



Department of Transportation

Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155

May 1, 2009

TO: Contractors and Consulting Engineers

Mn/DOT Process for Administering the Design Build Procurement Method

This letter describes the design build administration procedures Mn/DOT will follow.

Technical Review Committee

1. A Technical Review Committee (TRC) is composed of members as described in Minnesota Statutes, section 161.3420, subdivision 2.
2. The TRC will include at least one individual who is a Mn/DOT manager in the 20M or higher classification.
3. Other TRC members who are Mn/DOT employees will be individuals classified at the Principal Engineer level or equivalent or higher, unless otherwise approved by the Chief Engineer.
4. Previously resolved cases that resulted from a responder's exercise of legal rights to contest awards will not be considered when evaluating subsequent proposals.
5. Mn/DOT will pay half the cost of the AGC member of the TRC, directly to that member.

Requests for Proposals

1. RFPs for design-build projects are governed by Minnesota Statutes, sections 161.3422 and 161.3426.
2. Mn/DOT's Chief Engineer will review and approve RFP scoring criteria prior to the issuance of the final RFP.
3. The RFP will include Mn/DOT's conflict of interest policy.
4. Mn/DOT will have a goal of limiting the number of pages in an RFP, with a target to not exceed 75 pages.
5. The RFP will require that proposers identify in their proposals any information they believe is "trade secret information," as defined in Minnesota Statutes, section 13.37, subdivision 1, paragraph (b).

Review and Scoring of Proposals

1. Mn/DOT's review of proposals is governed by Minnesota Statutes, section 161.3246.
2. The TRC will continue to use a 100-point scoring scale. If a proposal is deemed responsive by the TRC, the proposer will receive a minimum score of at least 50 points. The TRC will then evaluate the proposal on the remaining 50 points.
3. If a time factor is included in the selection criteria in the RFP, the time component will be scored by the TRC; the time factor will not be added to the price component.
4. For the TRC to deem a proposal non-responsive, at least two-thirds of the TRC members need to agree that the proposal is non-responsive.
5. If the TRC deems a proposal non-responsive, it will notify the Commissioner of its determination. The determination will be reviewed by the Commissioner.
6. A proposer who has submitted a proposal deemed non-responsive will be notified prior to the price proposal opening.

7. In order to show compliance with Minnesota Statutes, section 161.3420, subd. 2, the AGC shall submit to the commissioner names and affiliations of those consulted and dates of meetings or consultations held by AGC with other commercial contractor associations in the state related to the selection of the AGC member who serves on the Technical Review Committee.

Award & Execution

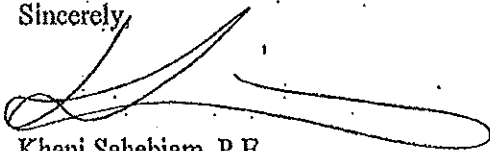
1. The award of design-build contracts is governed by Minnesota Statutes, section 161.3426. The award and the execution of a design-build contract will be treated as distinct and separate events.
2. Under Minnesota Statutes, section 13.72, subdivision 11, technical proposal evaluation criteria, scoring methodology, and technical proposal evaluations become public upon award.
3. Mn/DOT will wait at least seven calendar days after award to execute a contract. This waiting period may be waived if all proposers agree to such a waiver in writing.
4. The RFP will require that a protest of an award must be filed with the Protest Official within five calendar days of the award.
5. The Protest Official will be a Department of Administration employee who has not participated in the scoring of proposals for that particular project, and who has not had interaction or discussions with Mn/DOT or TRC members regarding the scoring of proposals or the award of that particular project.
6. Mn/DOT will pay a stipend to proposers who are eligible for the stipend under section 161.3426, subdivision 3, without conditions other than those required by law.

Ongoing Discussions

Mn/DOT will continue discussing with construction contractors ways to improve quality management processes and disadvantaged business enterprise specifications.

This document explains the processes for administering the design build procurement method set forth in Minnesota Statutes, sections 161.3410 to 161.3428. This explanation has no legal effect. The process descriptions are not rules and this document is not intended to constitute rulemaking.

Sincerely,



Khani Sahebjam, P.E.
Deputy Commissioner and Chief Engineer