

Rigsby

**FLORIDA DEPARTMENT OF TRANSPORTATION**

February 17, 2006

To whom it may concern:

The Florida Department of Transportation ("FDOT") is pleased to present a Request for Qualifications ("RFQ") to teams interested in submitting a statement of qualifications (an "SOQ") to develop, design, construct, finance, operate and maintain the Port of Miami Tunnel Project, FDOT Project # RFQ-DOT-05/06-6001DS (the "Project") pursuant to Section 334.30 of the Florida Statutes.

FDOT will make the RFQ available to any party at the following address:

**FLORIDA DEPARTMENT OF TRANSPORTATION  
District Contracts and Procurement Office  
1000 Northwest 111<sup>th</sup> Avenue, Room 6203  
Miami, FL 33172**

It will also be published on the following website: <http://www.portofmiamitunnel.com>.

The deadline for clarification requests is <sup>12</sup>April 3, 2006 at 5:00 p.m. (Miami local time). There is no deadline for contractual or administrative questions. All questions or clarification requests arising from this Request for Qualifications must be forwarded, in writing, to:

**Nancy Kay Lyons,  
District Contracts and Procurement Manager  
Florida Department of Transportation  
1000 Northwest 111 Avenue, Room 6203  
Miami, Florida 33172  
Facsimile: (305) 470-5717  
E-mail: [d6.contracts@dot.state.fl.us](mailto:d6.contracts@dot.state.fl.us).**

If an interested party wishes to receive information regarding any addenda issued in connection with this RFQ, interested parties may provide contact information (name, title, firm name, address, telephone number, facsimile number and email address) to Nancy Lyons at the above address. Providing contact information does not relieve a Proposer from the obligation to review the Website for addenda as provided for in the Request For Qualifications.

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FDOT looks forward to receiving and reviewing your SOQ.

Sincerely,

Florida Department of Transportation

A handwritten signature in black ink, appearing to read "Nancy Kay Lyons", with a long horizontal flourish extending to the right.

By: Nancy Kay Lyons

Title: District Contracts and Procurement Manager

**REQUEST FOR QUALIFICATIONS  
TO DEVELOP, DESIGN, CONSTRUCT, FINANCE,  
OPERATE AND MAINTAIN  
THE  
PORT OF MIAMI TUNNEL PROJECT  
RFQ-DOT-05/06-6001DS  
THROUGH A  
Concession Agreement**

**ADDENDUM # 3**

**FLORIDA DEPARTMENT OF TRANSPORTATION**

**ISSUED March 28, 2006**

**Florida Department of Transportation  
1000 Northwest 111<sup>th</sup> Avenue  
Miami, Florida 33172**

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## Exhibits:

Exhibit A	List of Project Documents
Exhibit B	Project Map
Exhibit C	RFQ Forms

## Forms:

Form A	Transmittal Letter
Form B	Information Regarding Proposer, Equity Members and Major Non-Equity Members
Form C	Financial Qualifications – Concession and PPP Experience
Form D-1	Technical Qualifications – Design
Form D-2	Technical Qualification – Construction
Form D-3	Technical Qualifications – Operations and Maintenance
Form E	Certification
Form F	Financial Qualifications – Summary Financial Information

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## 1. **INTRODUCTION**

The Florida Department of Transportation ("FDOT"), an agency of the State of Florida, hereby requests the sealed submittal of statements of qualifications ("SOQ") from entities ("Proposers") desiring to develop, design, construct, finance, operate and maintain the Port of Miami Tunnel Project and access improvements (the "Project"), an FDOT project serving the Port of Miami, through a Concession Agreement.

FDOT is issuing this Request for Qualifications ("RFQ") in accordance with the provisions of Florida Statutes Section 334.30 and other applicable provisions of law. Proposers short-listed in response to this RFQ will be invited to submit detailed proposals ("Detailed Proposals") in response to a Request for Proposals ("RFP").

FDOT has assembled a set of documents relating to the Project, a list of which is attached as Exhibit A (the "Project Documents"). FDOT will make the Project Documents available to prospective Proposers either for review on the Project website developed by FDOT and located at <http://www.portofmiamitunnel.com> (the "Website") or at FDOT's District 6 office identified below. Proposers may make an appointment to review the Project Documents or may submit written requests for reproduction of hard copies of available documents by contacting FDOT at the following address:

Florida Department of Transportation  
District Contracts and Procurement Office  
1000 Northwest 111<sup>th</sup> Avenue  
Miami, Florida 33172  
Attn: Nancy Kay Lyons  
Telephone: (305) 470-5404  
Facsimile: (305) 470-5717  
E-Mail: [d6.contracts@dot.state.fl.us](mailto:d6.contracts@dot.state.fl.us)

FDOT will charge for the costs of providing copies at its standard rates and for the costs of any contracted printing services.

## 2. **CERTAIN DEFINITIONS**

***Availability Payment*** – Periodic payments to the Concessionaire made by FDOT that begin when the Project opens to traffic. Entitlement to the Availability Payment is based on the availability of the O&M Segments to vehicular traffic and Concessionaire's conformance with other operation and maintenance criteria established in the Concession Agreement.

***Code*** – Section 334.30 et. seq. of the Florida Statutes.

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**Concession Agreement** – The agreement between the Concessionaire and FDOT to develop, design, construct, finance, operate and maintain the Project

**Concessionaire** – The Proposer who is chosen by FDOT as the best value Proposer and who thereafter executes a Concession Agreement with FDOT.

**Detailed Proposals** – Proposals submitted by Short-Listed Proposers in response to the RFP.

**Equity Member** – a member of a Proposer team that will contribute equity or subordinated debt to the Concessionaire as part of the financing plan for the Project.

**FDOT** – The Florida Department of Transportation.

**Lead Non-Tunneling Contractor** – The member of the Proposer team primarily responsible for the construction of the non-tunnel portions of the Project, including construction of bridge and access improvements.

**Lead Non-Tunneling Engineering Firm** – The member of the Proposer team primarily responsible for the design and engineering of non-tunnel portions of the Project, including bridge and access improvements.

**Lead Operations and Maintenance Firm** – The member of the Proposer team responsible for the maintenance and operation obligations as set forth in the Concession Agreement upon completion of the construction of the Project.

**Lead Tunneling Contractor** – The member of the Proposer team primarily responsible for the construction of the tunnel portions of the Project, including bored, cut and cover, and U-wall sections of the tunnel.

**Lead Tunnel Design Engineering Firm** – The member of the Proposer team primarily responsible for the design and engineering of the tunnel portions of the Project, including bored, cut and cover, and U-wall sections of the tunnel.

**Major Non-Equity Member** – To the extent they are not Equity Members of the Proposer team, Proposer's Lead Engineering Firm, Lead Contractor, Lead Tunnel Design Engineering Firm (if not already included as the Lead Engineering Firm), Lead Tunneling Contractor (if not already included as the Lead Contractor), and Lead Operations and Maintenance Firm.

**O&M Segments** – The portions of the Project, including at a minimum all below-grade portions, that will be operated and maintained by the Concessionaire pursuant to the terms of the Concession Agreement.

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**PIM** – The Project Information Memorandum prepared by FDOT to provide general information regarding the Project to potential Proposers. Interested parties may access the PIM on the Website.

**Preliminary Right-of-Way Plans** – The right-of-way plans prepared by FDOT to identify temporary and permanent right-of-way needed for the Project and the construction thereof. The Preliminary Right-of-Way Plans will be provided for information only. FDOT does not warrant that the Preliminary Right-of-Way Plans will depict all right-of-way necessary for the Project, including temporary right-of-way needed for construction purposes.

**Project** – The Port of Miami Tunnel and Access Improvements Project, RFQ-DOT-05/06-6001DS.

**Project Selection Committee** – The group of individuals authorized by FDOT to determine the Short-Listed Proposers based on the evaluation criteria identified in the RFQ.

**Proposers** – Teams, joints ventures, partnerships or consortia submitting an SOQ in response to this RFQ.

**Project Documents** – Those documents identified in Exhibit A, as such Exhibit may be amended from time-to-time prior to the submission of Detailed Proposals by the Short-Listed Proposers in response to the RFP.

**Responsible Engineering/Design Firm or Firms (Engineer of Record)** – The firm(s) on the Proposer team that is/are technically qualified and in responsible charge of the engineering/design types of work qualified with FDOT to perform on the Project. This firm or firms may or may not be the same as the Lead Non-Tunneling Engineering Firm or Lead Tunnel Design Engineering Firm.

**RFQ** – This request for qualifications.

**RFP** – The request for proposals that FDOT will release to the Short-Listed Proposers.

**Short-Listed Proposers** – Proposers submitting SOQs who are selected by FDOT as qualified to submit detailed proposals in response to the RFP. There will be no more than four Short-Listed Proposers. A fifth team may be identified as an alternate who will be authorized to submit a Detailed Proposal if one or more of the Short-Listed Proposers expresses an intent not to submit a Detailed Proposal.

**SOQ** – a statement of qualifications submitted by a Proposer in response to this RFQ.

**SOQ Due Date** – April 12, 2006.

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***Sunshine Act*** – Collectively, the Public Records Law, Ch. 119 Florida Statutes and the Public Meetings Law, Section 286.011 Florida Statutes.

***Website*** - <http://www.portofmiamitunnel.com>

## **3. PROJECT OPPORTUNITY**

### **3.1 Project Description.**

Project Description: The Project consists of three primary components: (1) widening of the MacArthur Causeway Bridge; (2) tunnel connections between Watson Island and Dodge Island (the Port of Miami); and (3) connections to the Port of Miami roadway system. The tunnel connection between Watson Island and Dodge Island will run beneath the Main Shipping Channel in Biscayne Bay and is intended to improve safety and to provide primary freight and alternative access to and from the Port of Miami. Once completed, the Project will provide a means to divert trucks, buses and other port-related traffic away from downtown streets and onto a dedicated roadway connector leading to MacArthur Causeway and I-395. Interested parties may obtain general information regarding the Project by referring to the PIM.

FDOT seeks to enter into a Concession Agreement with Concessionaire to develop, design, construct, finance, operate and maintain the Project. FDOT anticipates that the Concession Agreement will grant a concession to the Concessionaire for the operation and maintenance of the O&M Segments. The Concessionaire will be required to design, build and finance the Project, and then to operate and maintain the O&M Segments during an extended concession period. FDOT is seeking a private partner experienced in undertaking large transportation infrastructure projects under a concession approach who is willing to share risks. The successful Proposer must have proven ability to arrange and close financing on favorable terms, as well as demonstrated skill in designing, building, managing and operating complex highway tunnels on behalf of public sector owners.

Generally, FDOT expects to compensate the Concessionaire by means of limited milestone-based payments during the design and construction of the Project, and by making Availability Payments during the concession term to the Concessionaire based on the availability of the O&M Segments to the traveling public. Further details regarding the Availability Payment will be presented in the RFP.

### **3.2 Responsibility for Permits.**

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The Concessionaire will generally be responsible for identifying and securing all necessary regulatory and building permits. Despite this, FDOT in the interest of expediency, may decide to commence the process for securing one or more of the identified permits prior to award of the Concession Agreement. The RFP will provide further details regarding permits and allocation of responsibility with respect to permits. From time-to-time, FDOT may also post additional information on the Website regarding permits.

## **4. PROCUREMENT PROCESS.**

### **4.1 Overall Process.**

#### **4.1.1 SOQs.**

FDOT will evaluate the SOQs it receives in response to this RFQ and will determine, according to criteria generally outlined herein, the identity of the Short-Listed Proposers eligible to receive the RFP. FDOT does not expect to short-list more than four (4) Proposers, but may, in its discretion after identifying the Short-Listed Proposers identify one (1) additional Proposer as an alternative Short-Listed Proposer who may, upon FDOT's invitation, submit a Detailed Proposal if any of the Short-Listed Proposers drop out of the procurement prior to date on which Detailed Proposals are due. If only one responsive SOQ is received, FDOT may either (a) proceed with the procurement and request a Detailed Proposal from the sole Proposer or (b) terminate this procurement.

#### **4.1.2 RFP.**

Following the determination of Short-Listed Proposers, FDOT anticipates releasing for industry review and comment a draft RFP, including instructions to proposers, scope of work, technical provisions, and contract documents or summaries/term sheets. Following receipt of written comments, FDOT may schedule one-on-one and/or group meetings to exchange ideas and to discuss issues raised by the Short-Listed Proposers. Specific details concerning the industry review process will be made available to the Short-Listed Proposers following short-listing.

#### **4.1.3 Final Discussions/Clarifications.**

Based upon proposals received under the final RFP, FDOT may, in accordance with applicable law and based on a determination of apparent best value, select a Proposer for final, limited discussions and clarifications to finalize a Concession Agreement for award and execution. If such final discussions are not successful, FDOT may conduct limited discussions with and seek clarifications from the next highest rated Proposer. Alternatively, FDOT at its sole discretion may terminate the procurement.

**4.1.4 Stipends.**

FDOT intends to pay each unsuccessful Short-Listed Proposer a maximum stipulated amount not exceeding the value of the work product contained in its Detailed Proposal. FDOT does not expect that the stipulated amount for Short-Listed Proposers will exceed one million dollars. Specific provisions regarding payment of the stipulated amount shall be included in the RFP. Receipt of the stipulated amount will be contingent upon submission of a responsive Detailed Proposal for the Project.

**4.1.5 Participation on More than One Proposer Team.**

To ensure a fair procurement process, Equity Members and Major Non-Equity Members of Proposer teams, are forbidden from participating, in any capacity, on another Proposer team during the course of the procurement. If a Proposer is not pre-qualified as part of the RFQ evaluation process, the members of the unsuccessful Proposer team are free to participate on Short-Listed Proposer teams, subject to the requirements of Section 4.1.7. Any Proposer that fails to comply with the prohibition contained in this Section 4.1.5 may be disqualified from further participation as a Proposer for the Project.

**4.1.6 FDOT Qualification of Construction and Design Firms.**

**4.1.6.1 Generally.**

Consistent with the intent of the FDOT prequalification process outlined in Rule Chapter 14-91 F.A.C., Short-Listed Proposer teams shall, except to the extent expressly provided otherwise in this RFQ, satisfy the technical qualification requirements for the Project as required by Rule Chapter 14-75 and 14-22, F.A.C. and become qualified with FDOT no later than the dates indicated below.

This process will commence on the date when the short-list selection occurs. At that time, each Short-Listed Proposer team is expected to initiate the required administrative processes for qualification with FDOT (if not already pre-qualified) with the utmost of urgency and due diligence.

**4.1.6.2 FDOT Required Classification of Work for Contractors.**

Qualification with FDOT will be required for the Lead Tunneling Contractor and the Lead Non-Tunneling Contractor. The Lead Tunneling Contractor shall be qualified in "Tunneling." The Lead Non-Tunneling Contractor shall be qualified in "Major Bridges – Bridges of conventional construction which are over a water opening of one thousand (1,000) feet or more". Other categories of Construction will not require qualification, however, if the roadway work is not performed by the qualified Lead Tunneling Contractor or Lead Non-Tunneling Contractor, the entity performing the roadway work shall also be qualified.

The qualification process involves submitting (i) a completed contractor qualification form to FDOT and (ii) audited financial statements within four (4) months of the entity's fiscal year end. If the 2005/2006 audited financial statements are not available at that time, the Proposer shall submit their latest available audited financial statement and then submit 2005/2006 audited financial statements as soon as they become available but in no event later than four (4) months of their fiscal year end.

The qualification process must be completed by the date of the announcement of the apparent best value Proposal, which is tentatively scheduled for early December of 2006. Therefore, to allow FDOT sufficient time to complete the process, each Short-Listed Proposer team must have a completed qualification package on file with FDOT for all categories of construction required for the Project at least thirty (30) calendar days before the date of the announcement of the apparent best value Proposal.

The Contractor qualification form to be used for the Port of Miami Project is only available under the "Procurement" menu on the Project website at:  
<http://portofmiamitunnel.com/>.

**4.1.6.3 FDOT Required Types of Work for Engineering/Design Consultants**

Except to the extent expressly provided otherwise in this RFQ, qualification with FDOT in accordance with Rule Chapter 14-75, F.A.C. will be required by at least one team member of each Short-Listed Proposer team (lead or sub) for each of the following Professional Engineering/Design Types of Work (TOW) required for the Project:

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Type of Engineering and Design Work	Description of Engineering and Design Work Type
<b>Major</b>	
3.2	Major Highway Design
4.2	Major Bridge Design
5.1	Conventional Bridge Inspection
5.2	Moveable Bridge Inspection - (Mechanical and Electrical Equipment only)
5.3	Complex Bridge Inspection
5.4	Bridge Load Rating
6.3.1	Intelligent Transportation Systems Analysis and Design
6.3.2	Intelligent Transportation Systems Implementation
6.3.3	Intelligent Transportation Traffic Eng. Systems Communications
6.3.4	Intelligent Transportation Systems Software Development
9.1	Soil Exploration
9.4	Foundations Studies
14.0	Architect
99.0	Tunnel Design (non-standard work type)
<b>Minor:</b>	
6.1	Traffic Engineering Studies
6.2	Traffic Signal Timing
7.1	Signing, Pavement Marking and Channelization
7.2	Lighting
7.3	Signalization
8.2	Design, Right of Way and Construction Surveying
8.4	Right of Way Mapping
15.	Landscape Architect

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The following qualification requirements for TOW 99.0; Tunnel Design (non-standard work type), have been established for the Project:

This type of work requires at least three professional engineers, registered with the Florida State Board of Professional Engineers, each having been intimately involved in the design of structural systems and components for at least three highway and/or transit tunnel projects including either: (i) at least one bored tunnel and one cut and cover tunnel within the last fifteen years; or (ii) two bored tunnels within the last fifteen years. This type of work requires at least four or more structural design engineers/technicians having a minimum of three years each of highway tunnel design experience. This type of work also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers. The electrical engineer will have experience in the design of at least three tunnel electrical systems within the last fifteen years. The mechanical engineer will have experience in the design of at least three tunnel mechanical systems within the last fifteen years. The professional engineers shall be responsible for the quality assurance of all design services.

With the exception of Tunnel Design described above, prerequisites for qualification (as detailed in Rule 14-75, F.A.C.), forms and the request for qualification application form for the engineering/design TOWs required for the Project are available at the following website addresses:

<http://www.dot.state.fl.us/procurement/pubs/pubsmenu.htm>

<http://www.dot.state.fl.us/procurement/forms/formmenu.htm>

It is anticipated that the process of qualifying the Responsible Engineering Firm (Engineer of Record) for tunnel design for each Short-Listed Proposer team will only involve submitting to FDOT detailed resumes and copies of required licenses from the individuals employed with the firm (no application form) that possess the professional requirements and experience to qualify the firm for this non-standard work type.

Qualification requirements for each TOW required for the Project include having experienced professionals (Engineers, Architects, Surveyors, etc.) that are registered with the Florida Board of Professional Engineers (FBPE). International and Domestic professional engineering/design firms interested in participating in the Project that do not have professionals within their firm that are currently registered with the FBPE are strongly encouraged to contact the FBPE immediately at (850) 521-0500.

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Once this individual prerequisite is met, professional engineering/design firms must be authorized to do business in the State of Florida. This can be accomplished by contacting the Division of Corporations within the Florida Department of State at (850) 245-6051.

Firms unable to meet qualification requirements prior to the qualification deadline mentioned in the next paragraph may partner with a Responsible Engineering Firm (Engineer of Record) that is qualified and in responsible charge of all engineering/design work associated with the TOW to be performed by a firm unable to meet FDOT qualifications.

The complete qualification process for engineering/design firms on each Short-Listed Proposer team, with the exception of the tunnel design firm, must be completed by the date of the announcement of the apparent best value Proposal, which is tentatively scheduled to occur in early December of 2006. Successful completion of the qualification process for the tunnel design firm on each Short-Listed Proposer team should also be completed at this time but may be extended at the discretion of FDOT. To allow FDOT sufficient time to complete the evaluation process each Short-Listed Proposer team must have a qualification package on file with FDOT for all the categories and types of engineering/design work required for the Project at least thirty (30) calendar days before the date of the announcement of the apparent best value Proposal.

#### **4.1.6.4 Pre-qualification Assistance**

For assistance with the Contractor pre-qualification process contact the FDOT Contracts Administration Office at (850) 414-4000. Assistance with the Engineering/Design Consultant pre-qualification process can be obtained from the Procurement Office at (850) 414-4485

#### **4.1.7 Changes in Proposer Team.**

In the event that a Proposer team seeks to change the composition of its team (including additions to a Proposer team) or the percentage of equity participation of one or more Equity Members of its team following the selection of Short-Listed Proposers, the Proposer shall promptly seek FDOT's approval of the proposed change and provide FDOT with sufficient details of the proposed change so as to facilitate FDOT's consideration thereof. FDOT may in its sole discretion accept, reject or seek additional information regarding any Proposer request for FDOT approval of proposed changes in its team, based on its assessment of whether the Proposer as a whole still meets the minimum criteria contained in this RFQ and whether it would still have been short-listed if the change had occurred prior to the submission of the SOQ. If a Proposer seeks to add a new Equity or Major Non-Equity member(s) to its team, the

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proposed new member shall provide all of the information that is required in this RFQ for Equity and Major-Non-Equity members of a Proposer team.

### **4.2 Procurement Schedule.**

FDOT anticipates carrying out the first phase of the procurement process for the Project in accordance with the following schedule:

Issue RFQ	February 17, 2006
Project Information Meeting	March 06, 2006
Last date for Proposer clarification requests	APRIL 3, 2006
SOQ Due Date	April 12, 2006
Short-List Selection	<del>TBD</del> Apr 28, 2006

The Project Information Meeting was held between 1:00 p.m. and 4:00 p.m. on March 06, 2006 at the FDOT District 6 Auditorium, located at 1000 Northwest 111<sup>th</sup> Avenue, Miami, FL 33172. Proposers were invited to submit written questions in advance of the Project Information Meeting to:

Nancy Kay Lyons,  
District Contracts and Procurement Manager  
Florida Department of Transportation  
1000 Northwest 111 Avenue, Room 6203  
Miami, Florida 33172  
Facsimile: (305)470-5717  
Email: d6.contracts@dot.state.fl.us

This schedule is subject to modification at the sole discretion of FDOT. Proposers will be notified of any change by an addendum to this RFQ. FDOT anticipates awarding and executing a Concession Agreement for the Project in late 2006 or early 2007.

FDOT reserves the right to revise this RFQ by issuing addenda to this RFQ at any time before the SOQ Due Date. FDOT will post any addenda to this RFQ on the Website. Proposers are responsible for monitoring the Website for information concerning the Project. All Proposers responding to this RFQ will be required to acknowledge that they have received and reviewed all materials posted on the Website.

### **4.3 Federal Requirements.**

FDOT does not currently anticipate that it will expend federal funds in connection with construction of the Project. However, FDOT recognizes that Proposers may wish to consider federal programs, including TIFIA and private activity bonds, as part of their

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financing plans. To the extent the Concessionaire's financing plan includes federal funds, the Concessionaire will be obligated to comply at its cost with any corresponding federal laws, regulations or other conditions applicable to the selected federal funding source.

### **4.4 Liability, Insurance and Bonds.**

FDOT anticipates that the Concession Agreement will require the Concessionaire to assume liabilities, to provide bonds and insurance coverage, and to indemnify and defend FDOT against third party claims as specified in the Concession Agreement. FDOT, as owner of the Project, will have the benefit of tort liability limitations to the extent permitted by Florida law. FDOT is prohibited by State law from indemnifying any Proposer. The State of Florida and FDOT do not intend that there be any waiver of their respective sovereign immunity protections under State law. Specific provisions concerning bonding, insurance and indemnity will be set forth in the RFP and the Concession Agreement. These provisions will take into account both legal and commercial considerations.

### **4.5 Disadvantaged Business Enterprises.**

It is the policy of FDOT to encourage the participation of DBE, women-owned business enterprises and minority business enterprises in all facets of the business activities of FDOT, consistent with applicable laws and regulations. Pursuant to the provisions of Chapter 339.0805 Florida Statutes and Chapter 14-78.005 Florida Administrative Code, FDOT has adopted rules to provide certified disadvantaged business enterprises ("DBE") opportunities to participate in the business activities of FDOT as service providers, vendors, contractors, subcontractors, advisors, and consultants. FDOT has adopted the DBE definition set forth in 49 CFR § 26.5. The DBE policy of FDOT applies to all FDOT contracts and purchases paid with funds received from the U.S. Department of Transportation through the Federal Highway Administration, the Federal Transit Administration, and the Federal Aviation Administration. Therefore, to the extent the Concessionaire's financial plan contemplates any federally-sourced funds, the Concessionaire will be obligated to comply with applicable federal laws and regulations, including those related to DBEs.

## **4.6 Development.**

It is anticipated that the Concession Agreement will require the Concessionaire, upon receiving a notice to proceed from FDOT, to assume substantially all development obligations arising from and after execution of the Concession Agreement and to cause the Project to be completed in accordance with certain contractually mandated standards and specifications.

FDOT anticipates that the RFP will include environmental approvals and a proposed set of Project-specific standards and specifications. The RFP may permit Proposers to propose, for FDOT consideration in FDOT's sole discretion, exceptions and deviations from certain of these standards. Proposers should note, however, that there may be restrictions on deviations from existing environmental approvals or from certain FDOT-mandated design and construction standards.

## **5. SOQ CONTENT AND SUBMITTAL REQUIREMENTS.**

FDOT expects SOQs submitted in response to this RFQ to provide enough information about the requested items so as to allow FDOT to evaluate and competitively rank and shortlist the Proposers based on the criteria set forth herein.

SOQs shall be submitted exclusively in the English language, with cost and revenue references provided in United States of America dollar denominations.

### **5.1 Format.**

Each responding Proposer shall submit one (1) original and twenty (20) copies (for a total of twenty one (21)) of its SOQ in loose-leaf three ring binders, and one electronic copy in "PDF" format, contained in sealed packages. To help protect the confidentiality of financial and proprietary information, Volumes 1 and Volume 2 of the SOQ shall be submitted in separate sealed packages. All confidential material shall be provided in Volume 2.

Submittals must be prepared on 8-1/2" x 11" sized, white paper, except for forms, which may be presented on 11 x 17 white paper, folded to letter size and included in the applicable binder. All volumes shall have all pages sequentially numbered, and shall be prepared using twelve-point font size. Tables may be prepared using ten point font size. Some of the required documents have specified page limitations. FDOT may disregard documents not complying with these page limitations. Standard corporate brochures, awards, licenses and marketing materials shall not be included in a SOQ and shall not be evaluated by FDOT.

**5.2 Contents and Organization.**

Proposers must organize their SOQ in the order set forth in this Section 5.2. The SOQ shall contain at least two separately bound and labeled volumes including the information described in this Section 5.2. Each volume may be subdivided as needed.

**5.2.1 Volume 1.**

Volume 1 of the SOQ will be divided into three sections – General and Legal, Financial and Technical. Proposers shall submit each section of Volume 1 in a separate binder in order to facilitate the review process. Volume 1 should not contain any confidential or proprietary information. Volume 2 should contain all confidential and proprietary information.

**5.2.1.1 General and Legal.**

- (a) **Proposer's Contact Information.** A form indicating the name, title, firm name, address, telephone number, facsimile number and email address for all persons on the Proposer's team who the Proposer wishes to receive notices in relation to the Project.
- (b) **Form A – Transmittal Letter.** A duly authorized official or representative of the Proposer must execute the transmittal letter in blue ink. For Proposers that are joint ventures, partnerships, limited liability companies, consortia, or other associations, the transmittal shall have appended to it letters on the letterhead stationery of each Entity Member, executed by authorized officials of such Equity Member, stating that representations, statements and commitments made by the lead firm on behalf of the Equity Member have been authorized by, are correct, and accurately represent the role of the Equity Member in the Proposer team.
- (c) **Form B – Information on the structure of the Proposer and its Equity Members and Major Non-Equity Members.**
- (d) **Form E – Certification.**
- (e) A list and a brief description of all instances during the last five years involving transportation projects in which the Proposer (or any other organization that is under common ownership with the Proposer), any Equity Member, or any Major Non-Equity Member was (i) determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract or (ii) terminated for

cause. For each instance, identify an owner's representative with a current phone and fax number (and email address if available).

- (f) A list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other dispute resolution proceeding occurring during the last five years involving Proposer (or any other organization that is under common ownership with the Proposer), any Equity Member or any Major Non-Equity Member and involving an amount in excess of \$500,000 related to performance on public infrastructure projects with a contract value in excess of \$250 million. For each instance, identify an owner's representative with a current phone and fax number (and email address if available).
- (g) With respect to the information solicited in Sections 5.2.1.1(e) and (f), failure to provide this information, or provision of conditional or qualified submissions (i.e., "to our knowledge", "to the extent of available information", "such information is not readily available", "such information is not maintained in the manner requested", etc.) to requests or questions posed, incomplete, inaccurate or non-responsive submissions or failure to provide information enabling FDOT to contact owner representatives may, in the sole discretion of FDOT, lead to a lower evaluation score and/or a "fail" rating for the team or disqualification from the procurement process.

**5.2.1.2 Financial.**

- (a) Form C – Description of the experience of the Proposer in successfully financing similar transportation infrastructure under a concession approach.
- (b) Form F – Financial Qualifications of the Equity Members – Form F shall be certified as complete, true, and correct by the Chief Financial Officer of each reporting entity.
- (c) Financial Statements (except to the extent confidential [non-public companies] and therefore included in Volume 2).

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Financial statements for the Proposer and Equity Members and Major Non-Equity Members of Proposer for the three most recent fiscal years, audited by a certified public accountant in accordance with Generally Accepted Accounting Principles (GAAP) or accompanied by a letter in the form specified in paragraph (vi) below. If the Proposer is a newly formed entity and does not have independent financial statements, financial statements for the equity owners shall be sufficient (and the Proposer shall expressly state that the Proposer is a newly formed entity and does not have independent financial statements). Financial statements must be provided in U.S. dollars. If audited financials are not available for an Equity Member or Major Non-Equity Member, the SOQ shall include unaudited financials for such member, certified as true, correct and complete by the chief financial officer or treasurer of the entity. Proposers are advised that if any Equity Member or Major Non-Equity Member of the selected Proposer's team does not have audited financials, or if it fails to meet the minimum financial requirements stated in the RFP, FDOT may require the affected member to provide a guarantee of the Concession Agreement executed by a separate entity acceptable to FDOT. The SOQ shall identify the proposed guarantor for each Equity Member or Major Non-Equity Members that does not have audited financials and shall include audited financials for each proposed guarantor. Proposers shall also note that FDOT may, in its discretion based upon the review of the information provided under this Section 5.2.1.2, also specify that an acceptable guarantor is required as a condition of short-listing.

If the team or any other entity for which financial information is submitted as required hereby files reports with the Securities and Exchange Commission, then electronic links to the latest 10-K and 10-Q shall be provided. Required financial statements shall include:

- i. Opinion Letter (Auditor's Report)
- ii. Balance Sheet
- iii. Income Statement
- iv. Statement of Changes in Cash Flow
- v. Footnotes

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- vi. If financial statements are prepared in accordance with principles other than U.S. GAAP, the Proposal must include a letter from the certified public accountant of the applicable entity, addressing in detail the areas of the financial statements that would be affected by a conversion to U.S. GAAP, and the financial impact thereof.
- (d) Letter of Parent Company Support - Where an Equity Member or Major Non-Equity Member of a Proposer team is a subsidiary of another company, please provide a letter from the parent company, signed by a parent company officer, confirming their intention to provide support to the subsidiary's participation in the Project. If a letter and supporting Form B are not provided by the parent company, the member will be assessed solely on the basis of their own financial standing.
  - (e) Letters of Bank Support – No less than two letters from the principal banks that must have long-term, unsecured debt ratings of not less than "A-" or "A3", as applicable, issued by at least two of the three major rating agencies (Fitch Ratings, Moody's Investor Service and Standard & Poors Ratings Group) supporting the Equity Members indicating that the identified member is capable of securing, managing and bringing to financial close the financing of a project of this size and nature involving a public-private partnership. The letter shall indicate any experience the lender has with the identified Equity Member in connection with public-private partnership concession financing packages in the transport sector that have closed and that had a value in excess of \$500 Million at time of closing.
  - (f) Surety Letter - Evidence from a surety authorized to issue bonds in the state of Florida indicating that the Proposer is capable of obtaining a Performance Bond and Payment Bond in an amount of at least \$250 million. The evidence regarding bonding capacity shall take the form of a letter from a surety indicating that such capacity exists for the Proposer. Letters indicating "unlimited" bonding capability are not acceptable. The surety providing such letter must be rated at least A- or better and Class VIII or better by A.M. Best and Company. The letter must specifically state that the surety has read this RFQ, evaluated the Proposer's backlog and work-in-progress in determining its bonding capacity. If a Proposer is a joint venture/consortium, partnership, limited liability company or other association, separate letters for one or more of the

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individual Equity Members or Major Non-Equity Members are acceptable, as is a single letter covering all Proposer team members. As an alternative to the surety letter required by this section, Proposer may submit a letter from a bank that must have long-term, unsecured debt ratings of not less than "A-" or "A3", as applicable, issued by at least two of the three major rating agencies (Fitch Ratings, Moody's Investor Service and Standard & Poors Ratings Group) indicating a willingness to issue a letter of credit in the amount of \$250 Million.

FDOT has not yet determined the specific amount or form of payment and performance bonds, guarantees, or other security that it will require for the Project. Proposers are advised that the RFP may require a package of bonds and other security in a total amount greater than the \$250 million amount referenced above. FDOT shall delineate such requirements, which will be consistent with applicable law and acceptable commercial practices, in the RFP. FDOT will provide Short-Listed Proposers with a draft indicating the structure and component parts of the security package during the industry review process that will precede the issuance of the final draft of the RFP.

- (g) A statement of the Proposer's financial approach to the Project, including identification of any perceived challenges to financing the Project and proposed innovations to meet these challenges. The statement of financial approach may be no longer than 4 pages. **THE STATEMENT PROVIDED WILL BE A PUBLIC DOCUMENT SUBJECT TO RELEASE UNDER THE SUNSHINE ACT UNLESS AN EXEMPTION FROM DISCLOSURE EXISTS. PROPOSERS SHOULD PREPARE THE REQUIRED STATEMENT WITH THE UNDERSTANDING THAT IT MAY BECOME AVAILABLE TO THE PUBLIC PRIOR TO SELECTION OF A CONCESSIONAIRE.**

### **5.2.1.3 Technical.**

- (a) Forms D-1, D-2, and D-3, setting forth the experience of the design, construction, and operations and maintenance members of the Proposer team.
- (b) Personnel Qualifications. Separate resumes of no more than two pages each for the following key personnel and management staff:

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- i. Proposed lead individual from each Equity Member and Major Non-Equity Member;
- ii. Proposed project manager for the Lead Non-Tunneling Contractor. The individual proposed for this position must have no less than five (5) years bridge project management experience and project management experience with at least two bridge projects each having a construction value in excess of \$20 Million;
- iii. Proposed superintendent for the Lead Non-Tunneling Contractor. The individual proposed for this position must have no less than five (5) years bridge construction experience as a superintendent and experience with at least two bridge projects each having a construction value in excess of \$20 Million;
- iv. Proposed lead design engineer for the Lead Non-Tunneling Engineering Firm. The individual proposed for this position may be an employee or a subconsultant of the Lead Non-Tunneling Engineering Firm and must have no less than five (5) years experience in the design and engineering of transportation structures and experience with at least two (2) bridge projects, each having a construction value in excess of \$20 Million;
- v. Proposed project manager for the Lead Tunneling Contractor. The individual proposed for this position must have no less than ten (10) years project management experience in tunnel construction and experience with a total of three soft ground tunnel projects using a pressure face TBM, one project using a TBM with a diameter in excess of thirty five (35) feet and two (2) projects with a tunnel diameter in excess of twenty (20) feet, each of which must have a construction value of more than \$100 million;
- vi. Proposed superintendent for the Lead Tunneling Contractor. The individual proposed for this position must have no less than ten (10) years experience as a superintendent in tunnel construction and experience with a total of three soft ground tunnel projects using a pressure face TBM, of which one project employed a TBM with a diameter in excess of thirty five (35) feet and two (2) projects had a tunnel diameter in

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excess of twenty (20) feet. All of the qualifying projects must have a construction value of more than \$100 million;

- vii. Proposed lead tunnel design engineer from the Lead Tunnel Design Engineering Firm. The individual proposed for this position may be an employee or a subconsultant of the Lead Tunnel Design Engineering Firm and must have no less than fifteen (15) years design and engineering experience involving tunnels and experience with at least two (2) soft ground bored tunnel projects using segmental gasketed lining, each with a diameter in excess of twenty (20) feet, and a construction value of more than \$100 million;
  - viii. Any other key members of the Proposer's management team; and
  - ix. Any other individual that the Proposer wishes to identify at this time.
- (c) Three references for each of the Lead Non-Tunneling Contractor's project manager, the Lead Non-Tunneling Contractor's superintendent, the Lead Tunneling Contractor's Project Manager, the Lead Tunneling Contractor's superintendent, Lead Non-Tunneling Engineering Firm's lead design engineer, and the Lead Tunnel Design Engineering Firm's lead design engineer. References shall be previous owners or clients with whom the project managers and the deputy project managers have worked within the past ten (10) years (including at least one reference from the past five years) and shall include the name, position, company or agency and current addresses and phone and fax numbers.
- (d) An express, written statement committing that the individuals designated in the SOQ for the positions or roles described in Section 5.2.1.3(b) shall be available to serve the role so identified in connection with the Project. While FDOT recognizes personnel availability and scheduling issues impact the Proposers, Proposers are urged only to identify and proffer 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 reviewed very carefully by FDOT and shall be subject to prior FDOT approval. Failure to obtain

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FDOT approval for such changes may result in disqualification of the Proposer by FDOT.

- (e) A statement of the Proposer's technical approach to the Project, including identification of any perceived technical challenges and proposed innovations to meet these challenges. The statement may address, in the Proposer's discretion, any or all of the technical elements of the Project opportunity, including design and construction, or operations and maintenance. The statement of technical approach may be no longer than 4 pages. **THE STATEMENT PROVIDED WILL BE A PUBLIC DOCUMENT SUBJECT TO RELEASE UNDER THE SUNSHINE ACT UNLESS AN EXEMPTION FROM DISCLOSURE EXISTS. PROPOSERS SHOULD PREPARE THE REQUIRED STATEMENT WITH THE UNDERSTANDING THAT IT MAY BECOME AVAILABLE TO THE PUBLIC PRIOR TO SELECTION OF A CONCESSIONAIRE.**

### **5.2.2 Volume 2.**

Volume 2 of the SOQ shall contain:

#### **5.2.2.1 Confidential Proprietary Information.**

- (a) The first page of Volume 2 shall be a page executed by the Proposer that sets forth the specific items that the Proposer deems confidential, trade secret or proprietary information protected from public disclosure under Chapter 119, Florida Statutes. Blanket designations that do not identify the specific information shall not be acceptable and may be cause for FDOT to treat the entire SOQ as public information. Notwithstanding the foregoing, the list required under this Section 5.2.2.1. is intended to provide input to FDOT as to the confidential nature of a Proposer's SOQ, but in no event shall such list be binding on FDOT or determinative of any issue relating to confidentiality.
- (b) In the event a Proposer includes in its SOQ submission a list as described in this Section 5.2.2.1, each specified item must be included in Volume 2 and labeled "Attachment to SOQ-Port of Miami Tunnel Project, Confidential Material". The included items must be separated into technical information and financial information, and bound separately so as to facilitate the evaluation process. The Proposer must identify in the confidential attachment the specific Florida Statute that authorizes exemption from the Public Records Law. Any claim of confidentiality on materials the

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Proposer asserts to be exempt from public disclosure and placed other than in the confidential attachment will be considered waived by the Proposer upon submission, effective after opening.

- (c) In the event FDOT is requested to disclose any of the materials identified by the Proposer as confidential in the confidential attachment, FDOT will promptly notify the Proposer so that Proposer may seek a protective order or other appropriate remedy. The Proposer shall seek court protection immediately on an emergency basis. In the event that such protective order or other remedy is not timely sought or obtained by the Proposer, FDOT will be free to release the requested information.

### **5.3 SOQ Submittal Requirements.**

All packages constituting the SOQ shall be individually labeled as follows:

Response to the  
Request for Qualifications to  
Develop, Design, Construct, Finance, Maintain and Operate the  
Port of Miami Tunnel Project through a  
Concession Agreement RFQ-DOT-05/06-6001DS

The SOQ shall be delivered no later than 2:00 p.m. local Miami time on the SOQ Due Date to:

Florida Department of Transportation  
District Contracts and Procurement Office  
1000 Northwest 111<sup>th</sup> Avenue, Front Lobby  
Miami, Florida 33172  
Attn: Nancy Kay Lyons

Acknowledgment of receipt of SOQs will be evidenced by the issuance of a receipt by a member of FDOT staff. FDOT will not accept facsimile or other electronically submitted SOQs.

SOQs will be accepted and must be received by FDOT before 2:00 p.m. Miami local time on the SOQ Due Date. Any SOQs received after the SOQ Due Date will be rejected and not considered. Proposers are solely responsible for assuring that FDOT receives their SOQs by the SOQ Due Date at the time and address listed above. FDOT shall not be responsible for delays in delivery caused by weather, difficulties experienced by couriers or delivery services, misrouting of packages by courier or delivery services, improper, incorrect or incomplete addressing of deliveries and other occurrences beyond the control of FDOT.

### **6. EVALUATION PROCESS AND CRITERIA.**

**6.1 Responsiveness.**

Each SOQ will be reviewed for (a) minor informalities, irregularities and apparent clerical mistakes which are unrelated to the substantive content of the SOQ, (b) conformance to the RFQ instructions regarding organization and format and (c) the responsiveness of the Proposer to the requirements set forth in this RFQ. Those SOQs not responsive to this RFQ may be excluded from further consideration and the Proposer will be so advised. FDOT may also exclude from consideration any Proposer whose SOQ contains a material misrepresentation. FDOT may in its discretion request clarifications of the information submitted in the SOQ.

**6.2 Pass/Fail Review**

In conjunction with evaluation of each SOQ for responsiveness, FDOT will evaluate each SOQ based upon the following pass/fail criteria. A Proposer must obtain a "pass" on all pass/fail items in order for its SOQ to be evaluated qualitatively under Section 6.3.

- (a) The Proposal contains an original executed **Form A** in accordance with Section 5.2.1.1(a).
- (b) The Proposer is capable of obtaining payment and performance bonds in the amount of \$250 million from a surety rated at least A minus (A-) or better and Class VIII or better by A.M. Best and Company. In the alternative, the Proposer is capable of obtaining a letter of credit in the amount of \$250 million from a bank that must have long-term, unsecured debt ratings of not less than "A-" or "A3", as applicable, issued by at least two of the three major rating agencies (Fitch Ratings, Moody's Investor Service and Standard & Poors Ratings Group).
- (c) Neither the Proposer nor any other entity that has submitted **Form F** as required by this RFQ has been disqualified, removed, debarred or suspended from performing or bidding on work for the federal government or any state or local government where such disqualification, removal, debarment or suspension would preclude selection and award under Section 337.165 of the Florida Statutes.
- (d) The Proposer Team includes, at a minimum, the following Equity Members or Major Non-Equity Members:
  - i. One or more Equity Members responsible for providing and/or securing equity and debt financing for the Project, with collective experience over the last seven (7) years in closing

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financing for at least five (5) public-private financings each in excess of \$100 million. Only financing packages actually closed and in-place will be considered. For projects with a public subsidy or co-financing, only the private portion of the project finance package (equity plus project finance debt) will be considered. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Equity Member held a minimum thirty percent (30%) equity interest in the entity actually securing the financing package.

- ii. A Lead Non-Tunneling Contractor with no less than seven (7) years bridge construction experience including experience with at least three (3) bridge projects each having a construction value in excess of \$20 Million. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Lead Non-Tunneling Contractor held a minimum thirty percent (30%) of the ultimate responsibility for the listed construction experience. The Lead Non-Tunneling Contractor must have average annual revenues of no less than \$100 Million over the past five (5) years.
- iii. A Lead Non-Tunneling Engineering Firm, with no less than five (5) years experience in the design of transportation structures including experience in the design and engineering of no less than two (2) highway bridge projects, each having a construction value in excess of \$20 Million. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Lead Non-Tunneling Engineering Firm held a minimum thirty percent (30%) of the ultimate responsibility for the listed design and engineering experience. The Lead Non-Tunneling Engineering Firm must have average annual revenues of no less than \$5 Million over the past five (5) years.
- iv. A Lead Tunnel Design Engineering Firm (if not already included as the Lead Non-Tunneling Engineering Firm) with no less than fifteen (15) years of design and engineering experience involving tunnels, including at least two (2) soft ground bored tunnel projects using segmental gasketed lining, each with a diameter in excess of twenty (20) feet, and a construction value of more than \$50 million. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Lead Tunnel Design Engineering Firm held a minimum thirty percent (30%) of the ultimate responsibility for the listed design

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and engineering experience. The Lead Tunnel Design Engineering Firm must have average annual revenues of no less than \$50 Million over the past five years.

- v. A Lead Tunneling Contractor with no less than ten (10) years experience in tunnel construction, including a total of no less than three soft ground tunnel projects using a pressure face TBM, one of which must be a project using a TBM with a diameter in excess of thirty (30) feet and two (2) of which are projects with a tunnel diameter in excess of twenty (20) feet. Each of the three projects must have a construction value of more than \$50 million. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Lead Tunneling Contractor held a minimum thirty percent (30%) of the ultimate responsibility for the listed tunneling experience. The Lead Tunneling Contractor must have average annual revenues of no less than \$500 Million over the past five (5) years in general, heavy civil construction or, if a tunnel specialty contractor, average annual revenues of not less than \$150 million over the past five (5) years.
  - vi. Lead Operation and Maintenance Firm with a minimum of seven (7) years experience in the operation and maintenance of transportation facilities. To be eligible for consideration in the pass-fail evaluation, all experience must be on projects where the Lead Operation and Maintenance Firm held a minimum thirty percent (30%) of the ultimate responsibility for the listed experience, and where the contract tenor was no shorter than ten (10) years. The Lead Operation and Maintenance Firm must have average annual revenues of no less than \$20 Million over the past five (5) years for large highway, bridge and tunnel facilities.
- (e) The proposed project managers and superintendents for the Lead Tunneling Contractor, and , the Lead Non-Tunneling Contractor, and the lead design engineers for the Lead Tunnel Design Engineering Firm, the Lead Non-Tunneling Engineering Firm meet the minimum experience requirements as set forth in Section 5.2.1.3(b).
  - (f) The information disclosed in Form E in response to Section 5.2.1.1(d) does not materially adversely affect the Proposer's ability to carry out the Project responsibilities potentially allocated to it, as determined by FDOT in its sole discretion.

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- (g) The Proposer made the express, written commitments as required in Section 5.2.1.3(d).
- (h) The Proposer has submitted the letters of bank support as described in Section 5.2.1.2(e).

### **6.3 Evaluation Criteria and Weighting.**

Each responsive SOQ passing all of the "pass/fail" qualification requirements set forth above will be evaluated and scored according to the criteria set forth below. The order in which the evaluation criteria appears within each category (i.e., Financial Qualifications and Capacity, Technical Qualifications and Capability, State of Financial Approach and Statement of Technical Approach) is not an indication of weighting or importance.

#### **6.3.1 Financial Qualifications and Capacity (45% Weighting).**

- (a) The Proposer's experience in closing large transportation concession projects efficiently on terms favorable to public owners;
- (b) The Proposer's demonstrated experience in successfully sharing of substantial risks associated with design, construction, finance, operation and maintenance for large public transportation infrastructure projects;
- (c) The financial capability of the Proposer's team as demonstrated by the documents included in the SOQ;
- (d) The extent of financial support for the Proposer from lenders and investors as indicated by bank letters of support indicating willingness to finance the Project, parent company letters of support and letters from sureties/banks confirming the financial capacity of the Proposer.

#### **6.3.2 Technical Qualifications and Capability (45% Weighting).**

- (a) The technological capability of the Proposer's team in large tunnel design and construction as demonstrated by the documents included in the SOQ;
- (b) The extent and depth of the Proposer's and its team members' relevant experience, including its/their success in carrying out comparable projects and responsibilities, independently, with each other and in combination with other firms;

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- (c) The Proposer's experience in successfully managing the design and construction process for large transportation construction projects, including highway bridge projects;
- (d) The Proposer's track record in operating and maintaining transportation infrastructure and large tunnels in particular, to a high standard over an extended contract tenor;
- (e) The stability and likelihood of success of the proposed management structure and team;
- (f) The extent and depth of relevant experience of the management team and key personnel listed as required by Section 5.2.1.3(b);
- (g) The extent of the Lead Tunneling Contractor's experience on bored tunnels in excess of thirty (30) feet using a pressure face TBM.

### **6.3.3 Statement of Financial Approach (5% Weighting).**

- (a) The extent to which the Statement of Financial Approach demonstrates an understanding of the financial complexity of the Project;
- (b) The extent to which the Statement of Financial Approach identifies Project financing problems and challenges and suggests innovative solutions to these problems and challenges.

### **6.3.4 Statement of Technical Approach (5% Weighting).**

- (a) The extent to which the Statement of Technical Approach demonstrates an understanding of the technical complexity of the Project;
- (b) The extent to which the Statement of Technical Approach identifies Project technical problems and challenges and suggests innovative solutions to these problems and challenges.

## **6.4 SOQ Evaluation Procedure.**

FDOT anticipates utilizing one or more advisory subcommittees to review and evaluate the SOQs in accordance with the above criteria and to make recommendations to the Project Selection Committee based upon such analysis. FDOT may also schedule interviews with one or more Proposers on a one-on-one basis for the purpose of enhancing FDOT's understanding of the SOQs and obtaining clarifications of the terms contained in the SOQs. FDOT may at any time request additional information or

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clarification from the Proposer or may request the Proposer to verify or certify certain aspects of its SOQ. The scope, length and topics to be addressed shall be prescribed by, and subject to the discretion of, FDOT and applicable law. At the conclusion of this process, Proposers may be required to submit written confirmation of any new information and clarifications provided during an interview. Upon receipt of requested clarifications and additional information as described above, if any, the SOQs will be re-evaluated to factor in the clarifications and additional information.

Evaluations and rankings of SOQs are subject to the sole discretion of FDOT, FDOT staff and such professional and other advisors as FDOT may designate. FDOT will make the final determination of the selected Short-Listed Proposers, as it deems appropriate, in its sole discretion, and in the best interests of the State of Florida.

Proposers are required to conduct the preparation of their SOQs with professional integrity and free of lobbying activities. Proposers and their respective agents and consultants are not permitted to contact, directly or indirectly, any member of the Project Selection Committee, FDOT's administration, FDOT's staff or FDOT's consultants regarding the subject matter of this RFQ after the issuance date of this RFQ, except as specifically permitted hereby or approved in advance by the Secretary of FDOT or his designee. Any verified allegation that a responding Proposer team or team member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of Short-Listed Proposers may be cause for FDOT to disqualify the Proposer team from submitting a SOQ, to disqualify the team member from participating in a Proposer team and/or to discontinue further consideration of such Proposer team and to return its SOQ.

Following the selection of the Short-Listed Proposers, FDOT anticipates that certain communications and contacts will be permitted. The RFP and/or other written communications from FDOT will set forth the rules and parameters of such permitted contacts and communications. To the extent any Proposer intends at any time to initiate contact with the general public regarding the Project, the nature of such intended contact and the substance thereof must be approved in writing by FDOT prior to the commencement of such activities.

### **6.5 Public Information Act**

All written correspondence, exhibits, photographs, reports, printed material, photographs, tapes, electronic disks, and other graphic and visual aids submitted to FDOT during this procurement process, including any part of the SOQs are, upon their receipt by FDOT, the property of the State of Florida, may not be returned to the submitting parties, and are subject to Chapter 119 of Florida Statutes. In no event shall the State of Florida, FDOT, or any of their agents, representatives, consultants, directors, officers or employees be liable to a Proposer or Proposer team member for the disclosure of all or a portion of a SOQ submitted under this RFQ.

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If FDOT receives a request for public disclosure of all or any portion of an SOQ, FDOT will use reasonable efforts to notify the applicable responding Proposer team of the request and give such responding Proposer team an opportunity to assert, in writing and at its sole expense, a claimed exception under the Act or other applicable law within the time period specified in the notice issued by FDOT and allowed under applicable law.

Nothing contained in this provision shall modify or amend requirements and obligations imposed on FDOT by the Act or other applicable law, and the provisions of the Act or other laws shall control in the event of a conflict between the procedures described above and the applicable law.

### **6.6 Organizational Conflicts of Interest**

Proposers are advised that the following entities and individuals are precluded from submitting an SOQ and from participating as an Equity Member, Major Non-Equity Member, or subcontractor/subconsultant to a Proposer:

- (a) Any consultant firm that has been contracted by FDOT to serve as Owner's Representative, or to aid in the development of the RFQ, RFP, estimates, or scope of services for the Project, or to participate in any manner in the evaluation of SOQs or Detailed Proposals.;
- (b) Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control or management with any of the foregoing entities;
- (c) Any consultant firm or its affiliate that is under contract with FDOT to provide construction engineering inspection services on the Project; and
- (d) Any employee or former employee of any of the foregoing entities who was involved with the Project while serving as an employee of such entity.

### **7. PROTEST PROCEDURES.**

Any person whose substantial interest will be determined by the requirements contained in this RFQ has the right pursuant to 120.57(3)(b), Florida Statutes, to protest the requirements. Those wishing to protest the RFQ requirements must file a notice of intent to protest in writing pursuant to Sections 120.569 and 120.57(3), Florida Statutes within seventy-two (72) hours of the posting of the SOQ solicitation. Saturdays, Sundays, and state holidays shall be excluded in the computation of the 72-hour time periods.

Any person who files a notice of protest shall post with FDOT, at the time of filing the notice of protest, a bond payable to FDOT in the amount of \$5,000. The formal written

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protest shall be filed within ten (10) days after the date of the notice of protest is filed. The notice of intent and the formal written protest must be sent to:

Clerk of Agency Proceedings  
Florida Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, MS 58  
Tallahassee, Florida 32399-0458

with a copy to:

Office of General Counsel  
Florida Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, MS 58  
Tallahassee, Florida 32399-0458

The formal written protest shall state with particularity the facts and law upon which the protest is based, should include a copy of the RFQ, must be legible, prepared on 8 ½ by 11 inch white paper, and contain the following:

- (a) The name, address, telephone number, any FDOT identifying number on the RFQ, if known, the name and identification number of each agency affected, if known, and name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding;
- (b) An explanation of how your substantial interests will be affected by the protested action;
- (c) A statement of when and how you received the RFQ;
- (d) A statement of all disputed issues of material fact. If there are none, this must be indicated;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of FDOT's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes the petitioner contends require reversal or modification of FDOT's proposed action;

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- (f) A statement of the relief sought, stating precisely the desired action the petitioner wishes FDOT should take in respect to FDOT's proposed action; and
- (g) Conform to all other requirements set out in Florida Statutes, Chapter 120 and Florida Administrative Code, Chapter 28-106, including but not limited to Florida Statutes 120.57 and Rules 28-106.201(2), 28-106.301(2) , and 28-110 Florida Administrative Code as may be applicable.

A formal hearing will be held if there are disputed issues of material fact. If a formal hearing is held, this matter will be referred to the Division of Administrative Hearings, where witnesses and evidence may be presented and other witnesses may be cross-examined before an administrative law judge. If there are no disputed issues of material fact, an informal hearing will be held, in which case the person filing the protest will have the right to provide FDOT with any written documentation or legal arguments which they wish FDOT to consider.

Mediation, pursuant to Section 120.57(3), Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

A petition for an administrative hearing shall be dismissed, if it is not in substantial compliance with the requirements of either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, or if the petition has not been timely filed. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If the RFQ advises of the bond requirement but a bond or statutorily authorized alternate is not posted when required, the agency shall summarily dismiss the petition. If your petition is dismissed, you will have waived your right to have the intended action reviewed pursuant to Chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

### **8. FDOT RESERVED RIGHTS.**

In connection with this procurement, FDOT reserves to itself all rights (which rights shall be exercisable by FDOT in its sole discretion) available to it under applicable law, including without limitation, with or without cause and with or without notice, the right to:

- (a) Develop the Project in any manner that it, in its sole discretion, deems necessary. If FDOT does not execute a Concession Agreement to its satisfaction with the apparent best-value Proposer, it may negotiate with the next highest rated Proposer, terminate this procurement and pursue

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other development or solicitations relating to the Project or exercise such other rights under the provisions of Florida law as it deems appropriate.

- (b) Cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by FDOT of a Concession Agreement, without incurring any cost obligations or liabilities.
- (c) Not issue an RFP.
- (d) Reject any and all submittals, responses and SOQs received at any time.
- (e) Modify all dates set or projected in this RFQ.
- (f) Terminate evaluations of SOQs received at any time.
- (g) Suspend and terminate Concession Agreement discussions and clarifications at any time, elect not to commence Concession Agreement discussions and clarifications with any responding Proposer and engage in discussions and clarifications with other than the highest ranked Proposer.
- (h) Issue addenda, supplements and modifications to this RFQ.
- (i) Appoint evaluation committees to review SOQs, make recommendations to the Project Selection Committee and seek the assistance of outside technical experts and consultants in SOQ evaluation.
- (j) Require confirmation of information furnished by a Proposer, require additional information from a Proposer concerning its SOQ and require additional evidence of qualifications to perform the work described in this RFQ.
- (k) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- (l) Add or delete Proposer responsibilities from the information contained in this RFQ or any subsequent RFP.
- (m) Waive deficiencies in a SOQ, accept and review a non-conforming SOQ or permit clarifications or supplements to a SOQ.
- (n) Disqualify any Proposer who changes its SOQ without FDOT approval.
- (o) Not issue a notice to proceed after execution of the Concession Agreement.

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- (p) Exercise any other right reserved or afforded to FDOT under this RFQ and applicable law.

This RFQ does not commit FDOT to determine the Sort-Listed Proposers, to enter into a Concession Agreement, or to proceed with the procurement described herein. Except as expressly set forth in Section 4.1.4, FDOT and the State of Florida assume no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or any subsequent RFP. All of such costs shall be borne solely by each Proposer.

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

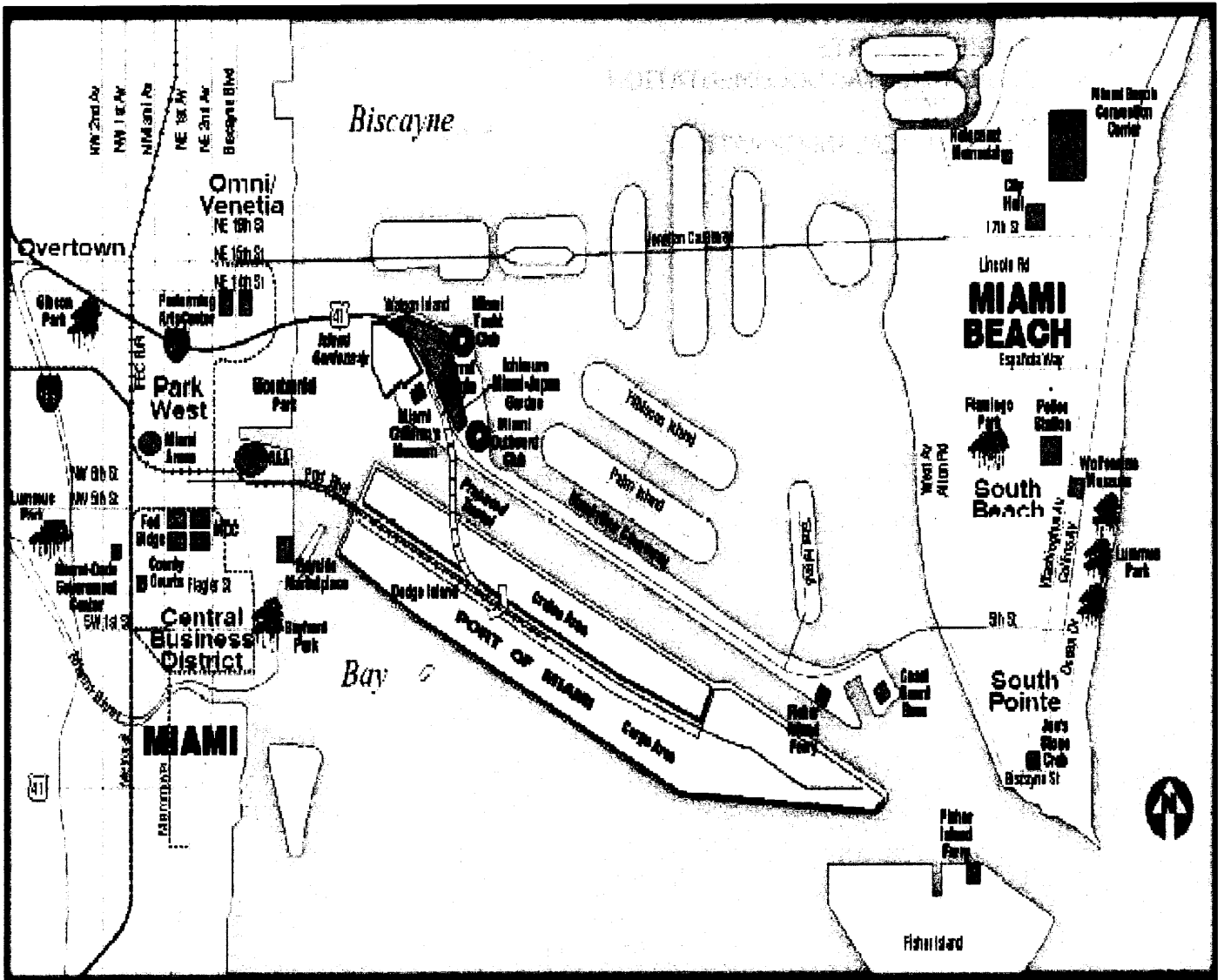
**EXHIBIT A**

**LIST OF PROJECT DOCUMENTS**

Proposers may find the most recent list of Project Documents on the Website, divided into the following major headings, and are listed below.

- I. GENERAL INFORMATION
- II. PUBLIC INFORMATION
- III. STUDIES/REPORTS
- IV. ENVIRONMENTAL DOCUMENTATION
- V. SCHEMATICS
- VI. GEOTECHNICAL INFORMATION

**EXHIBIT B**  
**PROJECT MAP**



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## **EXHIBIT C**

### **RFQ FORMS**

Form A - Transmittal Letter.

Form B - Information Regarding Proposer, Equity Members And Major Non-Equity Members.

Form C - Financial Qualifications – Concession and Public-Private Partnership Experience.

Form D1 - Technical Qualifications - Design.

Form D2 - Technical Qualifications - Construction.

Form D3 - Technical Qualifications - Operation and Maintenance.

Form E – Certification

Form F – Financial Qualifications – Summary Financial Information

**FORM A**  
**TRANSMITTAL LETTER**

PROPOSER: \_\_\_\_\_

SOQ Date: \_\_\_\_\_, 2006

Florida Department of Transportation  
District Contracts and Procurement Office  
1000 Northwest 111<sup>th</sup> Avenue, Room 6203  
Miami, Florida 33172  
Attn: Nancy Kay Lyons  
Project # FDOT Project #RFQ-DOT-05/06-6001DS

Ladies and Gentlemen:

The undersigned ("Proposer") submits this qualification submittal (this "SOQ") in response to that certain Request for Qualifications dated as of February 17, 2006 (the "RFQ"), issued by the Florida Department of Transportation ("FDOT") to develop, design, construct, finance, operate and maintain the Port of Miami Tunnel Project (the "Project") through a Concession Agreement ("Concession Agreement"). Initially capitalized terms not otherwise defined herein shall have the meanings set forth in the RFQ.

Enclosed, and by this reference incorporated herein and made a part of this SOQ, are the following:

**VOLUME 1:**

- Transmittal Letter (this Form A),
- Form B – Information Regarding Proposer, Equity Members And Major Non-Equity Members
- Form C – Financial Qualifications – Concession and Public-Private Partnership Experience, Confidential Information List, Entity Qualifications, Conceptual Project Development Plan, Conceptual Project Financing Plan (including Form D)
- Form D1 – Technical Qualifications –Design
- Form D2 – Technical Qualifications –Construction

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- Form D3 – Technical Qualifications – Operation and Maintenance
- Form E – Certification
- Form F – Financial Qualifications – Summary Financial Information.
- Statement of Financial Approach
- Statement of Technical Approach
- Personnel Qualifications and References
- Legal Qualifications.
- Financial Statements
- Surety Letter
- Letter of Parent Company Support
- Letter(s) of Bank Support

### **VOLUME 2:**

- Confidential Proprietary Information

Proposer acknowledges receipt, understanding and full consideration of all materials posted on FDOT's website with respect to the Project (<http://www.portofmiamitunnel.com>) and the following addenda and sets of questions and answers to the RFQ:

***[list any addenda to this RFQ and sets of questions and answers by dates and numbers]***

Proposer represents and warrants that it has read the SOQ and agrees to abide by the contents and terms of the RFQ and the SOQ.

Proposer understands that FDOT is not bound to shortlist any Proposer and may reject each SOQ received.

Proposer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Proposer.

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Proposer agrees that FDOT will not be responsible for any errors, omissions, inaccuracies or incomplete statements in this SOQ.

This SOQ shall be governed by and construed in all respects according to the laws of the State of Florida.

Authorized Representative of Proposer: \_\_\_\_\_.

By executing this form each Equity Member and Major Non-Equity Member of the Proposer confirms that the representative named above is authorized to act as agent on behalf of the Proposer and the principal contact for the Proposer in dealings with FDOT.

Proposer's business address:

\_\_\_\_\_  
(No.) (Street) (Floor or Suite)  
\_\_\_\_\_  
(City) (State or Province) (ZIP or Postal Code)(Country)

State or Country of Incorporation/Formation/Organization: \_\_\_\_\_

*[insert appropriate signature block from following pages]*

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1. Sample signature block for corporation or limited liability company:

*[Insert Proposer's name]*

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

Print Name: \_\_\_\_\_

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

2. Sample signature block for partnership or joint venture:

*[Insert Proposer's name]*

By: *[Insert general partner's or member's name]*

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

Print Name: \_\_\_\_\_

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

*[Add signatures of additional general partners or members as appropriate]*

3. Sample signature block for attorney in fact:

*[Insert Proposer's name]*

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

Print Name: \_\_\_\_\_

Attorney in Fact

**FORM B**  
**INFORMATION REGARDING**  
**PROPOSER, EQUITY MEMBERS, MAJOR NON-EQUITY MEMBERS AND**  
**GUARANTORS\***

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

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

Year Established: \_\_\_\_\_ Individual Contact: \_\_\_\_\_

Florida Individual's Title: \_\_\_\_\_

Federal Tax ID No.: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

North American Industry Classification Code: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Name of Official Representative:  
\_\_\_\_\_

Business Organization (check one):

- Corporation (If yes, then indicate the State and Year of Incorporation.)
- Partnership (If yes, complete Sections A-C and the Contractor Certification Form (Form E) for each member.)
- Joint Venture/Consortium (If yes, complete Sections A-C and the Contractor Certification Form (Form E) for each member.)
- Limited Liability Company (If yes, complete Sections A-C and the Contractor Certification Form (Form E) for each member.)
- Other (describe)

A. Business Name: \_\_\_\_\_

B. Business Address: \_\_\_\_\_  
Headquarters: \_\_\_\_\_  
Office Performing Work: \_\_\_\_\_  
Contact Telephone Number: \_\_\_\_\_

C. If the entity is a Joint Venture/Consortium, Partnership or Limited Liability Company, indicate the name and role of each Equity Member firm in the space below.

\_\_\_\_\_  
\*Complete a separate Form B for each Equity Member and Major Non-Equity Member of the Proposer and include it in Volume 1 of the SOQ.

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Name and Address of Equity Member (and details of holding company if applicable)	Role within Consortium	Percentage Shareholding and Type of Share (if applicable)

D. Is there a teaming agreement that defines the rights and liabilities of each member person or firm of the Consortium?

Yes

No

If "Yes" give details of the teaming agreement (or provide a copy of the teaming agreement):

---

E. Please identify in the table below the Major Non-Equity Members of the Proposer's team. The companies identified below should complete this form on an individual basis.

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Name and Address of Major Non-Equity Member -	Proposed Work Scope

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Signed (to be completed by all Equity Members and Major Non-Equity Members of the Proposer)

Signature	Name	Title	For and on behalf of (member's name)

**AUTHORIZED REPRESENTATIVE:**

Under penalty of perjury, I certify that the foregoing is true and correct, and that I am the firm's Official Representative:

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

Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

[Please make additional copies of this form as needed.]

**FORM C - FINANCIAL QUALIFICATIONS - CONCESSION AND PPP EXPERIENCE**  
**EXPERIENCE OF THE EQUITY AND MAJOR NON-EQUITY MEMBERS OF THE PROPOSER\* IN CONCESSION CONTRACTS AND PUBLIC-PRIVATE PARTNERSHIPS**  
**LIST OF TRANSPORTATION PROJECTS UNDERTAKEN IN THE LAST SEVEN YEARS ON A CONCESSION OF PUBLIC-PRIVATE PARTNERSHIP BASIS**

COMPANY NAME	PROJECT NAME AND LOCATION (2)	PROJECT SIZE (1), (3)	DEBT AMOUNT & GEARING (1), (4)	START DATES	CLIENTS AND CONTACT DETAILS FOR REFERENCE PURPOSES	% OF WORKS COMPLETED BY DECEMBER 31, 2005	COMPANY'S PARTICIPATION (5)	TYPE OF INFRASTRUCTURE / SECTOR (6)

\*List only the experience of those Equity Members of the Proposer who will be future shareholders of the Concessionaire.

**Notes :**

- (1) Amounts should be presented in thousand United States Dollars (conversion rates of amounts in other currencies must be identified).
- (2) Only list projects which have the debt financing closed / in place (i.e. financial contracts duly signed and due diligence already passed/approved) above 100 USD million project size.
- (3) Project size means the total amount of the project financed under private finance / project finance scheme, i.e. out of public finance or capital grants.
- (4) Include in brackets percentage of gearing and type of debt (bonds unwrapped or wrapped, bank debt, etc.).
- (5) Company's participation should be shown in money terms and percentage and refer to amount and percentage of private investment / equity. Any mezzanine debt or other non-equity instruments should be identified and described.
- (6) Specify type / sector of infrastructure (road, airport, port, rail or tunnel).

**Form D - Instructions**

In completing Forms D-1, D-2 and D-3, Proposers shall, for each of the Lead Non-Tunneling Engineering Firm, Lead Non-Tunneling Contractor, Lead Tunnel Design Engineering Firm, Lead Tunneling Contractor, and Lead Operations and Maintenance Firm, provide information on relevant project experience (over the relevant periods as described in the Forms) that demonstrates capabilities with the following technical issues. Proposer may submit one narrative supplement to Form D no longer than 5 pages, in which the Proposer may highlight any specific experience of firms and individuals as such experience relates to the subject matter of Forms D-1, D-2, and D-3.

- (a) Soft ground tunnel excavation by pressure face tunnel boring machine (EPBM/Slurry TBM); ground freezing and grouting techniques for stabilization of running ground; tunnel and underground excavation by mechanical excavation methods; initial ground support installation including steel ribs, rock bolts, shotcrete and grout; and final tunnel lining installation, ground stabilizing, dewatering, tunnel waterproofing;
- (b) Ground freezing in tropical climates in a saltwater regime using steel ribs, rock bolts, shotcrete and grout;
- (c) Tunnel and highway systems including lighting, ventilation, intelligent transportation systems, life safety, SCADA, and communication;
- (d) Tunnel systems integrator to coordinate the design, selection and installation of equipment, and implementation of all of the tunnel systems, particularly within a vehicular tunnel;
- (e) Construction of tunnel cross-passages of at least 9-feet in diameter using ground freezing techniques or full face grouting methods in similar conditions;
- (f) Tunnel excavation by pressure face tunnel boring machines, either earth pressure balance or slurry face machine where all excavated material was removed from within the pressure bulkhead by using a screw conveyor or pumped as dictated by the machine type;
- (g) Automated guidance and data acquisition systems to assist tunnel boring machine steering and record its position;

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- (h) Fabrication, transport, and successfully installed pre-cast concrete gasketed bolted lining segments;
- (i) Construction of cut-and-cover tunnels below the groundwater table in highly permeable soils and/or Karst topography using slurry wall methods;
- (j) Tunneling under a shipping channel with shallow cover;
- (k) Tunnel buoyancy issues during construction and long term;
- (l) Emergency response planning and coordination with relevant public agencies.

**FORM D-1 - TECHNICAL QUALIFICATIONS - DESIGN**  
**EXPERIENCE OF THE LEAD NON-TUNNELING ENGINEERING FIRM AND LEAD TUNNEL DESIGN ENGINEERING FIRM IN THE DESIGN AND ENGINEERING OF TUNNELS AND OTHER TRANSPORTATION PROJECTS**

Please provide details of the experience over the past fifteen years of the Lead Tunnel Design Engineering Firm and over the past five years of the Lead Non-Tunneling Engineering Firm in the design and engineering of tunnels and other transportation projects with a value in excess of \$50 Million (experiences of the Lead Tunnel Design Engineering Firm) and \$20 Million (experiences of the Lead Non-Tunneling Engineering Firm)

COMPANY NAME	PROJECT NAME AND LOCATION	PROJECT COST (1) & 2)	START/END DATES	CLIENT AND CONTACT DETAILS FOR REFERENCE PURPOSES	% OF WORKS COMPLETED BY DECEMBER 31, 2005	COMPANY'S PARTICIPATION (3)	TYPE OF INFRASTRUCTURE/ SECTOR (4)	TECHNICAL APPROACH (5)

\* List the experience of the Lead Non-Tunneling Engineering Firm or the Lead Tunnel Design Engineering Firm only, whether or not future shareholders of the Concessionaire

Note:

- (1) Amounts should be presented in thousands of United States Dollars (conversion rates of amounts in other currencies must be identified)
- (2) Project Cost should be the total construction cost, budgeted or outcome if project is complete
- (3) Company's participation should be shown in money terms and percentages
- (4) Specify type / sector of infrastructure (road, airport, port, rail or tunnel)
- (5) Specify technical approach as it relates to tunnels only

**FORM D-2 - TECHNICAL QUALIFICATIONS - CONSTRUCTION**  
**EXPERIENCE OF THE PROPOSER\* IN THE CONSTRUCTION OF TUNNELS AND OTHER TRANSPORTATION PROJECTS**

Please provide details of the experience over the past seven years of the Lead Non-Tunneling Contractor and over the past ten years of the Lead Tunneling Contractor in the construction of tunnels and any other transportation projects with a value in excess of \$20 Million (experiences of the Lead Non-Tunneling Contractor) and in excess of \$50 Million (experiences of the Lead Tunneling Contractor).

COMPANY NAME	PROJECT NAME AND LOCATION	PROJECT COST (1 & 2)	START/END DATES	CLIENTS AND CONTACT DETAILS FOR REFERENCE PURPOSES	% OF WORKS COMPLETED BY DECEMBER 31, 2005	COMPANY'S PARTICIPATION (3)	TYPE OF INFRASTRUCTURE/ SECTOR (4)	TECHNICAL APPROACH (5)

\* List the experience of the Lead Non-Tunneling Contractor and the Lead Tunneling Contractor only, whether or not future shareholders of the Concessionaire

**Note:**

- (1) Amounts should be presented in thousands of United States Dollars (conversion rates of amounts in other currencies must be identified)
- (2) Project Cost should be the total construction cost, and Financial outcome if project is complete
- (3) Company's participation should be shown in money terms and percentage
- (4) Specify type/sector of infrastructure (road, airport, port, rail or tunnel)
- (5) Specify technical approach as it relates to tunnels only

**FORM D-3 - TECHNICAL QUALIFICATIONS – OPERATIONS AND MAINTENANCE**  
**EXPERIENCE OF THE PROPOSER\* IN THE OPERATION AND/OR MAINTENANCE OF TUNNELS AND OTHER TRANSPORTATION PROJECTS**

Please provide details of the experience over the past seven years of the Lead Operations and Maintenance Firm in the operation and maintenance of tunnels and any other transportation projects

COMPANY NAME	PROJECT NAME AND LOCATION (1 & 4)	PROJECT COST (2 & 3)	START/END DATES	CLIENT AND CONTACT DETAILS FOR REFERENCE PURPOSES	% OF WORKS COMPLETED BY DECEMBER 31, 2005	COMPANY'S PARTICIPATION AND ROLE SPECIFICATION (5)	TYPE OF INFRASTRUCTURE/ SECTOR (6)	TECHNICAL APPROACH (7)

\* List the experience of Lead Operations and Maintenance Firm only, whether or not future shareholders of the concessionaire

**Note:**

- (1) Include only contracts with tenors of ten (10) years or longer
- (2) Amounts should be presented in thousands of United States Dollars (conversion rates of amounts in other currencies must be identified).
- (3) Project Cost refers to total construction cost for the project
- (4) Only completed projects that reached the operation phase will be considered
- (5) Company's participation should be shown in money terms and percentage. Please specify role played on the listed projects (operations, maintenance, or both)
- (6) Specify type / sector of infrastructure (road, airport, port, rail or tunnel)
- (7) Specify (if applicable) technical approach only as it relates to tunnels

**FORM E**  
**CERTIFICATION**

**Name of Submitter:** \_\_\_\_\_

1. Has the firm or any affiliate\* or any **current** officer thereof, been indicted or convicted of bid (i.e., fraud, bribery, collusion, conspiracy, antitrust, etc.) or other contract related crimes or violations or any other felony or serious misdemeanor within the past five years?

Yes                       No

If yes, please explain:

2. Has the firm or any affiliate\* ever sought protection under any provision of any bankruptcy act?

Yes                       No

If yes, please explain:

3. Has the firm or any affiliate\* ever been disqualified, removed, debarred or suspended from performing work for the federal government, any state or local government, or any foreign governmental entity?

Yes                       No

If yes, please explain:

4. Has the firm or any affiliate\* ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or other material misrepresentation to a public entity?

Yes                       No

If yes, as to each such inquiry, state the name of the public agency, the date of the inquiry, the grounds on which the public agency based the inquiry, and the result of the inquiry.

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5. Has any construction project performed or managed by the firm or any affiliate\* involved repeated or multiple failures to comply with safety rules, regulations, or requirements?

Yes  No

If yes, please identify the team members and the projects, provide an explanation of the circumstances, and provide owner contact information including telephone numbers.

6. Has the firm or any affiliate\* been found, adjudicated or determined by any federal or state court or agency (including, but not limited to, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs and any applicable Florida governmental agency) to have violated any laws or Executive Orders relating to employment discrimination or affirmative action, including but not limited to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000 et seq.); the Equal Pay Act (29 U.S.C. Section 206(d)); and any applicable or similar Florida law?

Yes  No

If yes, please explain:

7. Has the firm or any affiliate\* been found, adjudicated, or determined by any state court, state administrative agency, including, but not limited to, the Florida Department of Labor (or its equivalent), federal court or federal agency, to have violated or failed to comply with any law or regulation of the United States or any state governing prevailing wages (including but not limited to payment for health and welfare, pension, vacation, travel time, subsistence, apprenticeship or other training, or other fringe benefits) or overtime compensation?

Yes  No

If yes, please explain:

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8. With respect to each of Questions 1-7 above, if not previously answered or included in a prior response on this form, is any proceeding, claim, matter, suit, indictment, etc. currently pending against the firm or any affiliate\* that could result in the firm or affiliate\* being found liable, guilty or in violation of the matters referenced in Questions 1-7 above and/or subject to debarment, suspension, removal or disqualification by the federal government, any state or local government, or any foreign governmental entity.

Yes                       No

If yes, please explain and provide the information requested as to such similar items set forth in Questions 1-7 above.

\* Affiliates, include parent company, subsidiary companies, joint venture members and partners, and other financially liable parties for that entity.

Under penalty of perjury, I certify that the foregoing is true and correct, and that I am the firm's Official Representative:

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

Print Name: \_\_\_\_\_

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

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



