

**Board of Commissioners  
Port of New Orleans  
Riverfront Cold Storage Facility Project**

**A  
Design-Build Project**

**REQUEST FOR TECHNICAL PROPOSALS**

**ISSUED TO  
DESIGN-BUILD APPLICANT ENTITIES**

**Work Order 1-879**

**NEW ORLEANS, LOUISIANA**

**Deadline for response submittal is no later than noon local  
time on Friday, February 5, 2010**

**Point of Contact**

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Appendix “A”- Geotechnical Report Including Soil Boring Logs and Test Results

Appendix “B” – Project Estimated Timeline

Appendix “C” – Various Reference Drawings

Note: Additional Drawings and Specifications Furnished on Four CDs to the Design-Build Applicant Entities as Follows:

Disc 1-Select Archived Drawings of Henry Clay Avenue Terminal Existing Infrastructure  
Discs 2 and 3-Riverfront Cold Storage Terminal at Governor Nicholls and Esplanade  
Avenue Wharfs Plans and Specifications

Disc 4-Select Contract Drawings from the Port of New Orleans' Contract Documents to be Publicly Bid for the Demolition of the Existing Henry Clay Shed and the Substructure Repairs of the Existing Henry Clay Terminal

Appendix "D"- Community Development Block Grants (CDBG) Compliance Provisions for Professional Services Contracts and for Construction Contracts Including Sample Forms to be Submitted by the Design-Builder During the Design-Build Contract

Appendix "E" –Required Forms to be Submitted with the Technical Proposal

Form 1 – Project Team and Organization Chart

Form 2 – Business Profile and History

Form 3 – Past Performance Questionnaire for Use by References

Form 4 – Professional Training and Experience of Key Personnel Proposed for This Project

Form 5 – Past and Current Professional Accomplishments

Form 6 – Capacity for Timely Completion of Work Considering Current and Projected Workload, and Professional and Support Manpower

Form 7 – Work Awarded by the Board of Commissioners Port of New Orleans for Design and/or Construction Services Since 1990

Form 8 – Demonstrated Experience in Successful Design and Construction of an Industrial and/or Maritime Terminal of Similar Size

Form 9 – Demonstrated Experience in Successful Design and Construction of a Refrigerated Warehouse of Similar Size, Capacity and Construction

Form 10 – Demonstrated Experience in Successful Design and Construction of a Project Located on the Bank of Deep Draft Waterway or on a Comparable Hydrological/Geotechnical Conditions as this Project.

Appendix "F" – General Conditions of the Design Build Contract

**Board of Commissioners Port of New Orleans  
Requests for Technical Proposals for Design-Build Services  
Riverfront Cold Storage Facility Project**

**I. Project Website**

On December 1, 2009 the Board of Commissioners Port of New Orleans (Board) announced its Request for Proposals to three Design-Build Applicant Entities which responded to the Board's Request for Qualifications and were the highest ranked Statements of Qualifications for the Riverfront Cold Storage Facility Project, in accordance with the Board's Design-Build Ordinance and La. R.S. 38:2225.2. The Board's Design-Build Ordinance, as well as other information about this project, has been made available on the project's webpage at <http://www.portno.com/riverfrontcoldstoragefacilityproject.htm>.

**II. Brief Project Description:**

Location:

The project site is the Board's existing Henry Clay Terminal on the east bank of the Mississippi River in New Orleans, Louisiana at river mile 101 Above Head of Passes.

Funding:

Funding sources for the project include the Board of Commissioners Port of New Orleans and the Community Development Block Grant Disaster Recovery Program through the Louisiana Local Government Infrastructure Program and the Louisiana Critical Farm Infrastructure Grant Program. Additional funding sources may also be forthcoming.

Function and Purpose:

The function and purpose of the cold storage facility is for temperature-sensitive products to arrive via trucks for blast-freezing and/or cold storage warehousing in an insulated on-dock building until exported via dockside handling directly into refrigerated ships berthed at the Nashville Avenue Wharf "A" and Henry Clay Avenue Wharf.

Building Size:

The proposed new cold storage building is envisioned to be approximately 140,000 square foot. The space allocation of the building is as follows: convertible freezer/refrigerator space accounts for approximately 79% of the total building footprint. Approximately 8% of total freezer capacity, or about 6% of the total building footprint, will include blast freezer cells. There will be an ammonia-based refrigeration system containing about 40,000 pounds of refrigerant housed in a machine room that is approximately 3% of the total building footprint. There will be limited office space within the building, approximately 4% of the total building footprint, mainly serving the shipping, receiving, maintenance, and cargo handling functions of the facility. There will be truck docking along the landside face of the building which will have a refrigerated loading dock for at least 16 trucks, representing approximately 14 % of the total building footprint. The building must be set back from the face of the wharf approximately 60 feet.

Capacity:

The building shall have a capacity to store at least 35 million pounds of such product at any one time. The facility shall have a capacity to blast freeze 1.2 million pounds of product in 20 hours or less.

Quality of Construction: The building and all components constructed under this Design-Build contract shall have a useful life of at least 50 years.

Site Conditions: The project site is located within a sub-tropical climate, prone to hurricane winds and intense rainfall and is positioned on an open area of riverfront. Design shall address these environmental conditions and construction means and methods shall take into consideration these conditions, as well as the varying stages of the Mississippi River that will affect ground water conditions and pile driving restrictions.

Codes:

All work shall conform, as a minimum, with the following codes, latest editions adopted by the State of Louisiana, if applicable, including, but not limited to:

- International Building Code, not including Chapter 1 - Administration, Chapter 11 - Accessibility, Chapter 18 - Soils and Foundations, Chapter 27 - Electrical and Chapter 29 - Plumbing Systems. The applicable standards referenced in that code are included for regulation of construction within Louisiana.
- Life Safety Code, latest edition.
- LA State Plumbing Code (Part XIV (Plumbing) of the State Sanitary Code) as amended by the LA health officer acting through the Office of Public Health of the Department of Health and Hospitals and applicable plumbing codes of the City of N.O. through the New Orleans Sewerage & Water Board.
- International Mechanical Code, and the standards referenced in that code for regulation of construction within Louisiana.
- The National Electric Code.
- Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic Signals.
- City of New Orleans Amendments to IBC 2006, Chapter 18 "Soils & Foundations".

Items not specifically covered by codes shall be designed in accordance with the standards established by accepted professional groups or by industry standard for that specific item of work.

Description:

The existing Henry Clay Terminal shed will be demolished by the Board under separate contract and is not within the Design-Build scope of work. The existing concrete wharf deck built in 1962 with a live load rating of 850 pounds per square foot and supported by a grid of steel pipe piles will be re-used and adapted by the Design-Builder as necessary to accommodate new construction. The river will be dredged to El -35 N.G.V.D. by the Board and is not within the scope of work of the Design-Builder.

The Design-Build project consists of the design and construction of an insulated building that fits within the footprint of the existing Henry Clay Wharf structure, heavy-duty paving landside of the wharf, and other related improvements. Also part of the design-build project is paving of the approximately 3.5 acre existing truck marshalling area landside of the wharf and building, as well as a truck turning area of about one acre adjacent to the marshalling area. Ancillary components include security fencing on all sides of the property except the riverside wharf apron, high mast lighting with underground wiring in all exterior areas, drainage to the Mississippi River, sewerage to the existing mains that discharge into the City of New Orleans, Sewerage and Water Board municipal sewerage system, and other utilities, excluding natural gas. Natural gas is not an existing service on Board property.

The drawings and specifications provided in the RFTP are intended to establish scope, complexity, quality, minimum performance standards, existing conditions at the Henry Clay Avenue project site, and conceptual layout for use of the Design-Build Applicant Entity in preparing its Technical Proposal. The Board is also providing the Contract Documents for the Riverfront Cold Storage Facility at Governor Nicholls and Esplanade Avenue, which were prepared for the Board by its consultant for publicly bidding the work when it was proposed at that site. Much of the design, such as the layout of the building, is site specific, and requires re-configuration to adapt to the Henry Clay Avenue Wharf project site. It is the responsibility of the Design-Build Applicant Entities to provide for a complete and functional facility responding to the Board's stated criteria, recognized industry standards, and applicable building codes, regardless of the content of any drawings and specification issued in the RFQ and/or RFTP. Further, it will be the responsibility of the successful Design-Builder to prepare complete construction documents responding to the fullest intent of this RFTP.

Special Systems:

The cold storage building shall have a refrigeration system using anhydrous ammonia. The refrigeration system shall have state-of-the-art controls and monitoring for safety, operations, and maintenance. The design and construction shall utilize best practices in overall design of the building and all its systems, including, but not limited to, welded piping joints wherever practical; automatic ammonia sensors installed in all spaces served by the ammonia system; automatic controls and valves to interrupt the flow of ammonia into any space that registers an alarm; and machine room exhaust ventilation fans controlled automatically and manually. Leak potential shall be minimized by designing piping and pressure vessels for higher than standard operating pressure in order to minimize the risk of a relief valve opening. Relief valves shall include rupture disks and switches to an alarm system for any unexpected valve release. Emergency pressure controls shall be used to stop the system and automatically relieve high pressure condition back into a lower pressure part of the system

Due to the high energy consumption of the refrigeration system, energy efficient design is highly desired in all equipment, mechanical and electrical systems, and components of the building, especially lighting and insulation.

Additional technical and performance specifications regarding the refrigeration systems are found in the Contract Documents for the Riverfront Cold Storage Facility at Governor Nicholls and Esplanade Avenue, Sections 20650 thru 20654, and 21750 thru 21752 issued to the Design-Build Applicant Entities.

For the purposes of this RFTP, no other refrigeration system other than the anhydrous ammonia system specified shall be the basis for the Design Build Applicant Entities Technical Proposal. This will ensure that all Technical Proposals are based upon the same type of refrigerant system, which is the system currently used at the Jourdan Road Terminal.

Professional Services Required:

Professional services for the scope of work shall include, but are not limited to, design (civil, architectural, mechanical, electrical, geo-technical, environmental, and refrigeration disciplines), as well as surveying and construction materials testing.

Access and Security Requirements:

Landside access to the Henry Clay Terminal is via the existing Clarence Henry Truckway for all vehicles and via Nashville Avenue for cars only. This is a port- secured area, and access beyond the

facility access stations are only granted to those having a U.S. Department of Homeland Security Transportation Worker Identification Card (TWIC) or a Port of New Orleans Approved TWIC Escort for up to five non-TWIC visitors. Refer to the project website for TWIC information. The successful Design-Builder will be responsible for all workers at the project site possessing a TWIC card or being escorted by a Port of New Orleans Approved TWIC Escort in order to access the project site.

Arrangements for storage of equipment and materials, as well as parking for construction workers, that cannot be accommodate within the limits of the project site as defined in the RFTP drawings Sheet 2 of 9, will be the sole responsibility of the Design-Builder to provide off-site. There is currently no Board property available on the Mississippi Riverfront for off-site use to the Design-Builder. Should any Board property become available, the Design-Builder will be able to negotiate with the Board's Real Estate Department for rental of such property, whether on the riverfront or at industrial property along the Inner Harbor-Navigational Canal.

#### Award of Contract, Budget, and Target Contract Time:

It is anticipated that the project will be awarded on or about March 18, 2010. Refer to Appendix "B" for the estimated project timeline. The estimated budget for the Design-Build project is between \$30 million and \$42 million. The targeted completion date of the project is December 31, 2011.

### **III. Board Consultants:**

The Board has engaged the professional engineering services of Morphy and Makofsky, Inc. and its sub-consultants, Food Facility Engineering, Inc., U.S. Risk Management, LLC., and Moses Engineers, Inc., which will be technical advisors to the Board for the Design-Build Process until project completion. These firms will work exclusively for the Board and have agreed to not participate on any Design-Build team. Additional project management oversight will be provided by Board staff engineers and/or project management consultants.

### **IV. Point of Contact:**

All contact must be through one of the Design-Build Applicant Entities' contact person, or another authorized representative thereof, who should direct written questions regarding the RFTP only to Deborah Keller via mail, email, or fax. Project information will be posted to the project web page ([www.portno.com/riverfrontcoldstoragefacilityproject.htm](http://www.portno.com/riverfrontcoldstoragefacilityproject.htm)). Email communication will be sent directly to the Design-Build Applicant Entities' designated representatives by Deborah Keller. Interpretations and clarifications, as well as modifications to the RFTP will be posted on the project website and mailed only the Design-Build Applicant Entities prime point of contact as listed in the Statement of Qualifications. Only the written addenda are binding. It is incumbent upon those interested to refer to the project web page daily.

### **V. DBE/MBE/WBE/SBE Participation**

**As a condition of the Board's funding sources for this project, the requirements stated in Appendix "D" are a requirement of the contractual obligations of the Design Builder and the Board who are party to the contract awarded. Full compliance with all guidelines and requirements for Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3)-"Compliance in the Provision of Training, Employment and Business Opportunities" will be a contract requirement. All parties to the Design-Build contract must**

**agree to comply with H.U.D.'s regulations in 24 DFR, part 135, which implements Section 3, as evidenced by their execution of the contract. Parties to this contract must certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations. Specifically, refer to Paragraph 5, page 5 of the Community Development Block Grants Compliance Provisions for Professional Services Contracts and Paragraph 7, page 13 of the Community Development Block Grants Compliance Provisions for Construction Contracts contained in Appendix "D".**

Furthermore, it is the policy of the Board to practice nondiscrimination based on social and economic disadvantage, race, color, sex, gender, disability or national origin. The Board re-affirms its commitment to doing business with all segments of the business community and requires, to the extent possible, the inclusion of firms certified as disadvantaged, minority, women and small business in all of its professional services, construction and business transactions.

The Design-Build Applicant Entities will be expected to fully comply with the DBE/MBE/WBE/SBE participation policy and goal of the Board, including the submission of a plan for inclusion by such firms in its Technical Proposal.

The successful Design-Builder, as part of its contract with the Board, will be required to agree to use its "best efforts" to achieve the goal of the Board and to comply with the Design-Build contract requirements for monthly monitoring and reporting of the actual participation of all DBE/MBE/WBE/SBE firms, as specified in the RFTP.

As a minimum, the Technical Proposal must contain a section that states the following:

- i. The names and addresses of all DBE, MBE, WBE, SBE firms that will participate in the Design-Build contract as co/joint venture partners, subcontractors, suppliers, or vendors and indicate the nature of the services provided as either professional services or construction services.
- ii. The dollar amount committed for each of the listed DBE, MBE, WBE, SBE firms participating in the Design-Build contract.
- iii. A signed letter of confirmation from the named DBE, MBE, WBE, SBE firms that:
  - (a) verifies their participation as listed in (i) and (ii) above
  - (b) provides written documentation of current DBE, MBE, WBE, SBE certification status issued by a certifying public entity or certifying trade association, such as the Louisiana Minority Supplier Development Council and the Women's Business Enterprise Council-South

To facilitate the use of DBE, MBE, WBE, SBE firms, a list of said firms is available on the project website. Additional firms may also be obtained from:

City of New Orleans – Office of Supplier Diversity  
504-658-4235  
website: [www.cityofneworleans.com/officeofsupplierdiversity](http://www.cityofneworleans.com/officeofsupplierdiversity)

State of Louisiana – Office of Small and Emerging Business Development  
225-342-1181  
website: [www.louisianaeconomicdevelopment.com/sebd](http://www.louisianaeconomicdevelopment.com/sebd)

Louisiana Minority Supplier Development Council  
504-299-2960(phone) 504-299-2961 (fax)  
website: [www.lamdc.org](http://www.lamdc.org)

Women's Business Enterprise Council – South  
504-680-1886 (phone) 504-680-6412 (fax)  
website: [www.wbecsouth.org](http://www.wbecsouth.org)

Assistance for contacting DBE/MBE/WBE/SBE firms is also available from the Board consultant's, RiverWorks Business Development Group

RiverWorks Business Development Group can be reached at:  
Attention: Carol Balthazar  
201 St. Charles Avenue  
Suite 2570  
(504) 896-4600 phone  
(504) 891-5580 fax  
(504)382-4007 cellular phone  
email:[lariverworks@aol.com](mailto:lariverworks@aol.com)

#### **VI. Request for Technical Proposal:**

The Design-Build Applicant Entities were their notification letters on December 1, 2009 and invited to attend a pre-proposal meeting and site visits on December 18, 2009. They were issued this proposal package on December 18, 2009 at the meeting. Any response failing to provide all the requirements contained in the RFQ package shall not be considered All Technical Proposal **submittals are due from Design-Build Applicant Entities no later than noon, local time on Friday, February 5, 2010.**

False or misrepresented information furnished in the Technical Proposal shall be grounds for rejection. **After the deadline for receiving the Technical Proposal, no submittal will be accepted and a received submittal may not be withdrawn and substituted, nor any addendum made to it.**

Appendix "E" contains forms required to be submitted with the Technical Proposal so that firms not previously indicated in the Statement of Qualifications are considered.

#### **VII. Key Factors for Evaluation of Qualifications:**

In addition to the key factors listed herein, the Design-Build Applicant Entity must be licensed in Louisiana either in construction or professional engineering and have sufficient bonding capacity to be awarded the contract.

#### **VIII. Technical Proposals Submittal Requirements**

##### Date and Time of Receipt:

Technical Proposals must be received no later than noon, local time, on Friday, February 5, 2010. The Technical Proposals must be clearly identified as such and be enclosed in sealed containers. Late submittals will not be considered and will be returned unopened, to the sender, to the address indicated on the cover of the package. Electronic submittals and facsimiles will not be accepted.

Submittal Address:

The Technical Proposals shall be submitted only to the following address:

Deborah D. Keller, P.E.  
Director of Port Development  
Board of Commissioners Port of New Orleans  
Room 308  
1350 Port of New Orleans Place  
New Orleans, Louisiana 70130

Each Design-Build Applicant Entity shall be responsible for obtaining a written receipt appropriate to the means of delivery to the Board office at the time of delivery of its Technical Proposal. It is the Design-Build Applicant Entity's sole responsibility to ensure delivery of its Technical Proposal to the Board at the time and place specified herein, and the Board shall have no liability or responsibility for the Design-Build Applicant Entity's failure to deliver its Technical Proposal to the above address before the stated deadline.

The Technical Proposal, in addition to all the required technical submittals and forms, **shall include one separate single, sealed envelope marked "Schedule and Price for the Riverfront Cold Storage Facility Project Technical Proposal Submitted by (Design Build Applicant Entity Name)". Because the schedule (contract time) and lump sum price are not to be revealed until all scoring is completed by the Technical Review Committee, it is essential that the schedule and price portion of the Technical Proposal be contained within in a sealed envelope clearly marked as stated above. Failure of the Design-Build Applicant Entity to reveal the project schedule (contract time) and/or price in any part of the Technical Proposal, other than within the sealed envelope, may disqualify the entire Technical Proposal.**

One original and three (3) copies of the submittals not indicating schedule (contract time) or price shall be submitted. The signed original copy of the Technical Proposal shall be identified as the original on the cover and marked as "Original". Each copy shall be identified on the cover as "Copy". Each cover shall state the name of the Design Build Applicant Entity. The original and all copies shall be provided in ringed binders. Bound copies will not be accepted. Any other promotional literature or electronic media will be discarded and should not be submitted.

Technical Proposal Submittal Requirements:

This section describes the specific information that must be included in the Technical Proposal in order to be deemed responsive to the Board's RFTP. Required forms for the Technical Proposal are contained in Appendix "E". ***Any material modification to the forms may result in the Technical Proposal being declared nonresponsive.***

The information provided in the Forms of Appendix "E" should provide brief, concise information that addresses the objectives and the requirements of the project and is consistent with the evaluation factors described in Section XII. The information submitted on the Forms will be used by the Board's Technical Evaluation Committee to score and rank the Design-Build Applicant Entities.

All records pertaining to the Technical Proposals is considered public information after the Board's Technical Evaluation Committee issues its recommended short-list.

### Technical Proposal Required Information:

The Technical Proposal shall include sufficient information that demonstrates the Design-Build Applicant Entity understands of the scope of services and the scope of work; its design strategy to implement the scope of work and its design approach; and its materials and methods of construction, as well as its construction techniques and sequencing.

Any response failing to meet all of the submittal requirements contained in the RFTP shall not be considered by the Board.

There will be no compensation to the Design-Build Applicant Entities for the expense of preparing the technical proposal.

### **IX. Technical Proposal — Notification:**

It is anticipated that on or about February 25, 2010 the Board will announce the chosen Design-Builder, who will be notified in writing of its selection and the Board's intent to award the contract. Refer to the Board's Design Build Ordinance.

### **X. Technical Proposal — Scope of Services Package**

The scope of services package shall define the scope of work. The scope of services package shall also establish the format and set out the required information, including, but not limited to, the following:

- i. statement of purpose;
- ii. definition of terms;
- iii. time factors;
- iv. point of contact;
- v. requirements for submission;
- vi. Design-Builder responsibilities;
- vii. Board responsibilities;
- viii. detailed evaluation criteria including scoring and weighting factors;
- ix. form of contract;
- x. insurance, indemnification and limits of liability;
- xi. surety requirements;
- xii. payment terms;
- xiii. termination;
- xiv. audit requirements;
- xv. quality standards and adherence to applicable codes;
- xvi. requirements of the scope which are critical to the Board;
- xvii. design strategy preliminary design concepts;
- xviii. space standards; and
- xix. space planning.
- xx. electronic files of the Board's plans and specifications designed by the Board's consultants for the project for construction at the Governor Nicholls and Esplanade Avenue Wharves as an example of the criteria, quality, standards, etc.

### **XI. Key Factors for Evaluation of Technical Proposals:**

- A. The following key factors, and their weighting factors, will be used by the Board's Technical Review Evaluation Committee to evaluate the submitted technical proposals of each Design-Build Applicant Entity:

- i. discussion of the Design-Builder's understanding of the scope of services; Weighted Factor = 1
- ii. discussion of the Design-Builder's understanding of the scope of work; Weighted Factor = 2
- iii. discussion of design strategy to implement the scope of work; Weighted Factor = 2
- iv. the proposed design approach; Weighted Factor = 2
- v. materials and methods of construction; Weighted Factor = 3
- vi. construction techniques and sequencing; Weighted Factor = 3
- vii. demonstrated experience in successful design and construction of an industrial and/or maritime warehouse terminal of similar size; Weighted Factor = 3
- viii. demonstrated experience in successful design and construction of a refrigerated warehouse of similar size, capacity and construction; Weighted Factor = 3
- ix. demonstrated experience in successful design and construction in one or more projects located on the bank of a deep-draft waterway or on comparable hydrological/geotechnical conditions as this project; Weighted Factor = 2

**In one separate, single, sealed envelope marked "Schedule and Price for the Riverfront Cold Storage Facility Project Technical Proposal Submitted by (Design Build Applicant Entity Name)" the Technical Proposal shall contain the proposed contract time expressed in calendar days and the lump sum price stated in U.S. dollars which will be used as stated herein.**

## **XII. Technical Proposal — Adjusted Score**

A. An adjusted score approach shall be used by the Board in determining the winning proposal. An adjusted score shall be determined using the following components:

i. the technical score determined by the Technical Review Evaluation Committee. Weighing factors as assigned to each element as forth in Section IX above. Each Technical Review Evaluation Committee member shall rate each assigned element of the proposal from each of the Design-Build Applicant Entities responsive to the RFTP. The time schedule and price bid shall not be made known to the Technical Review Evaluation Committee during the scoring process. The chair of the Technical Review Evaluation Committee shall adjust the scores for any applicable weighting factors and shall then determine the total technical score for each proposal by adding the total weighted score of each Technical Review Evaluation Committee member. Prior to determining the adjusted score as defined in Paragraph B below, the chair of the Technical Review Evaluation Committee shall notify each Design-Build Applicant Entity in writing of each Design-Build Applicant Entity's final technical score; and

ii. the time value, consisting of the product of the proposed contract time expressed in calendar days multiplied by the value-per-calendar-day expressed in dollars established by the Board and included in the scope of services package; and

iii. the price proposal.

- B. The winning proposal shall be the proposal with the lowest adjusted score. The adjusted score for each design-build proposal shall be determined by the following formula: Adjusted Score = (Price Bid + Time Value) divided by Technical Score.

### **XIII. Technical Proposal — Appeal**

Design-Build Applicant Entities who have submitted bona fide proposals may within seven (7) days of the announcement of the award challenge the scores based on any of the following reasons and only those reasons by submitting a letter to the Board's president and chief executive officer describing in detail the reasons for the challenge. The Board's president and chief executive officer or his designee shall have the authority to resolve any challenge concerning the award of a contract. A written decision shall be rendered within fourteen (14) days and shall be mailed or otherwise furnished immediately to the Design-Builder making the challenge. The decision shall be final, and no appeal based on price will be allowed unless:

- A. the decision is fraudulent; or
- B. the person affected by the decision has timely appealed to the court of proper venue for the Board.

### **XIV. Technical Proposal - Finality**

Once the Design-Builder has been chosen and a contract for a stipulated schedule and sum certain price executed, the price of the Design-Build contract shall not be increased other than (1) for changes on the scope of work by the Board; (2) for inflation as prescribed in the contract; and (3) for site or other conditions of which the Design-Builder had no knowledge and should not have had knowledge as a reasonable possibility existing at the site or concerning the design and construction.

### **XV. Rights, Powers and Obligations of Each Design Applicant Entity**

Each Design-Build shall have the following rights and powers:

- A. The Design-Build may subcontract responsibility for professional design services to an individual, firm, or corporation duly licensed in the State of Louisiana to provide design services.
- B. The Design-Build may subcontract responsibility for construction or other service requiring a contractor's or trade subcontractor's license to persons or entities duly registered, licensed, or otherwise qualified to provide those services as required by law.
- C. The Design-Build must provide proof of all required licenses, execute the enclosed affidavit, and submit evidence of authority to enter into a contract with the Board at the time of submitting a technical proposal.

### **XVI. PRICE PROPOSAL**

The lump sum proposed price shall be complete, so as to cover every cost, expense, tax or charge incurred by the Design-Builder in performance of the contract, including but not limited to

any and all sales and use taxes payable by Contractor and which might otherwise be charged against the Board. The price shall include provisions for the Design-Builder retaining possession of all materials and equipment not used in the scope of work under this contract, and such materials and equipment shall become the property of the Contractor for his use, salvage, disposal or sale. All removals and disposals of regulated materials and/or materials containing regulated substances must be in accordance with all local, state, and federal environmental and worker safety (OSHA) regulations.

Prior to submitting a proposal, the Design-Build Applicant Entities are expected to carefully examine these contract documents in their entirety and to visit the site of the work, and to investigate operations of the Board and others at the site, or in the vicinity, and conditions existing and liable to exist during the time of the work, and their possible effect on receipt and storage of materials, difficulties in performing the work and rate of progress.

**XVII. NOTARIAL CONTRACT.**

The successful Design-Builder shall, within 30 calendar days after notice of award, be required to enter into a notarial contract with the Board, executed before a notary of the Board's selection, in the City of New Orleans, LA., whose fee will be paid by the Board. The contract will be on the Board's standard form and in accordance with terms of the bid and all other contract documents.

**XVIII. PERFORMANCE BOND.**

The successful Design-Builder to whom the contract is awarded shall furnish a bond in the total amount of the lump sum price proposal. The bond must meet the statutory requirements of LSA R. S. 38:2219. The cost of any bond furnished by the Design-Builder shall be included in its lump sum price proposal.

This bond is to guarantee the prompt and proper performance by the Design-Builder of all and singular the obligations assumed by it or imposed it by this contract or by law. No other form of security may be substituted in lieu of a performance bond. This bond on its face shall indicate that the person signing the bond on behalf of the surety company (i) is a licensed agent in the State of Louisiana; (ii) resides in the State of Louisiana; and (iii) is in good standing with the Louisiana Insurance Commission.

**XIX. AFFIDAVIT**

Pursuant to the provisions of LSA R.S. 38:2224, the successful Design-Builder will be required to execute an affidavit attesting that the public contract was not and will not be secured through employment or payment of any solicitor.

Harbor Police. In those instances when it is deemed necessary to provide uniformed, armed, fully commissioned police officers to provide security or traffic control at the project site or on other nearby areas, the members of this Board's Harbor Police Department have full police powers applicable in the parishes of Orleans, Jefferson and St. Bernard, pursuant to commissions issued by this Board (LRS 34:26), and are legally permitted, when not on Port duty, to take outside assignments.

## **XX. JOINT VENTURE CONTRACTS**

In the event that a joint venture bid is submitted and accepted, the contract shall be executed by authorized representatives of all parties of the joint venture. One of the parties of the joint venture shall be designated and authorized to represent all parties in said joint venture in the coordination and scheduling of the work, and receipt of notices for work to be performed, together with all other correspondence. However, it shall be specifically understood that such representation will in no manner relieve the other parties to the joint venture of the responsibilities under all of the terms and conditions of the contract.

The Technical Proposal, including the schedule (contract time) and lump sum price, shall be signed by all parties of the joint venture, together with "Title in Firm" of each.

All payments and billings under the contract will be in the name of the joint venture.