



## REQUEST FOR QUALIFICATIONS

### **Grant Avenue Parkway Corridor Improvements Project**

City of Springfield, MO

Project Number: BUILD-5901(816)

RFQ Issued: April 1, 2021

SOQs Due: April 20, 2021

City of Springfield, MO  
840 Boonville, Springfield, MO 65802



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## **FORMS**

Form DB-101 – Major Participant Information

Form DB-102 – Reference Project Summary

Form DB-103 – Resume Summary

Form DB-104 – Receipt of Addenda

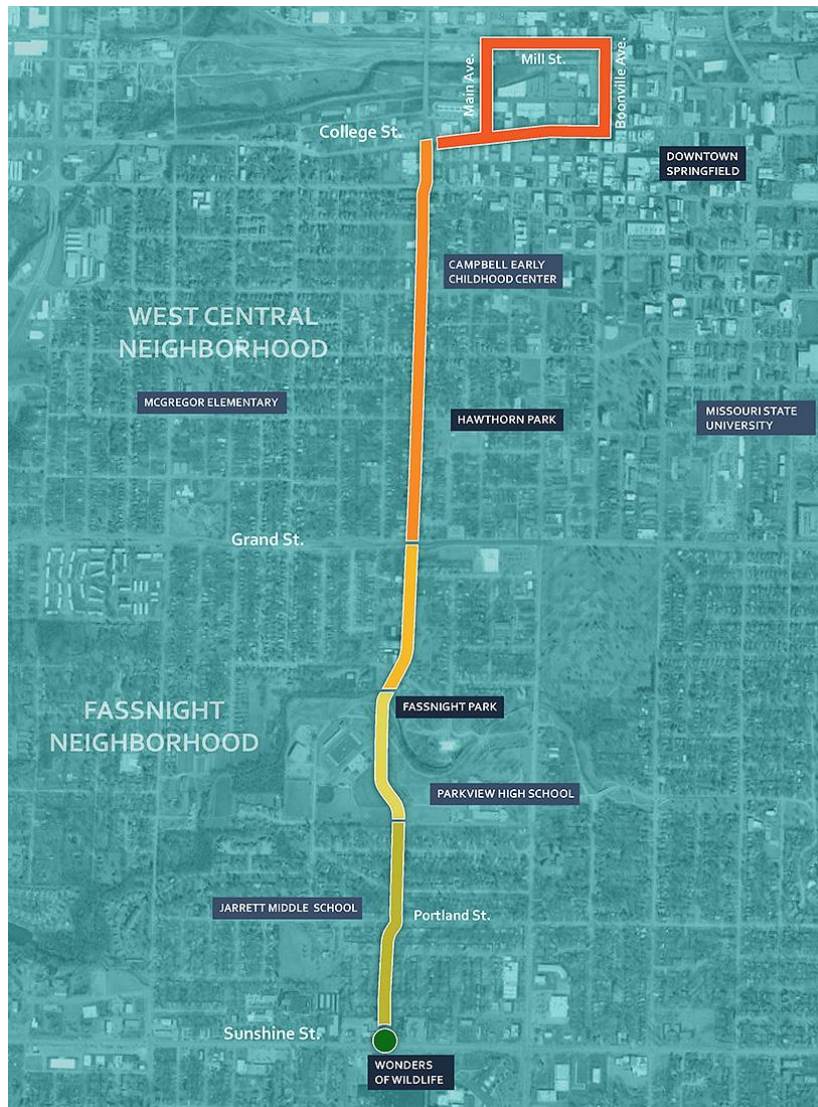
Form DB-105 – Conflict of Interest

Form DB-106 – Certification regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

City Certification Regarding Potential Conflicts of Interest

# 1. INTRODUCTION

The City of Springfield, MO (City) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the Grant Avenue Connect Parkway BUILD Grant (GAP) Project. The GAP Project is located along Grant Avenue from one of the city’s major economic hubs at Sunshine Street in the south to a proposed Center City loop around Springfield’s historic downtown and the IDEA Commons at Mill Street to the north. This project is designated as TIP # SP2015-20A5 in Ozarks Transportation Organization’s (OTO’s) FY 2020-2023 Transportation Improvement Program, and Federal Job Number BUILD-5901(816).



## 1.1. Project Description

The Grant Avenue Parkway (GAP) will create an off-street pedestrian and bicycle pathway along Grant Avenue between Sunshine Street and College Street, in the heart of Springfield. The 3-mile stretch will connect downtown Springfield with the Wonders of Wildlife National Museum and Aquarium (WOW) – linking authentic Springfield experiences for both residents and visitors. The Parkway route will further connect parks and recreation amenities, neighborhoods, schools, and fill a vital gap in the Ozark Greenways trail network.

The Parkway will start Downtown and end at Sunshine Street, including bike and pedestrian friendly facilities, various traffic-calming improvements, utility upgrades, fiber connectivity and additional crossing and intersection improvements.

The successful Proposer will be responsible for management, design, construction, quality assurance and quality control of the project.

## 1.2. Project Vision and Goals

The City's vision for Grant Avenue Parkway is to create a corridor that delivers improved quality of life through community revitalization and economic development, with an enhanced transportation system focused on alternative modes and connections.

The following prioritized goals have been established and will be reflected in the technical scoring of the RFP:

- 1 Deliver a Complete Street focused on integration of transportation modes, safety, mobility, and connectivity.
- 2 Deliver a project integrating quality places and spaces within a Complete Street.
- 3 Deliver a project focused on the community.
- 4 Deliver a project within the \$22.5 million contract budget.

## 1.3. Estimated Cost and Maximum Time Allowed

The total program budget is estimated at \$30.7 million, including the design-build contract, right of way acquisitions, utility reimbursements, stipend payments, and other miscellaneous project management expenses. The estimated fixed cost design-build contract budget is \$ 22.5 million. The Project must be completed by January 1, 2026.

## 2. REQUEST FOR QUALIFICATIONS (RFQ) PROCESS

### 2.1. Three -Phased Procurement Process

The City will use a three-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of a Statement of Qualifications (SOQ), that the City will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. The City will short list at least two (if any) but not more than five most highly qualified Submitters.

In the second and third phases, the City will issue a Request for Proposals (RFP) to provide a technical proposal and cost proposal for the Project to the short-listed Submitters. Only the short-listed Submitters will be eligible to submit technical and cost proposals for the Project. Each short-listed Submitter that submits a technical and cost proposal in response to the RFP is referred to herein as a Proposer. The City will award a design-build contract (if any) for the Project to the Proposer offering the apparent best value, to be determined as described in the RFP.

### 2.2. Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

The City may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

The City may disqualify a Submitter that violates the DBE exclusivity referred to in Section 6.9.

## 2.3. Procurement Schedule

April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1	30	31	1	2	3	4	5
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30			

July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	1	2	3	4	5	6	7				1	2	3	4
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30		

Item	Date
Issue RFQ	April 1, 2021
Deadline for submitting RFQ questions	April 12, 2021
Final responses to questions posted & Final RFQ Addendum issued	April 13, 2021
SOQ due	April 20, 2021
City notifies short listed Submitters	April 28, 2021
Issue RFP	June 1, 2021
Technical Discussions	June 7, 2021 – July 30, 2021
DBE Mixer	April 1, 2021
Last Day for Additional Applicable Standards (AAS), Design Exception(s), Pre-Submittal General Information submittals, and for Proposer's RFC	August 5, 2021
City Posts Final Responses to Proposer's RFC and Issues Final RFP Addendum	August 12, 2021
Proposal and Price Allocation Due	August 20, 2021
Selection of Apparent Best Value	August 31, 2021
City Observed Holidays	May 31st – Memorial Day
	July 5th – Independence Day

### 3. STATEMENT OF QUALIFICATIONS (SOQ) CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the Statement of Qualifications (SOQ), and also addresses the evaluation criteria that the City shall utilize.

#### 3.1. Organization of SOQ

The SOQ shall be organized as follows:

- 1 Cover Letter
- 2 Title Page
- 3 Table of Contents
- 4 Part 1 – Administrative Elements (Pass/Fail)
- 5 Part 2 – Submitter Experience (100 Points)
- 6 Part 3 – Key Personnel and Organization (100 Points)

#### 3.2. Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the design team and roadway contractor. Name the entity with whom City will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.

#### 3.3. Part 1 – Administrative Elements (Pass/Fail)

*Submittal Requirements:*

- 1 Form DB-104: Receipt of Addenda
- 2 Form DB-105: Conflict of Interest
- 3 Form DB-106: Certification regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- 4 City Certification Regarding Potential Conflicts of Interest Form. A letter is to be included describing such conflicts if they exist.

*Evaluation Criteria:*

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

#### 3.4. Part 2 – Submitter Experience (100 Points)

*Submittal Requirements:*



- 1 An executive summary not to exceed four (4) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas:
  - A. **Design and Construction:** The Submitter shall provide specific examples of their relevant experience with the design and construction of complete street or urban roadway reconstruction projects delivered using design-build, design-bid-build, or other non-traditional procurement methods. The Submitter should demonstrate their ability to generate and incorporate project innovations, commitment to integration of quality places and spaces, project cost, and resolution of challenges presented in either design or construction.
  - B. **Approach to Ensuring Safety:** The summary should include the Submitter's safety record on complete street or urban roadway reconstruction projects, safety philosophy, and examples of successfully implemented Safety Management Programs including performance metrics on past projects.
  - C. **Quality Management Program:** Identify specific examples of Submitter's quality programs for previous projects demonstrating an ability to develop, implement and maintain a Quality Management Program throughout all project phases.
  - D. **Regulatory Agencies and Utility Interaction:** Describe previous efforts to mitigate impacts to and work successfully with regulatory agencies, and utility companies.
  - E. **DBE and Workforce Diversity Utilization Plan:** Describe how the Submitter intends to utilize DBEs to meet or exceed the DBE participation goals of 10% for construction activities and 12% for professional services. Provide examples of past performance on complete street or urban roadway reconstruction projects. Demonstrate how the Submitter's strategies will maintain diversity for both the construction and professional services workforce to include meeting construction On the Job Training goals for 2 trainees with 1000 hours per trainee. Provide past performance of both DBE utilization and workforce diversity.
- 2 Form DB-101: Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- 3 Form DB-102: Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience executive summary. Each summary is limited to a maximum of two pages. A maximum of eight (8) reference projects can be described for each Submitter. For ease of comparison, this form is not to be modified.

*Evaluation Criteria:*

Part 2 will be evaluated based on Submitter's demonstrated performance on recent projects and the quality and completeness of the submittal requirements for this section. City will evaluate the Submitter's experience based on:

- 1 Recent design and construction experience of complete streets or urban roadway reconstruction projects.

- 2 Recent experience delivering complete streets or urban roadway reconstruction projects with a focus on integration of quality places and spaces throughout the project.
- 3 Use of innovation to deliver a project within budget. Submitters should illustrate, for example, use of value engineering change proposals, design-build projects, additional applicable standards, alternative technical concepts, etc.
- 4 Unexpected challenges encountered during similar projects and the resolution.
- 5 Approach to developing a Quality Control and Quality Assurance program for the Project. Understanding of the Quality Management Program and how it will be implemented during all phases. Submitters should illustrate previous project experience indicating timeliness and accuracy of quality documentation.
- 6 Recent safety history for Submitter including information for complete street or urban roadway reconstruction projects. Submitter should include information on industry standard safety statistics such as DART rates (Days Away, Restricted, and Transfer) and TRIR (Total Recordable Incident Rate).
- 7 Utility coordination.
- 8 Implementation of innovative approaches to increase diversity and engage minorities through programs, training, or other outreach efforts.
- 9 Implementation of innovative approaches to increase diversity for all firms comprising the Submitter's team.
- 10 Citation of any Envision Sustainability Professional (SP) credentialing or adoption of Envision credit scoring.

### 3.5. Part 3 – Key Personnel and Organization (100 Points)

Each Submitter shall identify the experience, responsibilities, and past achievements of the Key Personnel listed below.

Submitters should define the following positions as Key Personnel:

- 1 Project Manager – The Project Manager is responsible for all aspects of the Project, including but not limited to: overall design, construction, quality management, contract administration, safety, and environmental compliance. The Project Manager should have at least ten years of recent experience managing the design and construction of complete street or urban roadway reconstruction projects. The Project Manager shall have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to City's Project Director. The Project Manager must be assigned to the Project full time and shall be available to respond to email and phone inquiries within 4 hours after initial contact from City.
- 2 Placemaking Manager – The Placemaking Manager is responsible for ensuring all aspects of the Quality of Place for the Project are met. The Placemaking Manager should have at least ten years of recent experience managing the integration of Quality of Place project elements into the design of civil works projects. The Placemaking Manager must be a

registered landscape architect or architect in the State of Missouri or must have registration pending at the time of SOQ submittal and be registered for the duration of the project. The Placemaking Manager should be an Envision Sustainability Professional or become an Envision Sustainability Professional if Submitter is selected as the successful Project Proposer. The Placemaking Manager shall be assigned to the Project full time when design activities are being performed. The Placemaking Manager shall be available at a minimum for weekly meetings throughout the duration of the Project.

- 3 Construction Manager – The Construction Manager shall be responsible for managing the construction of the Project. The Construction Manager shall have at least ten years of recent management experience in urban roadway reconstruction. The Construction Manager shall be on site for the duration of the construction phase.
- 4 Quality Manager – The Quality Manager’s responsibilities include but are not limited to: creation and execution of the Submitter’s quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records including design documentation, construction quality and testing, environmental compliance, and DBE/labor compliance. The Quality Manager shall report directly to the Submitter’s executive management team. The Quality Manager should have at least five years of recent experience developing, implementing, and overseeing quality programs in civil construction work. The Quality Manager shall be assigned to the Project full time and shall be available to respond to email and phone inquiries within 4 hours after initial contact from City.
- 5 Design Manager – The Design Manager is responsible for ensuring all aspects of the design of the Project are met. The Design Manager should have at least ten years of recent experience managing the design of complete street or urban roadway reconstruction projects and shall have been engineer of record for at least one completed roadway project similar in scope, budget, and schedule. The Design Manager must be a registered professional engineer in the State of Missouri or must have registration pending at the time of SOQ submittal and be registered for the duration of the project. The Design Manager shall be assigned to the Project full time when design activities are being performed. The Design Manager shall be available for weekly meetings at a minimum for the duration of the Project.
- 6 Utility Manager – The Utility Manager is responsible for ensuring all aspects of utility coordination of the Project are met. The Utility Manager should have at least five years of recent experience managing the coordination of utilities and utility relocations of complete street or urban roadway reconstruction projects. The Utility Manager shall be assigned to the Project full time when utility relocation activities are being performed. The Utility Manager shall be available for weekly meetings at a minimum for the duration of the Project.
- 7 Key Personnel identified in the SOQ, including any “Additional Key Personnel” may not be removed, replaced, or added without written approval of the City Project Director.

*Submittal Requirements:*

- 1 An organizational chart and executive summary of Key Personnel, not to exceed three (3) pages describing the Key Personnel's qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel have with the design and construction of complete street or urban roadway reconstruction projects, cost-saving innovations, development of quality spaces and places as part of a transportation project and working with regulatory agencies and third-party partners.
- 2 Form DB-103: Resume Summary
- 3 Resumes for the Key Personnel and up to three additional personnel are to be included. Each resume is limited to 1 page and shall include 2 owner references including a contact name and phone number. City reserves the right to contact references identified in the resumes.

*Evaluation Criteria:*

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. City will evaluate the Submitter's experience based on:

- 1 Design and construction of complete street or urban roadway reconstruction projects.
- 2 Relevance of tasks performed by Key Personnel for reference projects.
- 3 Use of innovative approaches to deliver a project within budget.
- 4 Integration of quality places and spaces within complete street or urban roadway reconstruction projects.
- 5 Experience and approach coordinating with applicable regulatory agencies, and utility companies.
- 6 Experience managing design obstacles during construction.
- 7 Experience integrating quality of place elements into civil works projects.
- 8 Experience and approach for maximizing and ensuring safety on the project.
- 9 Experience managing or promoting workforce diversity on reference projects.

## 4. SUBMITTAL REQUIREMENTS

### 4.1. Format

The Statement of Qualifications (SOQ) must be formatted for 8.5” x 11” paper. Charts and other graphical information may be formatted for 11” x 17” paper. Use of 11” x 17” format shall be limited to a maximum of two pages. Minimum font size is 11-point. However, 10-point text may be used within graphs or tables.

### 4.2. Due Date and Quantities

SOQ must be submitted by 12:00 pm, Central Standard Time, on the date shown in Section 2.3. City accepts no responsibility for misdirected or lost Submittals. One print and bound copy and one (1) electronic copy in PDF format of the SOQ is to be submitted to the Project Director as shown in Section 6.3.

### 4.3. Page Limits

The maximum number of pages is shown in the following table:

	No. of Pages
Cover Letter	1
Title Page	1
Table of Contents	1
Part 1 – Administrative Elements	
-- Form DB-104: Receipt of Addenda	1
-- Form DB-105: Conflict of Interest	As needed
-- Form DB-106: Certification Regarding Disbarment, Suspension, Ineligibility, and Voluntary Exclusion	As needed
-- City Certification Regarding Potential Conflicts of Interest Form	As needed
Part 2 – Submitter Experience	
-- Executive Summary	4
-- Form DB-101 Major Participant Information	As needed
-- Form DB-102 Reference Project Summary	16
Part 3 – Key Personnel Experience	
-- Executive Summary	3
-- Form DB-103 Resume Summary	1
-- Resumes	12

Dividers between sections of the SOQ are not counted.

## 5. EVALUATION PROCESS

All responses will be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 100 points.

Part 3 will be evaluated based on a possible 100 points.

City is restricted to short-listing no more than five (5) teams. The scoring outlined is intentionally crafted to differentiate between many highly qualified teams. City will use the ratings below to determine a maximum of five most highly qualified teams and/or demonstrate a significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the short- listing process are as follows:

Rating	Description
Exceptional +/- (100 – 85%)	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/- (84 – 60%)	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/- (59 – 20%)	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable (19 – 0%)	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains major weaknesses that would require an extensive revision to the SOQ.

## 6. GENERAL INFORMATION

### 6.1. Major Participant Definition

The term Major Participant is defined as any of the following entities:

- 1 All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding a 15% or greater interest in the Submitter.
- 2 The lead engineering/design firm(s).
- 3 Each subcontractor that will perform work valued at 20% or more of the construction work.
- 4 Each subconsultant that will perform 30% or more of the professional services.
- 5 Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of The City's Project Director. Written request must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

### 6.2. Stipend

No stipends will be paid for submitting a SOQ. The City will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$112,500 and shall be provided to such Proposer(s) as early as 15 days after the City determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their stipend within 30 days. If the Proposal Release Statement is not signed within 30 days, the Stipend shall be forfeited.

If the successful Proposer and the City cannot successfully negotiate a contract and the City negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to the City.

### 6.3. Communications

The City's Project Director, Leree Reese, is the City's sole contact person for receiving all communications regarding the project and procurement thereof. Each Submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.

Leree Reese, P.E.  
Grant Avenue Parkway Project Director  
City of Springfield – Public Works  
840 N Boonville Ave, Springfield, MO 65802  
[lreese@springfieldmo.gov](mailto:lreese@springfieldmo.gov)



During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex parte communications regarding this procurement with any member of the City of Springfield including City Utilities of Springfield, the Federal Highway Administration (FHWA), the Missouri Department of Transportation (MoDOT), their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of the City's Project Director. However, communication is allowed with local entities, private utility companies, regulatory agencies, and the general public.

## 6.4. Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted to the City's Project Director. To be considered, all questions and requests must be received by 2:00 pm, CST on the date indicated in Section 2.3. Questions, requests for clarifications, and responses will be posted on the Project TEAMS site. Submitter's names will not be identified.

The City reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project TEAMS site.

## 6.5. Ineligible Firms

Crawford, Murphy, & Tilly Inc., Burns & McDonnell Engineering Company, Inc., Hg Consult Inc., CJW Transportation Consultants, LLC, Pratt Consultants, Housel Lavigne Associates, O.R. Colan Associates, and Archaeological Research Center of St. Louis Inc. are acting as the owner's engineer and therefore are ineligible. A firm is ineligible to submit a proposal, in either a prime or subconsultant's role, if it assists in the development of the scope of work, the RFQ, or the RFP.

## 6.6. Confidentiality

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by the City, unless otherwise provided by law. The City will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

## 6.7. Organizational Conflicts of Interest

Pursuant to 23 CFR 636.116, consultants and subconsultants who assist the City in the preparation of an RFP document are not allowed to participate on a Submitter's team. Submitters must provide to the City, via Certification Regarding Potential Conflicts of Interest Form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present or currently planned interests which may



present an organizational conflict of interest, as required by 23 CFR 636.116. The City's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

The City may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

## 6.8. Equal Employment Opportunity

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

The City will ensure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

The City has set workforce goals of 2% minority and 6.9% female per craft.

## 6.9. Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:

10% construction activities 12% professional services

In an effort to ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1 or with written permission from the City's Project Director.

It is the policy of the City that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, the City will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

The City desires to maximize the opportunity for DBE firms to participate in this Project. The City also desires to make it easier for Contractors bidding on the Project to locate and provide sufficient certified DBE firms to achieve the DBE goal set by the City.

The Contractor shall be entitled to use the DBE firms certified by the Missouri Regional Certification Committee (MRCC) to fulfill the DBE goals established by the City.

It is the Contractor's responsibility to ensure firms identified for participation are approved certified DBE firms. The MRCC DBE Directory is at the following web site:

[http://www.modot.org/business/contractor\\_resources/External\\_Civil\\_Rights/mrcc.htm](http://www.modot.org/business/contractor_resources/External_Civil_Rights/mrcc.htm)

## 7. PROTEST PROCEDURES

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Springfield Public Works Director with a copy to the City's Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within five calendar days after the earliest of notification of non-responsiveness or the public announcement of short listing. Notice of protest of the decision on short listing must be filed within five calendar days after the public announcement of short listing.

Within seven calendar days of the notice of protest, the protesting Submitter must file with the Springfield Public Works Director, with a copy to the City's Project Director and other Submitter(s), a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of the City was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Springfield Public Works Director, with a copy to the City's Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven calendar days after the protesting Submitter files its detailed statement of protest. The City will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Springfield Public Works Director, a hearing or argument may be permitted if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or the City. The Springfield Public Works Director or designee will issue a written decision regarding the protest within 30 calendar days after the City receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Springfield Public Works Director or designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the draft RFP, the City may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Springfield Public Works Director or designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination

shall be in writing and shall state the facts on which it is based.

If the Springfield Public Works Director or designee concludes that the Submitter filing the protest has established a basis for protest, the Public Works Director or designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications, or taking other appropriate actions.

## 7.1. Costs and Damages

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for the City's costs reasonably incurred resulting from the protest. The City shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.