subfactors listed in Sections 3.3.3.1(C) and (D) are of equal importance, but are less important than the qualitative evaluation subfactors listed in Sections 3.3.3.1(A) and (B).

Specific information to be submitted is identified in Section B4.0 of Appendix B – Statement of Qualifications Instructions.

**3.3.3.2 Tolling Approach and Experience Qualitative Evaluation Factor**

The Tolling Approach and Experience Qualitative Evaluation Factor will include information on each Proposer's tolling approach and tolling experience.

Specific information to be submitted is identified in Section B5.0 of Appendix B – Statement of Qualifications Instructions.

**3.3.3.3 Financial Experience Qualitative Evaluation Factor**

The Financial Experience Qualitative Evaluation Factor will include information on the Proposers summary of its financial experience.

Specific information to be submitted is identified in Section 6.0 of Appendix B – Statement of Qualifications Instructions.

**3.3.3.4 Qualitative Evaluation Methodology**

The ratings assigned to the qualitative evaluation factors will be compiled to determine an overall qualitative rating for the SOQ. Numerical scores will not be assigned. Ratings for each qualitative evaluation factor and the overall qualitative rating for the SOQ will be based on the following adjectival rating criteria:

**EXCEPTIONAL:** The Proposer has provided information relative to its qualifications that is considered to significantly exceed stated objectives/requirements in a beneficial way and indicates a consistently outstanding level of quality. There are essentially no Weaknesses.

**GOOD:** The Proposer has presented information relative to its qualifications which is considered to exceed stated objectives/requirements and offers a generally better than acceptable quality. Weaknesses, if any, are very minor and no correction is necessary.

**ACCEPTABLE:** The Proposer has presented information relative to its qualifications that is considered to meet the stated objectives/requirements and has an acceptable level of quality. Weaknesses are minor and can be readily corrected.

**UNACCEPTABLE:** The Proposer has presented information relative to its qualifications that contains significant Weaknesses and/or unacceptable quality. The SOQ fails to meet the stated objectives and/or requirements and/or lacks essential information and is conflicting and/or unproductive. Weaknesses are so major and/or extensive that a major revision to the SOQ would be necessary and/or are not correctable.



The evaluators may also use a plus (+) or minus (-) suffix to further differentiate the strengths or limitations within a qualitative rating.

Any SOQ that receives a rating of unacceptable in one or more qualitative evaluation subfactor shall receive an overall qualitative rating of unacceptable and shall not be included on the Short-List.

### **3.4 REQUESTS FOR CLARIFICATION**

The Proposer shall provide accurate and complete information to the LA DOTD. If information is not complete, the LA DOTD shall either declare the SOQ non-responsive or notify the Proposer through a request for Clarification that it will not be allowed to participate further in the procurement of this Project until all information required is provided. Any insufficient statements or incomplete affidavits will be identified by the LA DOTD with a request for Clarification, which may include a request for submittal of corrected, supplemental, or missing documents. If a Clarification is not provided prior to the deadline for submission of the Clarification, the SOQ may be declared non-responsive. Proposers should take special notice of the fact that the LA DOTD is not obligated to request any Clarifications from any Proposer not submitting accurate and complete information, nor is the LA DOTD obligated to conduct multiple rounds of requests for Clarifications with any Proposer.

The LA DOTD may waive technical irregularities in an SOQ that do not alter the quality or quantity of the information provided.

The LA DOTD may, at its sole discretion, request Clarifications and/or supplemental information from Proposers during the SOQ evaluation and Short-List process.

All requests for Clarifications and responses thereto must be in writing via E-mail. Clarifications are limited to answering the specific information requested by the LA DOTD.

The LA DOTD does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the LA DOTD elects to conduct interviews, the Proposers shall be notified in writing.

In the event a material error is discovered in the RFQ during the SOQ evaluation process, the LA DOTD will issue an Addendum to all Proposers that have submitted SOQs requesting revised SOQs based upon the corrected RFQ.

### **3.5 DETERMINATION OF THE SHORT-LIST**

The LA DOTD will establish a Short-List of no more than four of the highest rated Proposers in order to ensure adequate competition. The Short-List will be created by eliminating the lowest rated Proposers until an appropriate number of acceptable Proposers remain. Neither the overall qualitative ratings nor the ranking of the Proposers on the Short-List will be disclosed to Proposers during the procurement process.

### 3.6 CHALLENGE

The decision of the LA DOTD on the Short-List and the subsequent selection of the successful Proposer shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section 5.0 of this RFQ (for challenges to the Short-List) or as provided in the RFP (for challenges to the selection of the successful Proposer). Parties participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

Subject to applicable Louisiana state law, contents of SOQs, less proprietary information, to the extent protected under applicable Louisiana state law, will remain confidential until execution of the Comprehensive Agreement.

#### 4.0 STATEMENT OF QUALIFICATIONS SUBMITTAL REQUIREMENTS

##### 4.1 DATE AND TIME OF RECEIPT

All SOQs must be received no later than 2:00 p.m. (Central Time) on the SOQ due date specified in Section 2.2. The SOQs must be clearly identified in the E-mail subject line as “I-10 Calcasieu River Bridge PPP Project SOQ”~~such and be enclosed in sealed containers and must be submitted to the E-mail address identified in Section 1.8.~~ Late submittals will not be considered ~~and will be returned unopened to the address indicated on the cover of the package.~~

##### 4.2 SUBMITTAL ADDRESS

The Statements of Qualifications shall be submitted to the ~~following address:~~E-mail address identified in Section 1.8.

~~Louisiana Department of Transportation & Development  
Attention: Peggy Jo Paine, P.E.  
Innovative Procurement Manager~~

~~Courier \_\_\_\_\_ Mail \_\_\_\_\_  
Room 302-CC \_\_\_\_\_ P.O. Box 94245  
1201 Capitol Access Road \_\_\_\_\_ Baton Rouge, LA  
Baton Rouge, LA 70802-4438 \_\_\_\_\_ 70802-9245.~~

Each Proposer shall be responsible for obtaining a ~~written delivery and read receipt~~ for its submission appropriate to the means of delivery from the LA DOTD office specified in this Section 4.2 at time of delivery of its SOQ. It is the Proposer’s sole responsibility to ensure delivery of its SOQ to the LA DOTD at the time and place specified herein and the LA DOTD will have no liability or responsibility therefore.

##### 4.3 PAGE LIMIT, FORMAT, AND QUANTITIES

The SOQ must be limited to no more than 100 pages in Sections 3 through 8 of the SOQ (*see* Appendix B), including required forms but exclusive of tabs and divider pages,~~;~~ the cover letter,~~;~~ the Executive Summary,~~;~~ Forms F-1, F-2, F-3, and PP~~;~~ relevant licensing and registration information (as required under Appendix B, Section B4.3.2(B))~~;~~ calculations,~~;~~ specifications,~~;~~ and drawings or sketches. One original and one copy of Binder 2 shall be provided. One original and ten copies of each binder Binders 1 and 3 through 5 shall be provided. The signed original copy of each binder must be identified as the original on the cover(s). The copy of Binder 2 must be identified as the copy on the cover, and all subsequent copies Copies of that binder Binder 1 and 3 through 5 must be marked as “Copy \_\_\_\_\_ of 10 Copies,” starting with “Copy 1 of 10 Copies.” All copies shall be provided in loose leaf binders. Bound copies will ~~not be accepted.~~ The document must be organized to correspond with the outline presented in Appendix B.

~~In addition, one~~ The digital copy of the Proposer’s SOQ shall be submitted in searchable, read-only format ~~on USB drive or other appropriate electronic medium, as determined by the LA~~

~~DOTD~~. Each bindersection, as designated in Section B1.0 of Appendix B, shall be a separate file, and labeled as identified in Sections (A) through (H) of Section B1.0.

#### 4.4 CONTENT OF THE STATEMENT OF QUALIFICATIONS

This section describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Appendix B. Required forms for the SOQ are contained in Appendix C. **Any material modification to the forms may result in the SOQ being declared non-responsive.**

Proposers should only provide brief, concise information in their SOQs that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.4.3. Lengthy narratives containing extraneous information are discouraged.

The LA DOTD will maintain a confidential process for the duration of this procurement in accordance with Section 9.0 of the I-10: Calcasieu River Bridge Public-Private Partnership Project Procurement Guidelines.

Further, if the Proposer submits information in its SOQ that it wishes to protect from disclosure, the Proposer must do the following:

- A) Clearly mark all proprietary or trade secret information as such in its SOQ at the time the SOQ is submitted and include a cover sheet stating “DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION” and identifying each section and page which has been so marked;
- B) Include a statement with its SOQ justifying the Proposer’s determination that certain records are proprietary or trade secret information for each record so defined;
- C) Submit one full electronic copy of the SOQ that has all the proprietary or trade secret information deleted from the SOQ and label such copy of the SOQ “Public Copy.” The Public Copy of the SOQ shall be submitted in a single file and in searchable, read-only format. The file(s) shall be labeled “I-10 Calcasieu River Bridge PPP Project SOQ – Public Copy” and consecutively numbered if more than one file is necessary; and
- D) Defend any action seeking release of the records it believes to be proprietary or trade secret information and indemnify, defend, and hold harmless the LA DOTD and the State of Louisiana and its agents and employees from any judgments awarded against the LA DOTD and its agents and employees in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the LA DOTD’s cancellation or termination of this procurement or subsequent execution of a Comprehensive Agreement. In submitting an SOQ, the Proposer agrees that this indemnification survives as long as the confidential business information is in possession of the State.

All records pertaining to this procurement will become public information after execution of the Comprehensive Agreement, unless such records are proprietary or trade secret information.

#### 4.4.1 Cover Letter

The Proposer shall provide a one-page letter indicating its desire to be considered for the Project and stating the official names and roles of all Equity Members, the Design-Build Contractor, the Lead Designer, Construction Subcontractors, Design Subcontractors, the Operations and Maintenance Contractor, and the Tolling Operator, ~~and subconsultants and subcontractors meeting the criteria in Section 1.14~~. Authorized representatives of the Proposer's organization must sign the letter. If the Proposer is not yet a legal entity or is a JV, LLC, or general partnership, authorized representatives of all proposed Equity Members shall sign the letter. "Authorized representatives" are those representatives that possess notarized Powers of Attorney as set forth in Section B2.2 of Appendix B – Statement of Qualifications Organization.

The Proposer shall identify a single point of contact for the Proposer and the address, E-mail address, and telephone number where questions should be directed. The single point of contact identified in the cover letter shall be the same person identified on Form L-1 (*see* Section B2.2 of Appendix B – Statement of Qualifications Organization). All communication regarding the procurement process and Project shall be conducted with the Proposer's single point of contact.

The Proposer shall attach the Acknowledgment of Receipt (Appendix C) acknowledging receipt of the RFQ and any Addenda and/or responses to questions issued by the LA DOTD.

#### 4.4.2 Executive Summary

An Executive Summary, not to exceed five pages, highlighting the positive elements of the Proposer's SOQ must be included with its submission. While there is no specific format for the Executive Summary beyond the page limit identified in this Section 4.4.2, the Executive Summary should identify the strengths of the Proposer's qualifications, emphasizing why it should be considered for the Short-List. The Executive Summary will not be considered confidential and, as such, should not contain any confidential proprietary or trade secret information. The Executive Summary of any or all Proposers may be made public, at the sole discretion of the LA DOTD, prior to the execution of the Comprehensive Agreement.

#### 4.4.3 Evaluation Factor Objectives and Requirements

In providing the SOQ, Proposers should be guided by the Project goals in Section 1.2 and the objectives listed in Appendix B – Statement of Qualifications Instructions, Sections B2.0 through B6.0. An objective is stated for each evaluation factor to provide Proposers the expectations of the LA DOTD. The requirements for each evaluation factor and the information to be submitted are also listed and described in detail in Appendix B – Statement of Qualifications Instructions, Sections B2.0 through B6.0. The SOQ evaluations will be based on how well the SOQ responds to the requirements and meets or exceeds the Project goals and the objectives for each of the evaluation factors.

## 5.0 PROTESTS

This Section 5.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies, and agrees that the decision on any protest, as provided herein, will be final and conclusive. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes, or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend, and hold the LA DOTD and its directors, officers, officials, employees, agents, representatives, and consultants harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of such Proposer's actions. The submission of an SOQ by a Proposer shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

### 5.1 WRITTEN PROTESTS ONLY

All protests must be in writing. Protests shall be submitted to Andrew Barry (Protest Official) at [I-10CalcasieuBridgeP3@la.gov](mailto:I-10CalcasieuBridgeP3@la.gov). Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the LA DOTD in an effort to remove the grounds for protest.

The Protest Official may, in his discretion, discuss the protest with the protestor prior to issuance of the Protest Official's written decision. The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided on the basis of the written submissions by the Protest Official or his designee whose decision shall be final and conclusive. The Protest Official or his designee shall issue a written decision regarding any protest to each Proposer.

### 5.2 PROTEST CONTENTS

All Protests must include the following information:

- A) The name and address of the Proposer;
- B) The State Project number(s);
- C) A detailed statement of the nature of the protest and the grounds on which the protest is made; and
- D) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury.

The protestor must demonstrate or establish a clear violation of a specific law or regulation.

The Protest Official will not be obligated to postpone the SOQ due date or Short-List announcement in order to allow a protestor an opportunity to correct a deficient protest or appeal unless otherwise required by law or regulation.

If the protest is denied, the protestor shall be liable for the LA DOTD's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and

costs, and any unavoidable damages sustained by the LA DOTD as a consequence of the protest. If the protest is granted, the LA DOTD shall not be liable for payment of the protestor's costs.

### **5.3 PROTEST PRIOR TO THE STATEMENT OF QUALIFICATIONS DUE DATE**

Not less than seven calendar days prior to the SOQ due date, all protests, including protests based upon alleged restrictive specifications or alleged improprieties in the solicitation, must be filed with the Protest Official.

The Protest Official will promptly make a determination in writing regarding the validity of the protest and whether or not the RFQ process should be delayed beyond the scheduled SOQ due date. If the Protest Official determines that the scheduled SOQ due date should be delayed, all Proposers will be notified by written Addendum of the delay and the reason therefor.

If the protest is determined to be valid, the Protest Official will respond in writing to the protestor to each material issue raised in the protest in a timely manner prior to the LA DOTD proceeding further with the RFQ. Should a protestor wish to appeal the decision of the Protest Official, the protestor shall follow the procedures as outlined in Section 5.6.

The failure of a Proposer to file a basis for a protest regarding this RFQ will preclude consideration of that ground in any protest regarding the Short-List decision unless such ground was not and could not have been known to the Proposer in time to protest prior to the final date for such protests.

### **5.4 PROTEST PRIOR TO ANNOUNCING THE SHORT-LIST**

When a protest or appeal has been timely filed with the Protest Official after the SOQ due date but prior to announcing the Short-List, the LA DOTD will not announce the Short-List, except in the case of emergency as determined by the Secretary, until after the resolution of the protest or appeal.

### **5.5 PROTEST REGARDING SHORT-LIST DECISION**

If the Short-List decision is being protested, a protestor shall protest in writing to the Protest Official as soon as practical, but not later than seven calendar days after the protestor knew or should have known it was not included on the Short-List. If the protest has been timely filed, the Protest Official will promptly make a determination in writing regarding the validity of the protest and whether or not the procurement should be delayed or the Short-List considered for revision.

If the procurement is delayed, all Proposers will be notified of the delay. The Protest Official will respond in writing to the protestor to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement.



The LA DOTD will not proceed with the procurement for seven calendar days after the decision is rendered by the Protest Official unless the protestor waives in writing its right to appeal to the Protest Official.

Should a protestor wish to appeal the decision of the Protest Official concerning any Short-List decision, a protestor shall follow the procedures as outlined in Section 5.6.

## **5.6 RIGHT OF APPEAL**

In the event that a protestor receives an unfavorable decision from the Protest Official to its protest, the protestor shall have the right to appeal the decision of the Protest Official by submitting a written appeal to the Secretary or designee within seven calendar days after receipt of the decision of the Protest Official.

The Secretary will notify the protestor in writing in a prompt manner of his decision regarding the protest and the appeal. If the protest and appeal were filed prior to the release of the Short-List, the LA DOTD will not announce the Short-List for seven calendar days after the decision of the Secretary, unless an emergency is determined to exist, in the sole opinion of the Secretary.

If the matter is not resolved after the appeal, the protestor may continue the protest only by appeal to judicial authority.



**6.0 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT RIGHTS AND DISCLAIMERS**

**6.1 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT RIGHTS**

The LA DOTD may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to design, construct, finance, operate, and maintain the Project. The LA DOTD reserves the right, in its sole and absolute discretion, to any of the following:

- A) Rejection of any or all Statements of Qualifications and re-starting this procurement;
- B) Issuance of a new Request for Qualifications for this Project;
- C) Cancellation, modification, or withdrawal of the Request for Qualifications, including suspension of the procurement for a period of time as determined by the LA DOTD;
- D) Termination of this Request for Qualifications and re-procurement of the Project, whether as a PPP or otherwise;
- E) Issuance of Addenda, supplements, and modifications to this Request for Qualifications;
- F) Modification of the Request for Qualifications process (with appropriate notice to Proposers);
- G) Appointment of evaluators to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation;
- H) Approval or disapproval of the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- I) Revision and modification, at any time before the SOQ due date, of the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the LA DOTD will circulate an Addendum setting forth the changes to the evaluation criteria or methodology. The LA DOTD may extend the SOQ due date if such changes are deemed by the LA DOTD, in its sole discretion, to be material and substantive;
- J) Addition to or deletion of Proposer responsibilities from those initially identified in the RFQ;
- K) Correspondence with the Proposers responding to this SOQ, including holding meetings, to seek Clarifications and an improved understanding and evaluation of the SOQs;
- L) Waiver of deficiencies in a Statement of Qualifications;
- M) Seeking or obtaining data from any source that has the potential to improve the understanding and evaluation of the SOQs;

## Louisiana Department of Transportation and Development

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- N) Disqualification of any team that changes its SOQ without LA DOTD written approval;
- O) Termination of evaluation of Statements of Qualifications at any time;
- P) A determination to not issue a subsequent Request for Proposals; and/or
- Q) Refusal to issue an RFQ to a prospective Proposer and to refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
  - 1) Failure on the part of the Proposer, an Equity Member, the Lead Designer, or the Design-Build Contractor to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the LA DOTD (or the State of Louisiana);
  - 2) Default (wherein a surety has been notified to assume performance of the contract) on the part of the Proposer, an Equity Member, the Lead Designer, or the Design-Build Contractor under previous contracts with the LA DOTD (or the State of Louisiana);
  - 3) Unsatisfactory performance by the Proposer, an Equity Member, the Lead Designer, or the Design-Build Contractor under previous contracts with the LA DOTD (or the State of Louisiana);
  - 4) Issuance of a notice of disqualification, debarment, or suspension to the Proposer, an Equity Member, the Lead Designer, or the Design-Build Contractor;
  - 5) Submittal by the Proposer of more than one SOQ in response to the RFQ under the Proposer's own name or under a different name;
  - 6) Existence of an organizational conflict of interest under Section ~~1.141-13~~ or evidence of collusion between a prospective Proposer (or any Equity Member, the Lead Designer, or the Design-Build Contractor) and other Proposer(s) (or Equity Members, Lead Designers, or Design-Build Contractors) in the preparation of an SOQ, proposal, or bid for any LA DOTD project; and/or
  - 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer, an Equity Member, the Lead Designer, or the Design-Build Contractor is responsible which, in the judgment of the LA DOTD, might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

The RFQ does not commit the LA DOTD to enter into a Comprehensive Agreement nor does it obligate the LA DOTD to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Comprehensive Agreement. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Comprehensive Agreement pursuant to this RFQ and any subsequent RFP is contingent upon sufficient appropriations and authorizations being made by the Louisiana State Legislature for performance of a Comprehensive Agreement between the successful Proposer and the LA DOTD.

In no event shall the LA DOTD be bound by or be liable for any obligations with respect to the Work or the Project until such time (if at all) as the Comprehensive Agreement, in form and substance satisfactory to the LA DOTD, has been executed and authorized by the LA DOTD and approved by all required parties and then only to the extent set forth therein.

## **6.2 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT DISCLAIMERS**

In issuing this RFQ and undertaking the procurement process contemplated hereby, the LA DOTD specifically disclaims the following:

- A) Any obligation to award or execute a Comprehensive Agreement pursuant to this Request for Qualifications; and
- B) Any obligation to reimburse a Proposer for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

**STATE OF LOUISIANA**

**I-10 CALCASIEU RIVER BRIDGE  
PUBLIC-PRIVATE PARTNERSHIP  
PROJECT**

**CALCASIEU PARISH**

**STATE PROJECT No. H.003931  
FEDERAL AID PROJECT NO. 010121**

**REQUEST FOR QUALIFICATIONS**

**~~ADDENDUM NUMBER 2~~**

**APPENDIX A**

**PROJECT DESCRIPTION**

**~~MARCH 30, 2021~~ MAY 5, 2021 CONFORMED**



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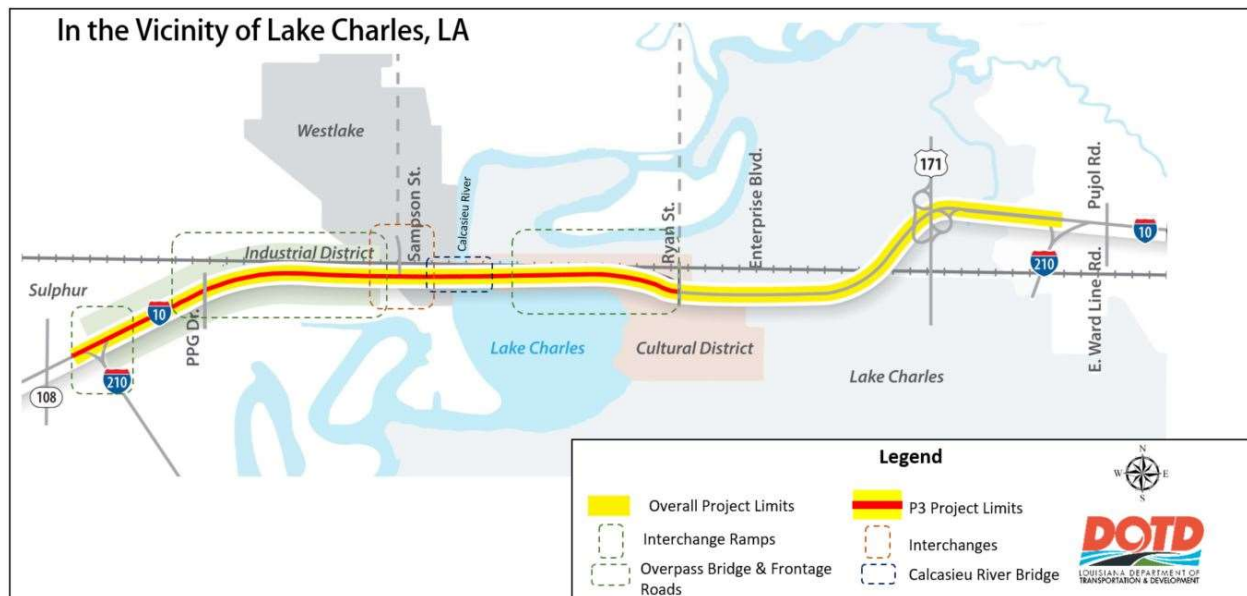
## 1.0 PROJECT DESCRIPTION

The existing I-10 Calcasieu River Bridge located between Lake Charles and Westlake, Louisiana, opened to traffic in 1952 and became part of the Interstate system in the 1960s with the construction of Interstate-10 (I-10). The Calcasieu River Bridge is an integral part of a major transcontinental Interstate highway system that spans across the southern part of the United States from the east coast (Jacksonville, Florida) to the west coast (Santa Monica, California). The existing bridge was rehabilitated in 2011 to 2012, but additional improvements are needed for the bridge to effectively handle future projected traffic growth.

The proposed I-10 Calcasieu River Bridge Public-Private Partnership Project (the “Project”) is part of the LA DOTD’s larger I-10 corridor project extending from the I-10/I-210 east interchange to the I-10/I-210 west interchange. The Project will provide a system of continuity that is critical to supporting national energy security, sustaining domestic production capacity, and enabling emergency and disaster preparedness and response.

The limits of this Project extend from the I-10/I-210 interchange to the west of the bridge and Ryan Street exit ramp to the east side of the bridge as shown in Figure 1.

**Figure 1**



The Project provides for an opportunity to bring innovative design, construction, financing, operations, and maintenance of the new I-10 Calcasieu River Bridge, located north of the existing bridge.

The Project consists of the following elements:

- A) Design and construction of an aesthetically pleasing six-lane bridge over the Calcasieu River. The new bridge will have a minimum vertical clearance of 73 feet and not more than three percent ascending and descending grades. The installation of lighting and development of shoulders and a center barrier will address safety concerns;
- B) Development of a new toll system (All Electronic Tolling) appropriate for the type and size of the Project. The new tolling system shall include design, installation, operation, maintenance, back office systems, and customer services. The new tolling system shall be interoperable with existing tolling systems in the State of Louisiana;
- C) Modification and relocation of existing roadways and interchanges; and
- D) The demolition and removal of the existing Calcasieu River Bridge once traffic is transferred to the new Calcasieu River Bridge.

## **2.0 LEGISLATIVE APPROVAL**

The Secretary of the LA DOTD met with the House and Senate Transportation, Highways, and Public Works Committees on December 16, 2020, to obtain approval for the solicitation of and award of a Comprehensive Agreement for the Project.

## **3.0 PROJECT SCOPE**

It is anticipated that the Comprehensive Agreement for the Project, as described in Section 1.1.2 of the RFQ, will include an operations and maintenance term of no more than 50 years and obligate the Developer to (A) develop, design, and construct the Project; (B) invest equity and provide necessary debt financing for such improvements, in addition to the subsidy provided by the LA DOTD; and (C) operate and maintain the Project. The Comprehensive Agreement will grant the Developer the right to receive toll revenues from users of the Project during the Term, subject to any requirements that the Developer share certain toll revenues with the LA DOTD.

The scope of the Developer's obligations includes construction of a new Calcasieu River Bridge and reconstruction and relocation of existing roadways and approaches within the Project limits (between the I-10/I-210 west interchange to the I-10/Ryan Street exit ramp. Additionally, roadway improvements for the segment of the LA 378 (Sampson Street) from I-10 to Sulphur Avenue, as well as reconfiguration of several access ramps and the interchanges at Sampson Street will be included in the scope. The final configuration/reconstruction of these additional roadway improvements will depend on the selection of a Preferred Alternative during the National Environmental Policy Act (NEPA) process (*see* Section 3.0).

The scope also includes right-of-way (ROW) acquisition services, utility relocation coordination, and railroad coordination as set forth in the Comprehensive Agreement. The LA DOTD will be responsible for operation and maintenance of the existing I-10 Calcasieu River Bridge during the

construction of the new I-10 Calcasieu River Bridge. The Developer will be responsible for the operation and maintenance of the mainline roadway that is within the Project limits during and after construction.

As noted above, once traffic has transferred to the new I-10 Calcasieu River Bridge, the Developer will be responsible for demolishing the old I-10 Calcasieu River Bridge and providing operations and maintenance services within the Project limits for the remainder of the Term. Additional improvements to be completed by the Developer will include design and installation of a toll system to allow for collection of tolls from users of the Project.

#### **4.0 PROJECT ENVIRONMENTAL STATUS**

The Project is currently under review in accordance with NEPA as part of a larger project extending from the I-10/I-210 interchanges to the east and west of the existing Calcasieu River Bridge. Three alternatives have been identified for the study area. A public meeting was held on March 25, 2021, to receive comments prior to the LA DOTD identifying a Preferred Alternative by late summer 2021. A public hearing is anticipated to be held during fall 2021. A Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) are expected by the first quarter of 2022.

The purpose and need for the improvements as articulated in the environmental documents includes the following:

- A) Address the lack of system connectivity on I-10;
- B) Reduce congestion and improve mobility on I-10 and along Sampson Street;
- C) Address structural and functional roadway and bridge deficiencies; and
- D) Address safety concerns on I-10 and the Calcasieu River Bridge.

To determine the Preferred Alternative, the FEIS and ROD may determine particular items within the final scope of services, as well as many Project requirements. Any Work described herein is subject to adjustment due to any determinations resulting from the FEIS and ROD or any permits/approvals obtained by LA DOTD. Additional information about the environmental process, status, and documentation can be found at <https://www.i10lakecharles.com>.

In addition, the LA DOTD anticipates the following permits at a minimum will be required prior to construction of the Project.

PERMITTING AGENCY	PERMIT TYPE	PURPOSE
United States Coast Guard (USCG)	Bridge permit; navigation lighting	New bridge crossing of the Calcasieu River and demolition of the existing I-10 Calcasieu River Bridge



## Louisiana Department of Transportation and Development

PERMITTING AGENCY	PERMIT TYPE	PURPOSE
United States Army Corps of Engineers (USACE)	Section 10/404 permit	Impacts to jurisdictional wetlands and other waters of the United States
	Section 408	Crossing a federal channel
Louisiana Department of Environmental Quality (LaDEQ)	Water Quality Certification	Impacts to jurisdictional wetlands
	Louisiana Pollutant Discharge Elimination System	Stormwater discharge for construction activities over one acre

It is anticipated that the LA DOTD will initiate the permitting process in advance of Notice to Proceed (NTP). The LA DOTD recognizes that its on-going involvement with the permitting process is necessary due to its pre-existing relationships with permitting agencies. The Developer will be required to work with the LA DOTD to complete the permitting process following NTP, including providing information to the LA DOTD regarding the design and construction of the Project in order to finalize and/or update permits.

The I-10 Calcasieu River Bridge is included in LA DOTD's Historic Bridge Inventory and HBPA, executed August 25, 2015. The bridge will be subject to a 4(f) statement. The Developer will be required to comply with any requirements set forth in the Section 106 and 4(f) documents and it is anticipated that the Developer will be required to participate in the consultation process.

Mitigation will be proposed as part of FEIS and ROD and the USACE, USCG, and other permits. It will be the responsibility of the Developer to comply with mitigation requirements and any other requirements or general conditions of any permits. If the Developer chooses to modify the data on which any approvals or permits are based or a permit itself, a modification in the mitigation requirements may ensue. The Developer will be responsible to design and construct or pay for any and all required approval and permit modifications/mitigation after the initial permits are acquired.

### 5.0 COST ESTIMATE

Cost estimates will continue to be developed and refined during the development of the Project. The construction cost of this Project is currently estimated to be in the range of \$550 million to \$700 million.

## **6.0 TOPOGRAPHIC SURVEY**

The LA DOTD is currently performing topographic survey within the Project limits. The survey data will be provided to the Proposers in the RFP phase.

## **7.0 RIGHT-OF-WAY ACQUISITION**

Right-of-Way (ROW) acquisition is anticipated for this Project.

The Developer will determine the additional ROW needs for its design solution and will be responsible for any necessary ROW acquisition services per federal requirements included in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. Chapter 61), in 23 C.F.R. Part 710, and Louisiana law. The Developer will be responsible for all ROW acquisition services leading up to the ROW purchase.

## **8.0 GEOTECHNICAL INVESTIGATION**

The LA DOTD anticipates performing a subsurface exploration program within the Project limits. This geotechnical data, in addition to any geotechnical data available from previous studies will be provided to the Proposers in the Request for Proposals (RFP).

If short-listed Proposers wish to conduct their own geotechnical investigations on LA DOTD ROW, Proposers must coordinate their activities with the LA DOTD. Proposers must obtain permits through LA DOTD's normal permitting process prior to performing any drilling on LA DOTD ROW. If Proposers wish to conduct their own geotechnical investigations on other public ROW not owned by the LA DOTD, Proposers must coordinate their activities with the applicable stakeholder and obtain any required permits. If Proposers wish to conduct their own geotechnical investigations within the Project corridor on privately-owned ROW, Proposers must coordinate their activities with the individual property owners and must adhere to LA DOTD and other regulatory guidelines for clearing and drilling.

Note that destructive testing or drilling/coring of pavements will not be permitted.

## **9.0 UTILITY RELOCATIONS**

Subsurface Utility Engineering (SUE) is currently being conducted by the LA DOTD within the Project limits, with an ASCE 3802 QL B. The SUE data will be provided to the Proposers in the RFP.

It is expected that the Developer will be responsible for coordinating with utilities affected by the Project and, as needed, performing necessary utilities relocations in accordance with applicable standards and for the costs associated with utility relocations, except to the extent the utilities are legally responsible for such costs.

It is the responsibility of the short-listed Proposers to perform any utility investigations necessary for preparation of the Proposal.

## **10.0 HAZARDOUS MATERIALS**

Industrial areas to the West of Lake Charles are located within the Project limits, including a location of hazardous material contamination involving ethylene dichloride (EDC) near the I-10 interchange with Sampson Street. This site has been subject to monitoring and remediation activities with oversight from the Louisiana Department of Environmental Quality (LDEQ), and information related to these activities is publicly available through the LDEQ's Electronic Document Management System (EDMS).

The area of EDC contamination is located above the Chicot Aquifer, which supplies drinking water to Lake Charles and the surrounding communities. The LA DOTD is currently in the process of performing additional testing to better delineate the location and extent of any remaining contamination. If testing identifies areas of continuing contamination, it will be imperative to minimize the risk of downward migration of EDC into the aquifer during the Project. The LA DOTD's analysis of the EDC contamination risk and appropriate risk allocation related thereto under the Comprehensive Agreement is ongoing, and will be further clarified in the RFP.

## **11.0 RAILROAD COORDINATION**

Kansas City Southern Railroad and Union Pacific Railroad are both active within the Project limits. The LA DOTD intends to enter into a Memorandum of Understanding (MOU) with each railroad that will govern the coordination/communication and approval protocols for the Project. The Developer shall coordinate any railroad-related work within the Project limits. The Developer will be responsible for implementing a Construction Maintenance Agreement with each railroad to supplement the Project MOUs, and will be responsible for meeting any railroad design criteria and for obtaining the required approvals and permits as required for any railroad-related work.

## **12.0 THREATENED, ENDANGERED, AND PROTECTED SPECIES**

There are currently no known threatened or endangered species affected by this Project. There is a known bald eagle's nest within the Project area.

## **13.0 TRAFFIC AND REVENUE DATA**

The Traffic and Revenue Analysis (LA DOTD, 2020) is a planning level traffic and revenue (T&R) assessment of the new I-10 Calcasieu River Bridge and is part of the EIS. The document presents an overview of the T&R methodology, assumptions, and results and no conclusions should be drawn with respect to the toll rates assumed for purposes of this planning level T&R assessment.

Short-listed Proposers desiring to engage in traffic surveying and related activities associated with the Project must obtain prior written consent from the LA DOTD.

## **14.0 TOLLING**

The LA DOTD anticipates that the selected Developer will perform the following services for the new I-10 Calcasieu River Bridge:

- A) Develop a new Project-specific toll system methodology and technology appropriate for the Project;
- B) Coordinate with the LA DOTD and other tolling authorities to determine and implement adequate toll interoperability requirements with existing Louisiana toll systems and national interoperability with other tolling authorities;
- C) Develop a Project-specific set of toll policies, including toll rates;
- D) Perform roadside toll collection system design, installation, testing, operations, and maintenance;
- E) Perform back office system installation and operations; and
- F) Manage or coordinate tolling functions, such as, transponder fulfillment; customer account management; image collection and review; invoicing and collections; customer service center operations, including, walk-up, website, and call center; and audit and reconciliation.

## **15.0 PUBLIC FUNDING**

The LA DOTD has allocated \$85 million of state funds and \$30 million of federal funds, which will be available as a public subsidy to the Developer.

The LADOTD is committed to exploring opportunities for additional public subsidy, including, but not limited to, a federal Infrastructure for Rebuilding America (INFRA) grant for the Project, as well as from potentially allocating additional funds from existing federal formula sources. However, it is not anticipated, nor is it the LA DOTD's intent, to allocate public subsidy to the Project in an amount sufficient to supplant the necessity for tolls.

Updates to the availability and timing of public funding will be provided in the RFP. The LA DOTD expects to finalize the amount of any additional public subsidy that will be available to the Developer in the RFP.

## **16.0 FEDERAL FINANCING**

The Developer is responsible for financing the Project. In order to meet key Project schedule milestones, the LA DOTD does not intend to pursue Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance for use in short-listed Proposers' plans of finance. The Developer may be permitted to seek a TIFIA loan following financial close. Further details of this process, and the associated risk sharing, will be provided in the RFP.

There is currently no available United States Department of Transportation (USDOT) Private Activity Bonds (PABs) allocation for the Project. Depending upon timing and availability of any new PABs capacity, the LA DOTD may pursue a PABs allocation for the Project. Updates regarding the availability of a PABs allocation for use by short-listed Proposers will be provided in the RFP.

**17.0 OTHER DUE DILIGENCE ACTIVITIES**

The LA DOTD is currently assessing what, if any, additional site and due diligence information will be conducted for the Project.

**STATE OF LOUISIANA**  
**I-10 CALCASIEU RIVER BRIDGE**  
**PUBLIC-PRIVATE PARTNERSHIP**  
**PROJECT**

**CALCASIEU PARISH**

**STATE PROJECT NO. H.003931**

**FEDERAL PROJECT NO. 010121**

**REQUEST FOR QUALIFICATIONS**

**ADDENDUM NUMBER 2**

**APPENDIX B**

**STATEMENT OF QUALIFICATIONS**  
**INSTRUCTIONS**

**MARCH 30, 2021 MAY 5, 2021 CONFORMED**



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**B1.0 GENERAL INSTRUCTIONS**

This Appendix B – Statement of Qualifications Instructions to the Request for Qualifications (RFQ) describes the specific instructions for preparing the Statements of Qualifications (SOQ).

The Proposer shall submit the information required by this Appendix B – Statement of Qualifications Instructions in the organization and format, and using the forms, specified herein. Failure to provide the requested information on the forms and in the format specified may result in the Louisiana Department of Transportation and Development (LA DOTD) declaring the SOQ non-responsive.

The Statement of Qualifications must be packaged into a cover letter (*see* Section 4.4.1 of the RFQ), Executive Summary (*see* Section 4.4.2 of the RFQ), and the following eight separate sections:

- A) Section 1 – Legal;
- B) Section 2 – Minimum Financial Capacity;
- C) Section 3 – Proposer Technical Experience;
- D) Section 4 – Initial Statement of Technical Approach;
- E) Section 5 – Technical Organization and Key Personnel;
- F) Section 6 – Past Performance;
- G) Section 7 – Tolling Approach and Experience; and
- H) Section 8 – Financial Experience.

~~The sections and appendices must consist of loose-leaf pages. The eight sections must be organized as follows in three-ring binders:~~

- ~~1) Binder 1 Section 1;~~
- ~~2) Binder 2 Section 2;~~
- ~~3) Binder 3 Sections 3 through 6;~~
- ~~4) Binder 4 Section 7; and~~
- ~~5) Binder 5 Section 8.~~

All information submitted in the SOQ will be used for its evaluation.

All forms named herein are found in Appendix C – Statement of Qualifications Forms unless otherwise noted.



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Text shall be in English in a standard font, a minimum of 12 points in height except for tables and forms (as found in Appendix C), which may be prepared using 10 point font, single-spaced. Financial terms shall be in United States of America (U.S.) dollar denominations.

Pages shall be 8½ inch by 11 inch ~~white paper~~, with simple lettered/numbered dividers for each section/subsection. ~~Single-sided pages must be used except for pre-printed information, such as corporate brochures.~~ 11 inch by 17 inch pages are allowed (and included in the page count for Sections 3 through 8) for schematics, organizational charts, other drawings, or schedules, but not for narrative text. ~~Printed lines may be single-spaced. Each printed side shall be considered one page.~~

The Proposer shall number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2). The Proposer shall include page numbers centered at the bottom of each page.

The Proposer shall present information clearly and concisely. Documentation that is illegible may be rejected and may lead to declaring the SOQ non-responsive.

The information must be easily reproducible by normal black and white photocopying machines. ~~Color photographs, renderings, and brochures must be adequately bound and suitably protected for handling and circulation during review.~~

Statements of Qualifications will become the property of the LA DOTD. ~~Hard copies and electronic copies of each SOQ and~~ will be retained after the SOQ evaluation process for the Project files.

### B2.0 LEGAL PASS/FAIL EVALUATION FACTOR

#### B2.1 OBJECTIVES

The objective of the Legal Pass/Fail Evaluation Factor is to identify legally constituted Proposers able to submit Proposals, enter into the Comprehensive Agreement, and complete the Work and that have obtained all required licenses or committed to do so prior to execution of the Comprehensive Agreement.

#### B2.2 LEGAL INFORMATION FOR SECTION 1 OF THE STATEMENT OF QUALIFICATIONS

The Proposer shall submit the following legal information:

- A) Form L-1 (Appendix C), Proposer's Organization Information, for the Proposer's organization. The Proposer shall identify a single point of contact for the Proposer and the address, E-mail address, and telephone and facsimile numbers where questions should be directed on Form L-1. The single point of contact identified on Form L-1 shall be the same person identified in the cover letter (*see* Section 4.4.1 of the RFQ). All communication regarding the procurement process and Project shall be conducted with the Proposer's single point of contact;
- B) Form L-2 (Appendix C), Equity Member, Lead Designer, Design-Build Contractor, and Operations and Maintenance Contractor Certification, for each

## Louisiana Department of Transportation and Development

Equity Member, the Lead Designer, the Design-Build Contractor, the Operations and Maintenance Contractor, the Toll System Provider, and the Tolling Operator (if different than the Operations and Maintenance Contractor) covering the last five years;

- C) Evidence of the Proposer's registration with the Louisiana Secretary of State indicating that the Proposer is registered to do business in the State of Louisiana, or a commitment to become registered prior to execution of the Comprehensive Agreement;
- D) Evidence that one or more members of the Proposer team (i.e., partner, member, coventurer, or subcontractor), or the Proposer itself, holds the appropriate licenses from the Louisiana Professional Engineering and Land Surveying Board and the State Licensing Board for Contractors or a commitment signed by authorized representatives of the Proposer and its Equity Members, if relevant, to become licensed prior to execution of the Comprehensive Agreement. "Authorized representatives" are those representatives that possess notarized Powers of Attorney as set forth in Section B2.2(F) and (G);
- E) If a ~~Joint Venture~~ joint venture (JV), or partnership, limited liability company (LLC), or other special purpose vehicle (SPV), include the following:
  - 1) Identity of the lead Equity Member, if any (Form L-1, Appendix C);
  - 2) Percent equity share held by each Equity Member. Each member ~~of a joint venture (JV) or partnership~~ must be an equity partner in the organization (Form L-1, Appendix C); and
  - 3) ~~An~~ For any JV or partnership an express statement from each of the Equity Members of the entity as to their joint and several liability for any and all of the duties and obligations, including performance, of the Proposer that will ultimately be assumed under the Proposal and Comprehensive Agreement arising therefrom, should the Proposer be short-listed and its Proposal accepted by the LA DOTD;
- F) Notarized Power(s) of Attorney, board resolution, or equivalent evidence of authority for each Equity Member indicating the authority of the Equity Member's representative to sign for that Equity Member;
- G) Notarized Power(s) of Attorney from each Equity Member indicating the authority of the Proposer's designated point of contact to sign documents for and on behalf of the Proposer's organization; and
- H) Surety Letter

A letter from a surety(ies) indicating that the Proposer is capable of obtaining a Proposal bond and performance and payment bonds covering the Design-Build Work. In the event the Proposer is unable to obtain such letter for any of the bonds, a letter from a surety(ies) indicating that the Design-Build Contractor is

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capable of obtaining a Proposal bond and performance and/or payment bonds, as applicable, covering the Design-Build Work may be submitted.

The bonding/security capacity levels in Table 2 represent minimum levels. The Proposer or Design-Build Contractor, as applicable, shall submit a letter from a qualified surety as provided by Louisiana Revised Statutes 48:255(D). The letter must specifically state that the surety/insurance company has evaluated the Proposer's or Design-Build Contractor's, as applicable, backlog and work-in-progress in determining its bonding capacity. If the letter is submitted by co-sureties or a joint venture of sureties, the letter must clearly state that the sureties making up the co-surety or the joint venture are bound in solido for the full amount of the bond. **Letters indicating "unlimited" bonding/security capability are not acceptable.**

Table 2

Proposal Security	Payment Bond or Bonds	Performance Bond or Bonds
Five Percent of the aggregate value of the Design-Build Work	100% of the aggregate value of the Design-Build Work	100% of the aggregate value of the Design-Build Work

~~The~~For purposes of the surety letter in response to this Section B2.2(H), the aggregate value of the Design-Build Work is not anticipated to exceed \$700 million.

### B3.0 MINIMUM FINANCIAL CAPACITY PASS/FAIL EVALUATION FACTOR

#### B3.1 OBJECTIVES

The objective of the Financial Pass/Fail Evaluation Factor is to identify Proposers with demonstrated capability to undertake the financial responsibilities associated with development, delivery, and operation of the Project.

#### B3.2 MINIMUM FINANCIAL CAPACITY INFORMATION FOR SECTION 2 OF THE STATEMENT OF QUALIFICATIONS

The Proposer shall submit the following information:

A) Financial Statements

Financial statements for the Proposer, the Equity Members, the Design-Build Contractor, and any Guarantor (if applicable) of the Proposer for the three most recent completed fiscal years and any interim (e.g., quarterly, half-yearly) financial statements prepared after the most recent yearly financial statement must

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be provided consistent with the requirements below to demonstrate financial capability of the Proposer. If a Guarantor is provided for any Equity Members or the Design-Build Contractor, financial statements only need to be provided for the Guarantor and do not need to be provided for its guaranteed entity.

Information for each entity should be packaged separately and include a cover sheet identifying the name of the organization and its role as the Proposer, an Equity Member, a Guarantor, or the Design-Build Contractor.

Equity Members and the Design-Build Contractor may include a parent company or other affiliate company as a guarantor with respect to financial capabilities (a “Guarantor”). In addition, the LADOTD may, in its discretion based upon the review of the information provided specify that an additional Guarantor is required as a condition of short-listing, in which case the information required of such Guarantor shall be submitted upon request by the LA DOTD.

Financial statement information must include the following information:

- 1) Opinion Letter (Auditor’s Report);
- 2) Balance Sheet;
- 3) Income Statement;
- 4) Statement of Changes in Cash Flow; and
- 5) Footnotes.

In addition, financial statements must meet the following requirements:

- a) **United States Generally Accepted Accounting Principles** – Financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles (U.S. GAAP) or International Financial Reporting Standards (IFRS). If financial statements are prepared in accordance with principles other than U.S. GAAP or IFRS, a letter must be provided from a certified public accountant discussing the areas of the financial statements that would be affected by a conversion to U.S. GAAP or IFRS.
- b) **United States Dollars** – Financial statements must be provided in United States (U.S.) dollars. If financial statements are not readily available in U.S. dollars, the Proposer must convert, at a minimum, the ~~financial statements~~ Balance Sheet, Income Statement, and Cash Flow Statement, as well as any notes related to undrawn liquidity facilities, to into U.S. dollars and provide a summary of the conversion methods and applicable foreign exchange rates used to do so.

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- c) **Audited** – Financial statements must be audited by an independent party qualified to render audit opinions (e.g., a certified public accountant). If audited financials are not available for the Proposer, an Equity Member, the Design-Build Contractor, or a Guarantor (if applicable), the SOQ shall include unaudited financial statements for the Proposer or such Equity Member, Design-Build Contractor, or Guarantor, certified as true, correct, and accurate by the chief financial officer (CFO) or equivalent position or role.
- d) **English** – Financial statement information must be prepared in English. If audited financial statements are prepared in a language other than English, translations of all financial statement information, including footnotes, must be provided.
- e) **Newly Formed/Not Yet Formed Entity** – If the Proposer is a newly formed entity or has not yet formed a legal entity and does not have independent financial statements, financial statements for the Equity Members, the Design-Build Contractor, and Guarantors (if applicable) shall be provided (and the Proposer shall expressly state that the Proposer is a newly formed entity or not yet formed entity, as applicable, and does not have independent financial statements).
- f) **Securities and Exchange Commission Filings** – If the Proposer or any other entity for which financial information is submitted hereby files reports with the Securities and Exchange Commission (SEC), then such financial statements shall be provided through a copy of its annual report on Form 10K. For all subsequent quarters, a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed Form 10K shall be provided. Instead of providing hard copies of such forms, Proposers may submit digital copies of such information in a read-only format on a USB drive with each submission.

### B) Financial Officer's Certificate

Provide a certificate ("Financial Officer's Certificate") using Form F-1 (*see* Appendix C), with all annexes, executed by the CFO (or similar financial officer) from each of the following entities:

- ~~1) The Proposer and all team members, if the Proposer is a joint venture or partnership; and~~
- ~~2)1) To the extent that the Proposer and the Design-Build Contractor of the Proposer are not the same entity or entities, the Design-Build Contractor~~ (and if the Design-Build Contractor is a joint venture (unincorporated or incorporated), all entities comprising the joint venture); and/ or

~~3)2)~~ ~~To the extent that the Proposer and the Equity Members of the Proposer are not the same entity or entities, t~~The Equity Members (and if the Equity Member is a joint venture (unincorporated or incorporated), all entities comprising the joint venture); and/ or

~~4)3)~~ Each Guarantor (if any).

Each entity noted above should provide its own separate certificate. However, if any company has a Guarantor, only one consolidated certificate is required for such Guarantor and its guaranteed entity.

C) Equity Funding Letter

A letter shall be provided for each Equity Member. The “Equity Funding Letter” will be used as supporting evidence of the Equity Member's ability to fund the equity investment in the Project, and shall meet the following minimum requirements:

- 1) If the Equity Member is an investment fund, then the Equity Funding Letter must be signed by the fund’s authorized signatory, and must include the following:
  - a) **Approval Process** - Provide an overview of the completed to-date and remaining approval process (along with an indicative schedule) required to commit to and fund the required equity commitment for the Project.
  - b) **Funding Vehicle:** Provide the name and ownership structure of the investment fund that will ultimately carry this investment, including an organization chart which shows the ultimate beneficial owner of the investment fund and each Affiliate of the investment fund.
  - c) **Investment Capacity:** Provide supplemental information to the financial statements of the investment fund cited in Section 3.2(A) to positively demonstrate existing or committed capital capacity for the Project of at least \$250 million, or a proportionate amount consistent with the Equity Member’s likely ownership percentage. Additionally, the letter shall indicate whether any foreseeable conditions, including but not limited to other investment opportunities pursued by the Equity Member, or its Affiliates, may impact its ability to make the relevant equity investment.
  - d) **Investment Criteria:** Provide assurances that the Project meets all of the investment policy requirements of the investment fund and is consistent with its investment objectives.

- 2) If the Equity Member intends to fund its equity commitment through use of internal resources (e.g., a corporate entity supplying its own capital), the Equity Funding Letter must be signed by the chief investment officer, the CFO, or the chief executive officer, and must include the following:
- a) **Approval Process:** Provide an overview of the approval process required to commit to and fund the required equity commitment. This section should include an identification and description of any required board, investment committee, or other formal approvals needed, as well as an indicative schedule for securing those approvals.
  - b) **Sourcing Commitment:** Identify where and how the equity commitment will be sourced and a narrative description of how competing allocation and capacity issues are considered between several project opportunities the Equity Member pursues simultaneously.
  - c) **Investment Capacity:** Provide supplemental information to the financial statements to positively demonstrate existing or committed capital capacity for the Project of at least \$250 million, or a proportionate amount consistent with the Equity Member's likely ownership percentage. Additionally, the letter shall indicate whether any foreseeable conditions, including, but not limited to, other investment opportunities pursued by the Equity Member or its Affiliates, may impact its ability to make the relevant equity investment.
  - d) **Investment Criteria:** Provide assurances that the Project meets all corporate strategy and investment policy requirements.

If the equity funding letter submitted by the Proposer does not meet the minimum requirements outlined in this Section B3.2(C), the LA DOTD may (in its sole discretion), declare the SOQ non-responsive.

## **B4.0 TECHNICAL EVALUATION FACTOR**

### **B4.1 PROPOSER TECHNICAL EXPERIENCE QUALITATIVE EVALUATION SUBFACTOR**

#### **B4.1.1 OBJECTIVES**

The following are the objectives for the Proposer Technical Experience Qualitative Evaluation Subfactor:

- A) To identify the best design and construction firms available with demonstrated experience, expertise, and capacity in and record of producing quality Work on projects similar in nature to the Project, including major river crossings;



- B) To identify Proposers which have the following attributes:
- 1) A superior record of completing contracts on time and within budget;
  - 2) A superior record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;
  - 3) A superior record of managing construction that minimizes disruption to vehicular, rail, and maritime traffic, adjacent neighborhoods, and the environment; and
  - 4) A superior safety record;
- C) To identify the best toll operations and facility maintenance firms available with demonstrated experience, expertise, and capacity in and record of quality performance on projects similar in nature to the Project;
- D) To identify Proposers that have the technical and management experience and expertise to plan, organize, and execute the design and construction with a life-cycle focus that will assure the quality and efficient operations and maintenance and safety of the Project;
- E) To identify Proposers that have the technical and management experience and expertise to operate and maintain the Project, including experience managing operations and maintenance interfaces with operators of adjacent roadways/facilities, in compliance with specified performance metrics to ensure a quality asset at handback; and
- F) To identify the depth of experience of Proposer team members working together successfully as an integrated team.

**B4.1.2 PROPOSER TECHNICAL EXPERIENCE INFORMATION  
FOR SECTION 3 OF THE STATEMENT OF  
QUALIFICATIONS**

Using Form E (Appendix C), Past Project Description, the Proposer shall provide no more than ten and a minimum of two descriptions of past projects per each Equity Member, Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~ Operations and Maintenance Contractor, Design Subcontractors, and Construction Subcontractors highlighting experience in the last 15 years relevant to the Project. If the Proposer chooses to submit work completed by an Affiliate of any of the Proposer team members in response to this qualitative evaluation subfactor, the Proposer shall identify the full legal name of the Affiliate, identify experience relevant to the objectives stated in Section 4.1.1, and clearly describe the role such entity will have on this Project. Affiliate experience will be considered if the Affiliate's participation will be provided to support the Proposer team on this Project. The Proposer shall describe those projects having a scope comparable to or more complex than that anticipated for the Project, any challenges presented during those projects, and how resolution was achieved to those challenges. The Proposer shall also cite any (preferably similar) project examples demonstrating innovations that enhanced resilience against natural disasters and other risks. A minimum of three project



descriptions should provide examples of major highway river crossings similar to the new I-10 Calcasieu River Bridge.

**B4.2 INITIAL STATEMENT OF TECHNICAL APPROACH QUALITATIVE EVALUATION SUBFACTOR**

**B4.2.1 OBJECTIVES**

The following are the objectives for the Initial Statement of Technical Approach Qualitative Evaluation Subfactor:

- A) To identify Proposers that demonstrate a full understanding of the Project's scope and complexity;
- B) To identify Proposers that demonstrate an understanding of Project risks and potential solutions, regardless of ownership, that may arise during all Project phases, including design, construction, operation, and maintenance;
- C) To identify each Proposer's approach to the Alternative Technical Concept (ATC) process and other project innovations that can be used to maximize available public funds; and
- D) To identify each Proposer's approach to PPP contracting and successful delivery of the Project using a PPP model.

**B4.2.2 INITIAL STATEMENT OF TECHNICAL APPROACH INFORMATION FOR SECTION 4 OF THE STATEMENT OF QUALIFICATIONS**

The Proposer shall provide an initial statement of the Proposer's technical approach to the Project. This statement shall include the following:

- A) Understanding of the Project scope, including the following:
  - 1) A description of how the Project goals will be met;
  - 2) The approach to design and construction, as well as operations and maintenance;
  - 3) The approach to meeting environmental commitments and minimizing impacts to adjacent communities;
  - 4) The approach to Disadvantaged Business Enterprise (DBE) outreach, inclusion, and compliance; and
  - 5) The approach to public information/public relations;
- B) Approach to successfully delivering the Project using PPP contracting;

- C) Identification and understanding of the top Project risks and potential solutions to address the risks, including the following:
  - 1) Risks with consequences arising during design;
  - 2) Risks with consequences arising during construction; and
  - 3) Risks with consequences arising during the Operations and Maintenance Period; and
- D) Experience in utilizing the ATC process, including incorporating other Proposers' ATCs, and applying other innovative measures to minimize Project costs.

**B4.3 TECHNICAL ORGANIZATION AND KEY PERSONNEL QUALITATIVE EVALUATION SUBFACTOR**

**B4.3.1 OBJECTIVES**

The following are the objectives for the Technical Organization and Key Personnel Qualitative Evaluation Subfactor:

- A) To identify Proposers that will effectively manage all aspects of the Comprehensive Agreement in a quality, timely, and effective manner and will integrate the different parts of its organization collectively with the LA DOTD in a cohesive and seamless manner;
- B) To identify the best qualified personnel with demonstrated experience and expertise in and record of producing quality work on projects of a similar nature to this Project. The Key Personnel positions for the purposes of this RFQ are the Principal-in-Charge, the Developer's Project Manager, the Design Manager, the Lead Bridge Design Engineer, the Construction Manager, and the Operations and Maintenance Manager (as well as the Tolling Collection System Manager and Toll Operations Manager, as included in Section B5.2; and
- C) To identify Key Personnel with the length and depth of experience working on projects of similar scope and complexity to this Project.

**B4.3.2 TECHNICAL ORGANIZATION AND KEY PERSONNEL  
INFORMATION FOR SECTION 5 OF THE STATEMENT OF  
QUALIFICATIONS**

The Proposer shall submit the following information related to its technical organization and Key Personnel:

- A) A narrative describing the Proposer's teaming arrangements and its management structure. The narrative should include at a minimum a discussion of the following:
  - 1) How the Proposer will institutionally operate;
  - 2) The experience of team members working together on other projects and the results of that experience; and
  - 3) How the management structure will facilitate the management of Project risks.

The narrative shall be supported by up to three additional organization charts demonstrating the following:

- a) The Proposer's Equity Members (and any Guarantors, if applicable), indicating the percentage of shareholding among the Equity Members; and
  - b) The Proposer's management structure and "chain of command" with Key Personnel shown together with any other relevant personnel Proposer wishes to identify at this time, and identifying major functions to be performed and their reporting relationships in managing, designing, constructing, operating, and maintaining the Project. Proposers may submit separate organizational charts that differ for the Design-Build Period and the Operations and Maintenance Period of the Project, if needed;
- B) Resumes of the Principal-in-Charge, Developer's Project Manager, Design Manager, Lead Bridge Design Engineer, Construction Manager, and Operations and Maintenance Manager. (Note that resumes of the Tolling Collection Systems Manager and Toll Operations Manager shall be submitted pursuant to Section B5.2(C).) Resumes shall be limited to two pages per proposed Key Personnel (exclusive of licenses and/or license applications) and only one individual shall be designated to fill each position. The Key Personnel's relevant licensing and registration shall be provided. Copies of licenses and/or application for licenses where applicable must be attached. A minimum of three individual projects and references shall be provided for each resume. For each of the three projects listed on a resume the following information shall be included:
  - 1) Name of the project, the public owner's contact information (project manager name, telephone number, and E-mail address), and project

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number (if any) and dates of work performed on the project. If the owner's project manager is no longer employed by the owner, current contact information for that project manager may be provided so long as (a) that project manager is not employed by an entity making up the Proposer's team and (b) an alternative contact at the owner/agency that played a leadership role for the owner and is familiar with the project is also provided. The LA DOTD may elect to use the information provided to verify the experience claimed for an individual. Proposers are requested to verify that reference contact information is correct, and are advised that if the reference contact information provided is not current, the LA DOTD may elect to exclude the experience represented by that project in determining the key manager's qualifications; and

- 2) Description of the work or services provided, duration of the assignment, and role on the project. If more than one role was played, identify the dates and duration of each role; and
- C) An express, written statement committing that the Principal-in-Charge, Developer's Project Manager, Design Manager, Lead Bridge Design Engineer, Construction Manager, and Operations and Maintenance Manager shall be available to serve in the role identified in connection with the Project. While the LA DOTD recognizes personnel availability and scheduling issues impact the Proposers, Proposers shall only to identify and provide personnel that they believe will be available for, and intend to assign to work on, the Project for the positions identified. Procedures concerning changes of Key Personnel prior to award of the Comprehensive Agreement will be set forth in the Request for Proposals (RFP); however, requests to implement such changes will be subject to prior LA DOTD approval, in its sole discretion. Failure to obtain LA DOTD approval for such changes may result in disqualification of the Proposer by the LA DOTD.

The responsibilities of the Principal-in-Charge, Developer's Project Manager, Design Manager, Lead Bridge Design Engineer, Construction Manager, and Operations and Maintenance Manager are identified in Table 4 below.

Table 4 Key Personnel Responsibilities	
Position	Description
Principal-in-Charge	The person who can legally bind the Developer during the course of the Comprehensive Agreement and oversee the Developer team's performance of all aspects of the Comprehensive Agreement. The Principal-in-Charge is not required to be assigned to the Project full time, but will have primary responsibility for resolving any issues that cannot be resolved with the Developer's Project Manager.

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<b>Table 4</b> <b>Key Personnel Responsibilities</b>	
<b>Position</b>	<b>Description</b>
Developer's Project Manager	The person who will lead the Developer's efforts and be responsible for overall design, construction, operation, maintenance, and contract administration on behalf of the Developer, assigned to the Project full time and co-located/on-site until Final Acceptance, at which time these responsibilities are turned over to the Operations and Maintenance Manager unless identified otherwise. The Developer's Project Manager must have a minimum of ten years of recent experience managing projects similar to or larger than this Project's scope, schedule, and budget.
Design Manager	The person responsible for ensuring that the overall Project design is completed and that design criteria requirements are met. The Design Manager must have a minimum of 15 years of recent experience, design-build experience preferred, managing the design on projects similar to or larger than this Project's scope, schedule, and budget. The Design Manager must be a licensed professional engineer in the State of Louisiana or be able to obtain licensure by award of the Comprehensive Agreement and be an employee of a design firm. The Design Manager shall be assigned full time and shall be co-located whenever design activities are being performed, including design activities related to field design changes. The Design Manager shall be available for weekly meetings in the Project Office,
Lead Bridge Design Engineer	The person responsible for ensuring the new I-10 Calcasieu River Bridge, its approaches, and all other structures are designed in accordance with the Project requirements. The Lead Bridge Design Engineer must have a minimum of 15 years of recent experience and have been the engineer of record for, or in responsible charge of, at least two completed major river bridge structures similar to or larger than this Project in similar structure type, scope, schedule, and budget. The Lead Bridge Design Engineer must be a licensed professional engineer in the State of Louisiana or be able to obtain licensure by award of the Comprehensive Agreement. The Lead Bridge Design Engineer shall be available for weekly meetings in the Project Office.
Construction Manager	The person responsible for ensuring that the Project is constructed in accordance with the Project requirements, assigned to the Project full time and co-located/on-site until Final Acceptance. The Construction Manager must have a minimum of ten years of recent experience managing the construction of projects similar to, or larger than, this Project's scope, schedule, and budget.

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Table 4 Key Personnel Responsibilities	
Position	Description
Operations and Maintenance Manager	During the Operations and Maintenance Period, the person responsible for the overall operation, design, construction, maintenance, and contract administration matters on behalf of the Developer. The Operations and Maintenance Manager must have a minimum of 15 years of recent experience with operations and maintenance on projects similar to, or larger than, this Project's scope, schedule, and budget.

### B4.4 PAST PERFORMANCE QUALITATIVE EVALUATION SUBFACTOR

#### B4.4.1 OBJECTIVES

The following are the objectives for the Past Performance Qualitative Evaluation Subfactor:

- A) To avoid Proposers with firms or personnel with a history of legal and financial issues that could adversely impact the Project generally; and
- B) To obtain the commitment of the Proposer, Equity Members, Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~ Operations and Maintenance Contractor, Toll System Provider, and Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~ Operations and Maintenance Contractor) regarding representations made in the SOQ.

#### B4.4.2 PAST PERFORMANCE INFORMATION FOR SECTION 6 OF THE STATEMENT OF QUALIFICATIONS

The Proposer shall submit the following information related to its past performance:

- A) Past Performance

Using Form PP (Appendix C), Past Performance, the Proposer shall provide the information requested in Section B4.4.2(A)(1) through (3). If a Proposer has no record of relevant past performance or if the information relative to a category is not available the Proposer shall enter a declarative statement to that effect on Form PP. If the record of relevant past performance does not exist and/or is not available, the Proposer shall receive a technical rating of acceptable- for this subfactor The Proposer shall attach additional sheets to Form PP as necessary. For each instance of litigation, arbitration, or termination for cause or default, the Proposer shall provide the owner's name and the name of its current representative (and current telephone number and E-mail address) who can be contacted for additional information. With respect to the information solicited in this Section B4.4, failure to provide this information, conditional or qualified submissions to requests or questions posed (i.e., "to our knowledge," "to the

extent of available information,” “such information is not readily available,” or “such information is not maintained in the manner requested,”), incomplete or inaccurate submissions, or non-responsive submissions may, in the sole discretion of the LA DOTD, lead to a lower evaluation rating for this qualitative evaluation subfactor or may cause the LA DOTD to declare the SOQ non-responsive.

1) Litigation and Arbitration Proceedings

The Proposer shall provide a list of all litigation and arbitration proceedings involving amounts in excess of \$1 million and related to performance in which any Equity Member or the Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor, Toll System Provider, or Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor) has been involved during the past five years. To meet the requirements included in this Section 4.4.2(A)(1), the Proposer shall include all litigation and arbitration proceedings initiated by owners and federal, state, and local regulatory agencies against the Proposer and any Equity Member or the Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor, Toll System Provider, or Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor), as well as all litigation and arbitration proceedings initiated against owners and federal, state, and local regulatory agencies by the Proposer or any Equity Member or the Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor, Toll System Provider, or Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor), or by third parties in which any of these entities was involved. The Proposer shall indicate whether the litigation or arbitration proceeding was resolved against the participant(s) or its insurers/sureties or resulted in reduction in compensation to the participant. The Proposer shall indicate any unresolved, outstanding litigation and arbitration proceedings;

2) Termination for Cause or Default

The Proposer shall describe the conditions surrounding any contract (or portion thereof) entered into by the Proposer or by any Equity Member or the Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor, Toll System Provider, or Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor) over the past five years that has been terminated for cause or default or which required completion by another party. The Proposer shall describe the reasons for termination and the amounts involved; and



3) Disciplinary Action

The Proposer shall indicate any disciplinary action taken against the Proposer or any Equity Member or the Lead Designer, Design-Build Contractor, ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor, Toll System Provider, or Tolling Operator (if different from the ~~Lead Operations and Maintenance Firm~~Operations and Maintenance Contractor) within the past five years by any governmental agency or licensing board, including suspension from the right to propose/bid or removal from any proposer/bid list; and

B) Safety

Submit Form S (Appendix C), Safety Questionnaire, for the Design-Build Contractor, and each Construction Subcontractor.

**B5.0 TOLLING APPROACH AND EXPERIENCE QUALITATIVE EVALUATION FACTOR**

**B5.1 OBJECTIVES**

The tolling approach is intended to provide Proposers an opportunity to demonstrate their experience with introducing tolls in new markets. The following are the objectives for the Tolling Experience and Approach Qualitative Evaluation Factor:

- A) To identify approaches that Proposers may use to introduce tolls, set toll rates, enforce toll collections, and proactively communicate with the LA DOTD, stakeholders, and the adjacent community and public on this Project;
- B) To demonstrate experience in toll collection and processing, enforcement, facility and customer service center operation, and integration for projects of a similar nature to this Project;
- C) To demonstrate experience with introduction of tolls into a new market or the re-introduction of tolling into an area, including proactive outreach and education approaches to promote user safety and minimize confusion; and
- D) To demonstrate the length and depth of experience of the Toll Collection Systems Manager and Toll Operations Manager, in particular experience with electronic toll collection and/or general toll lane projects.

**B5.2 TOLLING APPROACH AND EXPERIENCE INFORMATION FOR SECTION 7 OF THE STATEMENT OF QUALIFICATIONS**

The tolling approach is intended to provide Proposers an opportunity to demonstrate their knowledge of, and experience with, current toll operations and back office practices and how they might apply their tolling experience to successfully implement tolling for the Project, focusing on electronic toll collection technology, account set-up and options, discount and/or frequent user programs, violations enforcement, and collections:



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- A) The Proposer shall provide a summary of its tolling experience, including at a minimum a discussion of the following topics:
- 1) Approaches to introduce tolling of a new facility, including, but not limited to, marketing of the new facility beyond the immediate Project vicinity, back office toll operations, toll integration, and toll collection methodology, including toll violations enforcement based on the Proposer's experience;
  - 2) Based on the Proposer's experience with projects of similar characteristics and complexity, the approaches that could be used to set a toll rate that will be affordable, accepted, and paid considering the socioeconomic make-up in the Project's adjacent communities;
  - 3) Approaches employed on other projects establishing back office operations along with the toll technology capabilities that could apply to this Project, including the approach to interoperability with other tolled facilities; and
  - 4) Approaches employed in communications and outreach efforts to involve and educate the adjacent community served by the Project on the planned approach and implementation of tolling for the Project, including user payment methods and accounts and discount and frequent user programs;
- B) Using Form T (Appendix C), Tolling Past Projects Descriptions, provide no more than ten and a minimum of three descriptions of past projects, at least one of which must be for a project having entered revenue service operation within the last seven years and the remaining examples having been in operation during the last seven years for the Toll System Provider and for the Tolling Operator highlighting the following experience with particular emphasis on the experience to introduce tolls into a new market.~~completed within the past seven years for the Toll System Provider and Tolling Operator highlighting the following experience, with particular emphasis on the experience to introduce tolls into a new market:~~
- 1) Back office toll operations and management;
  - 2) Toll infrastructure and system design and installation and technology integration;
  - 3) Toll rate setting and toll policy responsibilities; and
  - 4) Toll collections and enforcement;~~and~~

If the Proposer chooses to submit work completed by an Affiliate of any of the Proposer team members, the Proposer shall identify the full legal name of the Affiliate, identify experience relevant to the objectives stated in Section B5.1, identify the contractual relationship to the entity proposed for this Project, and clearly describe the role such entity will have on this Project. Affiliate

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experience will be considered if the Affiliate's participation will be provided to support the Proposer team on this Project; and

- C) The following information related to the Toll Collection Systems Manager and the Toll Operations Manager:
- 1) Resumes for Key Personnel positions Toll Collection Systems Manager and Toll Operations Manager. Resumes shall be limited to two pages per person (exclusive of licenses and/or license applications). A minimum of three individual projects and references shall be provided for each resume. For each of the three projects listed on a resume, the following information shall be included:
    - a) Name of the project, the public owner's contact information (project manager name, telephone number, and E-mail address) and dates of work performed on the project. If the owner's project manager is no longer employed by the owner, provide an alternative contact at the owner/agency that played a leadership role for the owner and is familiar with the project. The LA DOTD may elect to use the information provided to verify the experience claimed for an individual. Proposers are requested to verify that reference contact information is correct, and are advised that if the reference contact information provided is not current, the LA DOTD may elect to exclude the experience represented by that project in determining the individual's qualifications;
    - b) Description of the individual's exact role and the work or services provided on the project. If more than one role was played, identify the dates and duration of each role; and
    - c) Any relevant licensing and registration; and
  - 2) An express, written statement committing that the Toll Collection Systems Manager and Toll Operations Manager designated in the SOQ shall be available to serve the role so identified in connection with the Project. While the LA DOTD recognizes personnel availability and scheduling issues impact the Proposers, Proposers are urged to identify and provide only personnel that they believe will be available for, and intend to assign to work on, the Project for the positions identified. Procedures concerning changes of such personnel will be set forth in the RFP; however, requests to implement such changes will be subject to prior LA DOTD approval, in its sole discretion. Failure to obtain LA DOTD approval for such changes may result in disqualification of the Proposer by the LA DOTD.

The responsibilities of each Key Personnel are identified in Table 5 below.

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Table 5 Key Manager Responsibilities	
Position	Description
Toll Collection Systems Manager	The individual with primary responsibility for the design, construction, integration, and testing of the electronic toll collection system for the Project. A minimum of five years of similar experience is required.
Toll Operations Manager	The individual with primary responsibility for the day-to-day toll collection, including, but not limited to, back office transaction and violations processing, collections, and customer service on the Project. A minimum of five years of similar experience is required.

### B6.0 FINANCIAL EXPERIENCE EVALUATION FACTOR

#### B6.1 OBJECTIVES

The following are the objectives for the Financial Experience Qualitative Evaluation Factor:

- A) To demonstrate success in reaching financial close for projects of a similar size, scope, and complexity to this Project; and
- B) To identify experience in structuring and securing project debt financing and equity commitments for projects of a similar size and complexity, including from internal sources, investment funds, or other external sources.

#### B6.2 FINANCIAL EXPERIENCE INFORMATION FOR SECTION 8 OF THE STATEMENT OF QUALIFICATIONS

The Proposer shall submit the following information related to its financial experience:

- A) Completed Form F-2 (*see Appendix C*), providing information regarding a minimum total of three and a maximum total of five projects that demonstrate the experience of the Equity Members with developing and implementing a plan of finance for projects of a similar or greater size, scope, and complexity;
- B) An attachment to Form F-2 (*see Appendix C*) that provides narrative descriptions of the development and financing experiences listed on Form F-2. The narrative descriptions must not exceed one page per project, and should include the following at a minimum:
  - 1) A description of the financial plan and the Equity Member's role in developing and executing it;

## Louisiana Department of Transportation and Development

- 2) A description of the elements of the project that are relevant or similar to the Project and the objectives and evaluation factors in this RFQ;
  - 3) Any unique financial challenges encountered and the approach to overcoming these challenges; and
  - 4) The Equity Member's role in supporting project development and commercial management of the project after financial close; and
- C) Completed Form F-3 (*see* Appendix C), providing information regarding an investment track record of the Equity Members, in accordance with the instructions on Form F-3.

### B7.0 FORMAT AND ORGANIZATION OF THE STATEMENT OF QUALIFICATIONS

The SOQ must be submitted in the following format and on the forms contained in Appendix C – Statement of Qualifications Forms:

**TABLE 7**  
**OUTLINE FOR SUBMISSION OF THE STATEMENT OF QUALIFICATIONS**

Statement of Qualifications Section Number	Section Title and Required Information	Request for Qualifications Reference
	Cover Letter and Acknowledgment of Receipt	
	Executive Summary	
Section 1	<p>Legal</p> <ul style="list-style-type: none"> <li>Form L-1, Proposer's Organization Information;</li> <li>Form L-2, Equity Member, Lead Designer, Design-Build Contractor, and Operations and Maintenance Contractor;</li> <li>Louisiana Secretary of State registration;</li> <li>Evidence of appropriate licensing or commitment to obtain prior to award;</li> <li>Identity of lead Equity Member, if Proposer is a <del>Joint Venture (JV), or partnership, LLC, or other SPV</del> on Form L-1, Proposer's Organization Information;</li> <li>Percent equity share of each Equity Member, <del>if Proposer is a JV or partnership</del> on Form L-1, Proposer's Organization Information;</li> <li>Express statement of joint and several liability, if Proposer is a JV or partnership;</li> <li>Notarized Power(s) of Attorney for each Equity Member's representative's authority to sign for that</li> </ul>	<p>B2.2</p> <p>B2.2(A)</p> <p>B2.2(B)</p> <p>B2.2(C)</p> <p>B2.2(D)</p> <p>B2.2(E)(1)</p> <p>B2.2(E)(2)</p> <p>B2.2(E)(3)</p> <p>B2.2(F)</p>

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Statement of Qualifications Section Number	Section Title and Required Information	Request for Qualifications Reference
	Equity Member; <ul style="list-style-type: none"> <li>Notarized Power(s) of Attorney for each Equity Member for the Proposer's designated point of contact; and</li> <li>Surety letter.</li> </ul>	B2.2(G)  B2.2(H)
Section 2	Minimum Financial Capacity <ul style="list-style-type: none"> <li>Financial Statements for the Proposer, each Equity Member, the Design-Build Contractor, and <u>or</u> any Guarantor for the three most recent completed fiscal years, including:               <ul style="list-style-type: none"> <li>Opinion Letter (Auditor's Report);</li> <li>Balance Sheet;</li> <li>Income Statement;</li> <li>Statement of Changes in Cash Flow; and</li> <li>Footnotes;</li> </ul> </li> <li>Form F-1, Financial Officer's Certificate; and</li> <li>Equity Funding Letter for each Equity Member.</li> </ul>	B3.2 B3.2(A)  B3.2(B) B3.2(C)
Section 3	Proposer Technical Experience <ul style="list-style-type: none"> <li>Form E, Past Project Description.</li> </ul>	B4.1
Section 4	Initial Statement of Technical Approach <ul style="list-style-type: none"> <li>Understanding of the Project scope;</li> <li>Approach to successfully delivering the Project using PPP contracting;</li> <li>Identification and understanding of Project risks, including:               <ul style="list-style-type: none"> <li>Design risks;</li> <li>Construction risks;</li> <li>Operations and maintenance risk; and</li> </ul> </li> <li>Experience utilizing ATC process.</li> </ul>	B4.2 B4.2.2(A) B4.2.2(B) B4.2.2(C)  B4.2.2(D)
Section 5	Technical Organization and Key Managers <ul style="list-style-type: none"> <li>Narrative describing the Proposers teaming arrangements and management structure;</li> </ul>	B4.3 B4.3.2(A)

## Louisiana Department of Transportation and Development

Statement of Qualifications Section Number	Section Title and Required Information	Request for Qualifications Reference
	<ul style="list-style-type: none"> <li>Organization charts, including: <ul style="list-style-type: none"> <li>Proposer's Equity Members; and</li> <li>Proposer's management structure and "chain of command" with Key Personnel;</li> </ul> </li> <li>Resumes, including: <ul style="list-style-type: none"> <li>Principal-in-Charge;</li> <li>Developer's Project Manager;</li> <li>Design Manager;</li> <li>Lead Bridge Design Engineer;</li> <li>Construction Manager; and</li> <li>Operations and Maintenance Manager; and</li> </ul> </li> <li>Express, written statement committing the Principal-in-Charge, Developer's Project Manager, Design Manager, Lead Bridge Design Engineer, Construction Manager, and Operations and Maintenance Manager to be available to serve in the identified role in connection with the Project.</li> </ul>	B4.3.2(A)(a) and (b)  B4.3.2(B)  B4.3.2(C)
Section 6	Past Performance <ul style="list-style-type: none"> <li>Form PP, Past Performance; and</li> <li>Form S, Safety Questionnaire.</li> </ul>	B4.4 B4.4.2(A) B4.4.2(B)
Section 7	Summary of tolling experience, including:	B5.2(A)
	<ul style="list-style-type: none"> <li>Approaches to introduce tolling to a new facility;</li> </ul>	B5.2(A)(1)
	<ul style="list-style-type: none"> <li>Based on the Proposer's experience with projects of similar characteristics and complexity, the approaches that could be used to set a toll rate that will be affordable, accepted, and paid considering the socioeconomic make-up in the Project's adjacent communities;</li> </ul>	B5.2(A)(2)
	<ul style="list-style-type: none"> <li>Approaches employed on other projects establishing back office operations along with the toll technology capabilities that could apply to this Project; and</li> </ul>	B5.2(A)(3)
	<ul style="list-style-type: none"> <li>Approaches employed in communications and outreach efforts to involve and educate the adjacent community served by the Project on the planned approach and implementation of tolling for the Project;</li> </ul>	B5.2(A)(4)

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Statement of Qualifications Section Number	Section Title and Required Information	Request for Qualifications Reference
	Form T, Tolling Past Project Descriptions; and	B5.2(B)
	Information related to the Toll Collection Systems Manager and Toll Operations Manager, including:	B5.2(C)
	<ul style="list-style-type: none"> <li>Resumes; and</li> </ul>	B5.2(C)(1)
	<ul style="list-style-type: none"> <li>An express, written statement committing that the Toll Collection Systems Manager and Toll Operations Manager designated in the SOQ shall be available to serve the role so identified in connection with the Project.</li> </ul>	B5.2(C)(2)
Section 8	<b>Financial Experience</b> <ul style="list-style-type: none"> <li>Form F-2, Finance Experience;</li> <li>Attachment to Form F-2, including:                             <ul style="list-style-type: none"> <li>A description of the financial plan and the Equity Member's role in developing and executing it;</li> <li>A description of the elements of the project that are relevant or similar to the Project and the objectives and evaluation factors in this RFQ;</li> <li>Any unique financial challenges encountered and the approach to overcoming these challenges; and</li> <li>The Equity Member's role in supporting project development and commercial management of the project after financial close; and</li> </ul> </li> </ul>	B6.2 B6.2(A) B6.2(B)
	<ul style="list-style-type: none"> <li>Form F-3, Equity Investment Track Record.</li> </ul>	B6.2(C)

**STATE OF LOUISIANA**

**I-10 CALCASIEU RIVER BRIDGE**

**PUBLIC-PRIVATE PARTNERSHIP**

**PROJECT**

**CALCASIEU PARISH**

**STATE PROJECT NO. H.003931**  
**FEDERAL AID PROJECT NO. 010121**

**REQUEST FOR QUALIFICATIONS**

**ADDENDUM NUMBER 2**

**APPENDIX C**

**STATEMENT OF QUALIFICATIONS**

**FORMS**

**MARCH 30, 2021MAY 5, 2021CONFORMED**





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Form O One-on-One Meeting Confidentiality and Non-Disclosure Agreement (RFQ)

Form PP Past Performance

Form Q Questions

Form S Safety Questionnaire ([Addendum Number 3](#))

Form T Tolling Project Descriptions ([Addendum Number 2](#))

Louisiana Department of Transportation and Development

**ACKNOWLEDGMENT OF RECEIPT**

[To be attached to Statement of Qualifications (SOQ) cover letter.]

\_\_\_\_\_  
(Name of Proposer)

We hereby acknowledge receipt of the I-10 Calcasieu River Bridge Public-Private Partnership Project Request for Qualifications (RFQ) dated March 30, 2021, and subsequent addenda and responses to questions issued by the Louisiana Department of Transportation and Development.

**ADDENDUM Number**

**Date Issued**

\_\_\_\_\_

\_\_\_\_\_

**Response to Questions Number**

**Date Issued**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed or Typed Name)

\_\_\_\_\_  
(Title)



Louisiana Department of Transportation and Development

**FORM F-1 – FINANCIAL OFFICER’S CERTIFICATE (Addendum Number 3)**

*[Complete a separate Form F-1 for ~~the Proposer~~, the Design-Build Contractor, and each Equity Member (and each Guarantor, if any).<sup>1</sup>]*

I, [Name], the [Title] of [Name of ~~Proposer or~~ Design-Build Contractor or Equity Member] (the Member) [and the [Title] of [Name of Guarantor] (the Guarantor)], do hereby certify as of [Date]<sup>2</sup> that:

- (a) This certificate is being executed and delivered in connection with the Statement of Qualifications submitted by [Proposer Name] (the SOQ) in response to the Request for Qualifications to design, build, finance, operate, and maintain the I-10 Calcasieu River Bridge PPP Project (the Project), dated March 30, 2021, (the RFQ) issued by the Louisiana Department of Transportation and Development (LA DOTD).
- (b) As to the matters herein set forth below, I either have personal knowledge or have obtained information from officers or employees of the [Member] [and the Guarantor] in whom I have confidence and whose duties require them to have personal knowledge thereof. I make the certifications herein to the LA DOTD pursuant to the requirements of the RFQ with the intent and understanding that they will be relied upon by the LA DOTD as a basis for the evaluation of the SOQ contemplated by the RFQ.
- (c) **[Guarantor Support:** It is the intention of the Guarantor to support the Member with the financial, human resources, and other support needed by the Member to successfully satisfy its obligations in respect of the Project if Proposer were to become the Developer.]<sup>3</sup>
- (d) **Audited Financial Statements:** The audited financial statements provided by [the Member] [the Guarantor] in the SOQ for the fiscal years ended [\_\_\_\_], [\_\_\_\_], and [\_\_\_\_] [and the interim financial statements for the following periods [\_\_\_\_] and [\_\_\_\_]] are complete and correct copies thereof. Where [the Member] [the Guarantor] has provided unaudited financial results, such financial results present fairly, in all material respects, the financial position and results of operations and cash flows of [the Member] [the Guarantor and its consolidated subsidiaries, including the Member,] as of such dates and for such periods. [The Member] [The Guarantor] has no material contingent liabilities or unusual forward or long-term commitments not disclosed therein.<sup>4</sup>
- (e) **Off-Balance Sheet Liabilities:** The [Member] [Guarantor] does not have any off-balance sheet liabilities of more than \$10 million [other than as described in the financial statements referred to above] [other than the following: [\_\_\_\_]].

<sup>1</sup> ~~The Proposer, e~~Each Equity Member, and the Design-Build Contractor should provide its own separate certificate. However, if any such company is proposing a Guarantor, only one consolidated certificate is required for the Guarantor and its guaranteed entity. If a company has no Guarantor, all references to “Guarantor” should be deleted from this certificate.

<sup>2</sup> Date must not be earlier than ten calendar days prior to the SOQ due date.

<sup>3</sup> Delete if there is no Guarantor and not applicable.

<sup>4</sup> For entities that do not prepare audited financial statements, Proposers should submit a question to the LA DOTD by the last day for Proposer questions indicated in the RFQ, outlining proposed information that would provide similar support to audited financial statements to seek confirmation of its appropriateness by the LA DOTD.

**Louisiana Department of Transportation and Development**

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- (f) **Financial Information Summary:** Attached hereto as Annex A is a completed Company Information Summary relating to [the Member] [the Guarantor]. All the information provided in the attached Annex A is complete and correct to the best of my knowledge.
- (g) **Bankruptcy/Insolvency Proceedings:** [There has been no Insolvency Event relating to the Member [or Guarantor] or any person or entity which directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, the Member [or Guarantor] which has occurred within the most recent three fiscal years (whether or not such proceeding was ultimately dismissed).] [Attached hereto as Annex B is a detailed description of an Insolvency Event relating to [Entity Name].]<sup>5</sup>

For the purposes of this certification, Insolvency Event means any voluntary or involuntary bankruptcy, insolvency, liquidation, restructuring, suspension of payments, scheme of arrangement, appointment of provisional liquidator, receiver or administrative receiver, resolution or petition for winding-up, or similar proceeding, under any applicable law, in any jurisdiction.

- (h) **Material Changes in Financial Condition:** [No material change in the financial condition of the Member [or Guarantor] has occurred or is projected to occur, as applicable (i) within the most recently completed three fiscal years that is not reflected in its audited financial statements; (ii) since the date of its audited financial statements for its most recently completed fiscal year; or (iii) during the next fiscal quarter following the date of the SOQ.] [Attached hereto as Annex C is a detailed description of material changes in the financial condition of [the Member] [the Guarantor].]<sup>6</sup>

IN WITNESS WHEREOF, the undersigned is the [Chief Financial Officer, Treasurer, or equivalent officer] of the entity to which this form relates,<sup>7</sup> and has duly executed this certificate as of the date first written above.

\_\_\_\_\_  
Name:  
Title:

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<sup>5</sup> Complete the appropriate certification. Delete the sentence that is not applicable. Do not provide an Annex B if there is no Insolvency Event to disclose.

<sup>6</sup> Complete the appropriate certification. Delete the sentence that is not applicable. Do not provide an Annex C if there is no material change in financial condition to disclose. Further instructions regarding material changes are provided in Annex C.

<sup>7</sup> If the company does not have this type of corporate officer internally and will rely on the financial officer of an affiliated or unaffiliated entity, such as an investment advisor or financial manager, both the financial officer delivering this certificate and a duly authorized signatory of the company must sign this certificate.

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### Annex A to Financial Officer's Certificate COMPANY INFORMATION SUMMARY

Entity: \_\_\_\_\_

Designate whether ~~Proposer~~, Design-Build Contractor, Equity Member, or Guarantor: \_\_\_\_\_

SHAREHOLDER <sup>1</sup>	INTEREST (%)
[Shareholder name]	
[No current shareholders or equivalent have a holding of 15% of greater]	

RATING AGENCY <sup>2</sup>	CURRENT RATING
[Rating agency name]	
[Debt of the [Member] [Guarantor] is not rated by any major credit rating agency.]	
[[Member]][Guarantor] has no debt]	

<sup>1</sup> List current shareholders or equivalent holding a 15% or greater interest in the company (indicate their percentage interest), as well as those having the right to appoint one or more board director(s). If such interest is held by a holding company, a shell corporation, or other form of intermediary, also identify the ultimate or parent entity.

<sup>2</sup> If applicable, list all credit ratings available for the company.

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Annex B to Financial Officer's Certificate  
INSOLVENCY EVENT

**~~PROPOSER,~~ EQUITY MEMBERS, DESIGN-BUILD CONTRACTOR, AND GUARANTOR (IF INCLUDED) TO PROVIDE DETAILS]**



**Annex C to Financial Officer's Certificate  
MATERIAL CHANGE IN FINANCIAL CONDITION**

**~~[PROPOSER, EQUITY MEMBERS, DESIGN-BUILD CONTRACTOR, AND GUARANTOR (IF INCLUDED) TO PROVIDE DETAILS]~~**

**INSTRUCTIONS TO PROPOSERS REGARDING ANNEX C:**

If applicable, this Annex C must include the following details regarding material changes in the Member's or Guarantor's financial condition:

- (i) A description of each material change, actual and projected, and any related changes or disruptions in executive management;
- (ii) Actual and projected impacts on the affected entity's organizational and financial capacity and its ability to remain engaged in this procurement and submit a responsive Proposal; and
- (iii) A detailed description of any other projected impacts, positive and negative, of the changes experienced and anticipated to be experienced in the periods ahead, including the likelihood that the circumstances of the change or impacts thereof will continue during the Project term.

Estimates of the impact on revenues, expenses, and the change in equity must be provided separately for each material change. **References to the notes in the financial statements are not sufficient to address the requirement to discuss the impact of material changes.** Where a material change will have a negative financial impact, the affected entity must describe measures that would be undertaken to insulate the Project from any recent material changes and those currently in progress or reasonably anticipated in the future. If its financial statements indicate that expenses and losses exceed income in each of the three completed fiscal years (even if there has not been a material change), the affected entity must describe measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable.

Set forth below is a list of examples of what the LA DOTD considers to be a material change in financial condition. **At the discretion of the LA DOTD, any failure to disclose a prior or pending material change may result in disqualification from the procurement process:**

- (i) A change in the tangible net worth of 10% or more of net assets;
- (ii) A sale, merger, or acquisition exceeding 10% of the value of net assets prior to the sale, merger, or acquisition which in any way involves the affected entity or its parent company or Guarantor;
- (iii) A change in credit rating for the affected entity or its parent company or Guarantor;
- (iv) Inability to meet material conditions of loan or debt covenants by the affected entity or its parent company or Guarantor that has required or will require a waiver or modification of agreed financial ratios, coverage factors, or other loan stipulations or additional credit support from shareholders or other third parties;
- (v) In the current and three most recent completed fiscal years, the affected entity or its parent company or Guarantor either: (i) incurred a net operating loss; or (ii) sustained charges exceeding 5% of the then net assets due to claims, changes in accounting, write-offs, or business restructuring; or (iii) implemented a restructuring/reduction in labor force exceeding

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- 5% of employees or involved the disposition of assets exceeding 10% of the then-net assets;  
and
- (vi) Other events known to the affected entity that represent a material change in financial condition over the past three years, or may be pending for the next reporting period.

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**FORM F-2**  
**FINANCE EXPERIENCE**  
**(expand as needed)**

**Name of Proposer/Equity Member:** \_\_\_\_\_

<b>Equity Member Name</b>	<b>Project Name and Location</b>	<b>Name of and Relationship to Entity Whose Experience is Cited</b>	<b>Project Term, Type, and Payment Mechanism (1)</b>	<b>Role(s) on Project (2)</b>	<b>Design and Construction Costs (Nominal Value) (3)</b>	<b>Total Project Financing Amount (3), (4)</b>	<b>Debt Amount and Type (3), (5)</b>	<b>Total Equity Investment and Interest in Borrower (% and Type) (6)</b>	<b>Outcome or Current Status (7)</b>
Sample entry: X Construction Co.	Interstate-X Corridor Project, [State], USA	X Conglomerate (guarantor of X Construction Co.)	Construction + 30 years; DBFOM; Revenue risk	Equity Member	\$500 million	\$450 million	\$100 million Senior bank loan \$200 million TIFIA loan \$100 million PABs	50% equity ownership of project company	Financial close (Nov. 15, 2017)

**INSTRUCTIONS:**

- (a) Proposers may only list the experience(s) of the Proposer, Equity Member, or the Guarantor of such firms. Proposers may include the financing experience of Affiliates of such firms if a direct or indirect common parent is a Guarantor.
- (b) Proposers may list only projects: (i) which involved private financing; (ii) for which a proposal with committed financing was submitted within ten years of the SOQ due date (Proposers may list projects for which a proposal was submitted but not selected as the preferred proposal); and (iii) the Proposer, Equity Member, or Guarantor had at least 20% participation in the borrower or anticipated borrower as applicable.
- (c) Proposers must list a minimum of three projects, and may list up to a maximum of five projects.

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- (d) Proposers must provide an attachment with more detailed narrative case studies of the projects listed on Form F-2, following the instruction in Section B6.2(B) of Appendix B.

### OTHER NOTES:

- (1) Project type should be described as design-build-finance (DBF), design-build-finance-operate-maintain (DBFOM), or similar, with additional information on basis for project payment approach (e.g., revenue risk or availability payments and final acceptance payments).
- (2) Indicate the role(s) and basis for participation in the project and financing (e.g., equity investor).
- (3) In United States (US) Dollars. Identify exchange rates of amounts in other currencies using the exchange rate as of March 30, 2021, including the benchmark on which the exchange rate is based.
- (4) “Total Project Financing Amount” means the total amount of the project financed with private financing (i.e., excluding public debt, public equity, or capital grants, but including conduit debt that is recourse to the borrower). Include all debt and equity provided or arranged by the Equity Member and any concessionaire.
- (5) Indicate the type of debt (e.g., TIFIA loan, PABs or other bonds (unwrapped or wrapped), bank loan, or private placement).
- (6) Indicate the percentage (%) of ownership or participation held by the company, its affiliate, or guarantor in the borrower.
- (7) Indicate outcome of procurement process (financial close, financial close pending, not selected, other (please explain)). Include date of financial close (actual or expected date) if applicable. If the procurement was canceled or the proposal was not selected, provide the date of submission of the financial proposal.

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**FORM F-3**  
**EQUITY MEMBER INVESTMENT TRACK RECORD**  
**(expand as needed)**

<b>EQUITY MEMBER NAME</b>	<b>PROJECTS FOR WHICH EQUITY MEMBER WAS SHORT-LISTED IN NORTH AMERICA (1)</b>	<b>PROPOSAL SUBMISSIONS (2)</b>	<b>WITHDRAWALS FROM, OR OTHER CHANGES IN, PROCUREMENT (3)</b>	<b>PROJECTS THAT REACHED FINANCIAL CLOSE IN NORTH AMERICA (4)</b>	<b>NUMBER OF PROJECTS THAT REACHED FINANCIAL CLOSE GLOBALLY (5)</b>
<i>[Name of Equity Member 1]</i>					
<i>[Name of Equity Member 2]</i>					
<i>[Add or delete rows as needed]</i>					

**INSTRUCTIONS:**

- a) Proposer must complete a separate row of this Form F-3 for each Equity Member. Add more rows to the table, as needed.
- b) Only one Form F-3 including all Equity Members should be submitted.

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### NOTES:

- (1) **PROJECTS FOR WHICH EQUITY MEMBER WAS SHORT-LISTED IN NORTH AMERICA** – List the names of projects and the names of their procuring agencies in which the Equity Member, in its capacity as potential equity investors in a project, was short-listed or otherwise invited to submit a proposal. Each project listed must have: (a) had an initial release of the related request for proposals within the past ten years; (b) been procured by a public sector owner in North America; and (c) required private financing.
- (2) **PROPOSAL SUBMISSIONS** – With respect to the projects listed in response to item (1): (a) list the projects that have not yet required final financial proposals to be submitted; and (b) list the projects where the Equity Member (individually or as a member of a team) submitted compliant, final technical and financial proposals.
- (3) **WITHDRAWALS FROM, OR OTHER CHANGES IN, PROCUREMENT** – List each project that was included in response to item (1) but not included in the response to item (2). For each such project, provide a brief explanation for why an Equity Member did not submit compliant final technical and/or financial proposals or for not remaining engaged in the procurement process for that project as an equity investor in a team that submitted a compliant final proposal (as applicable). Explanations may be attached in a separate sheet, if necessary.
- (4) **PROJECTS THAT REACHED FINANCIAL CLOSE IN NORTH AMERICA** – List the projects in which the Equity Member was an equity investor at the time of the respective financial close date. Each project listed should: (a) have reached financial close within the past ten years; (b) been procured by a public sector owner in North America; (c) required private financing; and (d) had an actual or estimated construction cost of at least \$300 million (in nominal dollars, as of the date of financial close of the project for any projects not in the US).
- (5) **NUMBER OF PROJECTS THAT REACHED FINANCIAL CLOSE GLOBALLY** – Provide the number of projects globally (inclusive of those in North America): (a) that achieved financial close within the past ten years; (b) that were procured by a public sector owner; (c) required private financing; and (d) for which the Equity Member was an equity investor at the time of financial close.

**FORM L-1**  
**PROPOSER'S ORGANIZATION INFORMATION**  
 (add boxes as needed)

<b>PROPOSER:</b>					
Name of Entity:					
Address:					
Contact Name:		Title:			
Telephone Number:		Facsimile Number:		E-mail:	
<b>NAME(S) OF PROPOSER TEAM MEMBERS</b>					
<b>Company Name</b>	<b>DBE (Yes/No)</b>	<b>Address, E-mail Address, and Telephone Number</b>	<b>State of Incorporation</b>	<b>Equity Member (include percent) Yes      No</b>	
<b>Equity Member(s)</b>					
<b>Lead Designer</b>					
<b>Design-Build Contractor</b>					
<b>Operations and Maintenance Contractor</b>					
<b>Toll System Provider</b>					
<b>Tolling Operator</b>					



Other Firms				

**FORM L-2 (ADDENDUM NUMBER 2)**  
**EQUITY MEMBER, LEAD DESIGNER, DESIGN-BUILD CONTRACTOR,**  
**OPERATIONS AND MAINTENANCE CONTRACTOR, TOLL SYSTEM**  
**PROVIDER, AND TOLLING OPERATOR CERTIFICATION**  
**(expand form as needed)**

Complete this Form L-2 for each Equity Member, the Lead Designer, the Design-Build Contractor, the Operations and Maintenance Contractor, the Toll System Provider, and the Tolling Operator (if different than the Operations and Maintenance Contractor).

1. Has the firm\* ~~ever~~ failed to complete any work it agreed to perform or had a contract terminated because it was in default within the past five years? If yes, describe.
2. Has the firm\* or any officer thereof been indicted or convicted of bid or other contract related crimes or violations or any felony or misdemeanor related to performance under a contract within the past five years? If yes, describe.
3. Has the firm\* ~~ever~~ sought protection under any provision of any bankruptcy act within the past five years? If yes, describe.
4. Has the firm\* ~~ever~~ been debarred from performing work for the federal government or any state or local government within the past five years? If yes, describe.

(Must be signed by an officer of the firm)

Firm: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Proposer: \_\_\_\_\_

\_\_\_\_\_  
\* (Note: "Firm" includes any Affiliate, including a parent company or subsidiary companies.)

**FORM O**

**ONE-ON-ONE MEETING CONFIDENTIALITY AND NON-DISCLOSURE  
AGREEMENT (RFQ)**

I, \_\_\_\_\_, as the Attorney-in-Fact and designated representative of \_\_\_\_\_ (Proposer), hereby agree to the following:

- A) I agree, on behalf of the Proposer, that any and all Proposer representatives who participate in the one-on-one meeting process will maintain the confidentiality of all proprietary or trade secret information or Sensitive Security Information (SSI) (collectively, "Confidential Information") that the Proposer and its representatives gain access to as a result of their participation in one-on-one meetings. Proprietary or trade secret information includes codes, patterns, formulae, designs, devices, methods, or processes. SSI includes information that, if publicly released, would be detrimental to transportation security as defined by federal regulation 49 C.F.R. Part 1520;
- B) I agree, on behalf of the Proposer, that any communications and/or records exchanged during the one-on-one meetings will remain confidential until execution of the Comprehensive Agreement, unless such records are Confidential Information;
- C) Notwithstanding the foregoing, the Proposer may disclose Confidential Information (1) to its affiliates and subcontractors (and its and their respective directors, officers, employees, consultants, advisors, agents, and other representatives) that need to know such information in connection with the development of the Proposer's Proposal; and (2) as requested or required by law, rule, or regulation or governmental, regulatory, or self-regulatory body, or to the extent it is required to comply with its obligations as a listed entity on a recognized stock exchange.
- D) I agree to waive any right, on behalf of the Proposer, to challenge the procurement for the I-10 Calcasieu River Bridge Public-Private Partnership (PPP) Project (the "Project") based upon the Proposer's participation in the one-on-one meeting process. Further, if invited to participate in the one-on-one meeting process, and the Proposer opts to not participate in the one-on-one meeting process, I agree to waive any right, on behalf of the Proposer, to challenge the procurement for the Project based upon the Proposer's lack of participation in the one-on-one meeting process; and
- D) I agree, on behalf of the Proposer, that upon notice from the LA DOTD that a request for release of information obtained or exchanged during the one-on-one meeting process has been received, the Proposer shall immediately defend any action seeking release of the records it believes to be Proposer's proprietary or trade secret information. The Proposer shall indemnify, defend, and hold harmless the LA DOTD and the State of Louisiana and its agents and employees from any judgments awarded against the LA DOTD and its agents and employees in favor of the party requesting the Proposer's proprietary or trade secret information, including any and all costs connected with that defense. This

## Louisiana Department of Transportation and Development

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indemnification survives the LA DOTD's cancellation or termination of this procurement or award and subsequent execution of a Comprehensive Agreement. In submitting a Proposal, the Proposer agrees that this indemnification and duty to defend survives as long as the Proposer's proprietary or trade secret information is in possession of the State.

This Confidentiality and Non-Disclosure Agreement is subject to the laws of the State of Louisiana and applicable rules and regulations.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Louisiana Department of Transportation and Development

**FORM PP**  
**PAST PERFORMANCE**  
(expand as needed)

**Name of Proposer:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Litigation and Arbitration**

<b>Project/Issue</b>	<b>Owner/Agency Initiated Action</b>	<b>Resolution/Outcome</b>	<b>Indicate if Unresolved or Outstanding Action</b>	<b>Current Owner Contact Name, Telephone Number, and E- mail Address</b>

**Termination for Cause or Default**

<b>Project</b>	<b>Describe Reason for Termination</b>	<b>Dollar Amount Involved</b>	<b>Current Owner Contact Name, Telephone Number, and E- mail Address</b>

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**FORM PP**  
**PAST PERFORMANCE**  
**(expand as needed)**

**Disciplinary Action**

<b>Project</b>	<b>Describe Action Taken</b>	<b>Current Owner Contact Name, Telephone Number, and E- mail Address</b>

## Questions

I-10 Calcasieu River Bridge  
PPP Project  
RFQ  
Appendix C - SOQ Instructions  
Form Q - Questions

~~March 30, 2021~~May 5, 2021Conformed  
Addendum #2



**FORM S (Addendum Number 3)**  
**SAFETY QUESTIONNAIRE**

**Proposer's Name:** \_\_\_\_\_

Firm Name: \_\_\_\_\_

1. Provide the following information for the last three years:

Item	2018	2019	2020
Employee hours worked (Do not include non-work time, even though paid)			
Number of lost workday cases			
Number of restricted workday cases			
Number of cases with medical attention only			
Number of fatalities			
Experience modifier for workers' compensation			

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

Position	No	Yes	Monthly	Quarterly	Annually

3. Do you hold site meetings for supervisors? Yes \_\_\_\_\_ No \_\_\_\_\_

How Often? Weekly \_\_\_\_\_ Bi-Weekly \_\_\_\_\_ Monthly \_\_\_\_\_ Less often, as needed \_\_\_\_\_

4. Do you conduct project safety inspections? Yes \_\_\_\_\_ No \_\_\_\_\_

By whom? \_\_\_\_\_

How Often? Weekly \_\_\_\_\_ Bi-Weekly \_\_\_\_\_ Monthly \_\_\_\_\_

5. Does the firm have a written safety program? Yes \_\_\_\_\_ No \_\_\_\_\_

6. Does the firm have an orientation program for new hires? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what safety items are included? \_\_\_\_\_

**FORM S (Addendum Number 3)**  
**SAFETY QUESTIONNAIRE**

7. Does the firm have a program for newly hired or promoted foremen? Yes \_\_\_\_ No \_\_\_\_

If yes, does it include instruction of the following?

Topic	Yes	No
Safety Work Practices		
Safety Supervision		
On-site Meetings		
Emergency Procedures		
Accident Investigation		
Fire Protection and Prevention		
New Worker Orientation		

8. Does the firm hold safety meetings which extend to the laborer level? Yes \_\_\_\_ No \_\_\_\_

How often? Daily \_\_\_\_ Weekly \_\_\_\_ Bi-Weekly \_\_\_\_ Less often, as needed \_\_\_\_

9. ~~For the Proposer only, indicate~~Provide the safety record on the last project to which the indicated key managers were assigned:

Key Person	Total hours worked by all employees on the project	Number of lost workday cases on the project	Number of restricted workday cases on the project	Number of cases with medical attention only on the project	Number of fatalities on the project
Principal-in-Charge					
Developer's Project Manager					
Construction Manager					

**FORM T (ADDENDUM NUMBER 2)**  
**TOLLING PROJECT DESCRIPTIONS**

Name of Proposer: \_\_\_\_\_

Name of Firm: _____
Project Role: _____ Equity Member: _____ Lead Designer: _____ <del>Lead-Design-Build</del> Contractor: _____ <del>Lead</del> Operations and Maintenance <del>Firm-Contractor</del> : _____ Toll System Provider: _____ Tolling Operator: _____ Is tolling project complete (Y/N)? _____ If yes, type of tolling (technology): _____ Other (Describe): _____
Project Name, Location, and Description: _____ _____ _____ _____ _____ _____ _____ _____
List any awards, citations, and/or commendations received for the project: _____ _____ _____
Name of Client (Owner/Agency): _____ Address: _____ _____ Contact Name: _____ Telephone number: _____ Owner's Project or Contract No.: _____ E-mail Address: _____