

DATE: August 21, 2015

TO: Prospective Design-Build Teams

FROM: The Office of Public Works
County Administration Building
2079 E. 9th St., Second Floor
Cleveland, OH 44115

SUBJECT: **RESPONSE TO INDUSTRY COMMENTS ON THE DRAFT DOCUMENTS FOR DESIGN-BUILD SERVICES FOR THE PEDESTRIAN AND BICYCLE BRIDGE FROM THE MALLS TO THE LAKEFRONT**

Cuyahoga County and its partners, City of Cleveland and Group Plan Commission, have reviewed and evaluated the industry comments related to the Draft Documents for Design-Build Services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront (Project). After further discussions and consideration, a modified procurement approach was decided and revisions to the draft RFQ, RFP and Design-Build Agreement will be implemented.

The following are general responses to key items identified from the industry comments, clarifications, and the County's modified approach for selecting the Design-Build Team (DBT) for the Project:

- The Owners of the Project will be Cuyahoga County, City of Cleveland and Group Plan Commission. They will make all decisions and have final approval over the design and implementation of the Project. They will, however, confer with their technical consultants for input on issues and changes.
- The original two-step procurement process for selecting the DBT will be implemented. A Request for Qualifications (RFQ) will be advertised in early September. The Selection Committee will evaluate the statements of qualifications submitted by prospective DBTs and create a short list of those considered the most qualified. The short listed DBTs will be sent a Request for Proposals (RFP), which will include a form of Design-Build Agreement, detailed schedule, technical methodology and a request for pricing proposal. The pricing proposals submitted by short listed DBTs will contain proposed fees for design, pre-construction and construction services, itemized general conditions costs, individual staff billing rates, proposed design and construction contingencies, and overhead rate. Proposals will also need to contain a detailed Project schedule that includes a Project stop and shutdown period during and around the Republican National Convention in July 2016.
- DBTs that submit proposals in response to the RFP will be interviewed by the Selection Committee. After the interviews, the Selection Committee will evaluate the firms based on their qualifications, proposed Project schedule, technical methodology, comments to the form of Design-Build Agreement, and pricing proposals. The highest ranked DBT will enter into negotiations of a contract. A guaranteed maximum price (GMP) will be agreed to once the design of the Project is developed to an appropriate stage.

- The proposed Selection Schedule is as follows:

RFQ Advertised	09/09/2015
Qualifications Statements Due	10/01/2015
RFP Issued to Short Listed DBTs	10/15/2015
Proposals Due	11/04/2015
Interviews	11/15/2015
DBT Selected	11/18/2015
Notice to Proceed	January 2016

The proposed selection schedule is subject to change in the County's sole discretion.

- The Criteria Architect/Engineers' Preliminary Plans and Performance Specifications will be available at the time the RFQ is issued. These documents will help define the responsibilities of the DBT, provide status of approvals, and give additional design information.
- Issues pertaining to the Design-Build Agreement noted in the selected DBT's proposal will be discussed during the negotiation of the contract.
- Design requirements must be submitted by DBTs with their Statements of Qualifications.
- Per Cuyahoga County's SBE Bidding Manual, there are three ways to comply with the SBE Participation Goal. One method is to comply with the goals. The other two methods require the submittal of a completed Good Faith Effort Certification (SBE-3 Form) for consideration of a waiver for the SBE Participation Goal. Additional information is available on the Cuyahoga County Department of Procurement and Diversity web page.
- More detailed selection criteria for the RFP and the Interview will be outlined in the RFP.
- The County acknowledges the cost and time saving benefits of allowing the DBT to self-perform portions of the work. The RFQ, RFP and Design-Build Agreement will be revised to detail the process allowing the DBT to self-perform work. The DBT will be permitted to demonstrate the reasonableness of pricing for self-performed work by either (1) submitting a fixed price bid for self-performed work in competition with other bidders or (2) engaging in an open book pricing process that includes a fixed fee and maximum price cap for self-performed work.

The County reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement process described above, including the right to not proceed with the procurement and/or the right to proceed in a different manner or on a different timeline than as described above.

Please refer to the Cuyahoga County Department of Public Works web page and Cuyahoga County Department of Procurement and Diversity web page for more information on the Project.