



**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

**ADDENDUM NO. 2**  
**ISSUED APRIL 7, 2021**

**To**

**LOI NO. 3-2021**

**REQUEST FOR LETTERS OF INTEREST FOR GENERAL CONSTRUCTION  
ADMINISTRATION AND INSPECTION SERVICES**

**PROJECT NOS. 99-21-02 and 99-21-03**  
**ISSUED: March 19, 2021**

**LETTERS OF INTEREST DUE DATE: 5:00 P.M. (Eastern) APRIL 9, 2021**

**ATTENTION OF RESPONDENTS IS DIRECTED TO:**

**ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 PM ON APRIL 6, 2021:**

Issued by the Ohio Turnpike and Infrastructure Commission through Jennifer L. Stueber, Esq., General Counsel.

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Jennifer L. Stueber, Esq.,  
General Counsel

April 7, 2021  
Date

**ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 P.M. ON APRIL 6, 2021:**

**Q#2 Can you please provide a list of projects that are expected to be serviced this year with this contract?**

*A#2 The Commission anticipates the following projects to be serviced for 2021:*

*Project No. 99-21-02:*

*Repairs and Resurfacing at Toll Plaza 25 (Project No. 59-21-01)*

*Slope and Drainage Repairs at Milepost 73.9 (Project No. 70-21-01)*

*Project No. 99-21-03:*

*Repairs and Resurfacing from Milepost 112.45 to Milepost 118.80 (Project No. 59-21-02)*

**Q#3 This question is in regards to the answer posted to prebid question 1 (Q#1) in Addendum 1, dated 3/26/2021. Can you please provide an example(s) for clarification of when a conflict of interest would exist with the same consultant providing the construction administration and inspection services and material testing services on the same project, so that we can better evaluate our participation?**

*A#3 The issue of a conflict of interest is a fact specific inquiry, so the Commission cannot respond to this question with any absolutes. Ohio Administrative Code 4733-35-05, Subsection F, provides: “(F) As an elected, retained or employed public official, an engineer or a surveyor (in the capacity as a public official) shall not review or approve work that was performed by himself, or under his direction, on behalf of another employer or client.” It is conflicts such as these, or others as determined by the Commission within its exercise of its discretion, that would be evaluated.*

**Q#4 What percentage of work is the prime firm required to perform? Is the prime firm required to perform at least 50% of services?**

*A#4 The Prime Consultant(s) shall perform a minimum of 50% of the services.*

**Q#5 Will the Ohio Turnpike and Infrastructure Commission accept ODOT Prequalified Project Inspectors who achieved their prequalification with a Associates Degree in an Engineering related Technology from an ABET accredited University and the following certifications: ACI Level 1 Field Technician, Ohio Aggregate Level 1, ODOT Work Zone and Traffic Safety, ODOT Flexible Pavement as equivalent to a NICET Level II Certification?**

*A#5 The Commission will accept ODOT Prequalified Project Inspectors who achieved their prequalification with an Associates Degree in an Engineering related Technology from an ABET accredited university and the following certifications: ACI Level 1 Field Technician, Ohio*

*Aggregate Level I, ODOT Work Zone and Traffic Safety, ODOT Flexible Pavement as equivalent to a NICET Level II Certification.*

**Q#6 Addendum no. 1 dated 3/26/2021 states in Part I (Background Information) that you are seeking LOI to select qualified consultants to provide general construction administration and inspection services.**

**Part VIII sections A and B state that evaluation of the LOI's will include competence and ability to perform the required professional design services (no mention of construction administration and inspection services). The title of appendix A is "Draft Scope of Services General Construction Administration and Inspection Services". Is it the intent of the OTIC for interested consultants to include construction administration, inspection, and design professionals in their LOI?**

*A#6 The contracts to be awarded under this LOI are by statute contracts for professional design services. The term "professional design services" is defined in Section 153.65(C) of the Ohio Revised Code as "services within the scope of practice of an architect or landscape architect registered under Chapter 4703 of the Revised Code or a professional engineering or surveyor registered under Chapter 4733 of the Revised Code" (emphasis added). Based on this definition, "professional design services" can be reasonably interpreted to include general construction administration and inspection services. Each respondent will have to determine for itself which personnel are best able to perform the required general construction administration and inspection services.*

**Q#7 Part VIII. Evaluation of LOIs, Sections A and B respectively read:**

- **A: Competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;**
- **B: Ability of the responding firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;**

**Will the Commission define which "required professional design services or design-build services" Sections A and B refer to?**

*A#7 See response to Q#6.*

**Q#8 Part VIII. Evaluation of LOIs was changed in Addendum 1. Will the Commission assign a new point breakdown structure for the evaluation of LOIs since they were removed in Addendum 1?**

*A#8 The point structure for evaluation of LOIs will be as follows:*

- A. *Competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services; 20 points*
- B. *Ability of the responding firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously; 15 points*
- C. *Past performance of the responding firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines; 15 points*
- D. *Any other relevant factors as determined by the commission, including but not limited to completion and submission of all items required under this request for letters of interest, and any exceptions or requested deviations; 20 points*
- E. *Committing to a plan for meeting or exceeding the SBE goal or satisfactorily demonstrating use of good faith efforts to attain SBE certified firms' participation on the project – pass/fail.*
- F. *Disclosure of any conflict of interest – pass/fail.*

**Q#9 Reference is made to PART VIII. EVALUATION OF LOIs:**

- **Confirm factor 'A.' is correct & it's the Commission's intent to use '*Competence to perform the required professional design services...assigned to perform the services*' as part of the Evaluation of LOIs; provide additional clarification on '*competence*' & '*assigned*' information a Respondent needs to provide so as to be evaluated correctly; are project examples needed?**
- **Confirm factor 'B.' is correct & it's the Commission's intent to use '*Ability of the responding firm...to perform the required professional design services...and expeditiously*' as part of the Evaluation of LOIs; provide additional clarification on '*ability*' & '*required*' information a Respondent needs to provide so as to be evaluated correctly; are project examples needed?**

A#9 *See Response to Q#6 regarding what is meant by the phrase "professional design services." Regarding factor "A" – "Competence" includes consideration of the education, skills, certifications and experience of a respondent's project manager and key staff to be assigned to the project, the qualifications of subcontractors, and the subcontracted amount. "Assigned" reflects that any contract awarded will provide that services are performed only upon the issuance of an Assignment Letter by the Chief Engineer which is based on an approved fee proposal and scope of work and subject to the terms and conditions of the Contract. Regarding factor "B" - "Ability" includes consideration of the respondent's organization skills, proposed schedule, and backlog of*

*work. “Required” speaks to the services to be performed by a consultant under a contract and pursuant to a formal Assignment Letter described above.*

**Q#10 Reference is made to APPENDIX A:**

- **Confirm Commission’s intent on Respondents *needing to / not needing to* provide Design Services &/or Design Field Representative as part of their Field Operations for both Project Nos. 99-21-02 & 99-21-03? It is noted that Design Services &/or Design Field Representative are not listed in 1. thru 19.**

*A#10 See Response to Q#6.*

**Q#11 Reference is made to APPENDIX B:**

- **Section 1.2 Assignments > How much notice will the Commission provide the Consultant to mobilize field staff once an assignment is awarded?**
- **Section 2.2 Contract Fee > Is there a minimum total amount payable the Commission expects be paid to the Consultant for the \$500K & \$1.5M contracts respectively?**
- **Section 2.3.2 Approved Overhead Rate > The Commission refers to ODOT Consultant Audit Guide & the *‘rate may only be amended by mutual agreement of the parties in writing’*. Has / Does the Commission recognize an ‘ODOT Approved Overhead Rate Certificate’ as an acceptable method & justification to amend a Consultants overhead rate?**

*A#11 Section 1.2 Assignments – The Commission will provide as much notice as possible but based on the anticipated projects identified in the answer to Q#2, we would anticipate approximately 2 weeks or less.*

*Section 2.2 Contract Fee – There is no minimum amount payable.*

*Section 2.3.2 Approved Overhead Rate – Yes, the Commission recognizes ODOT’s Approved Overhead Rate Certificate as an acceptable method to amend a Consultants overhead rate.*

**END OF ADDENDUM NO. 2**