

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

**A  
Design-Build Project**

**REQUEST FOR QUALIFICATIONS**

**ISSUED TO  
DESIGN-BUILD APPLICANT ENTITIES**

**October 23, 2009**

**Work Order 1-879**

**NEW ORLEANS, LOUISIANA  
REQUEST FOR QUALIFICATIONS**

**Deadline for response submittal is no later than 8:00 a.m.  
local time on Friday, November 13, 2009.**

**Point of Contact**

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  
Fax: 504-528-3475  
Email: [kellerd@portno.com](mailto:kellerd@portno.com)

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## Appendix “A” – Statement of Qualifications Required Forms to be Submitted with Qualifications

- Form 1 – Contact Information for Design-Build Applicant Entity
- Form 2 – Design-Build Applicant Entity Qualifications Questionnaire
- Form 3 – Business Profile and History
- Form 4 – Design-Build Applicant Entity’s Past Performance on Public Projects
- Form 5 – Past Performance Questionnaire for Use by References
- Form 6 – Professional Training and Experience of Key Personnel Proposed for This Project
- Form 7 – Past and Current Professional Accomplishments
- Form 8 – Capacity for Timely Completion of Work Considering Current and Projected Workload, and Professional and Support Manpower
- Form 9 – Work Awarded by the Board of Commissioners Port of New Orleans for Design and/or Construction Services Since 1990
- Form 10 – Demonstrated Experience in Successful Design and Construction of an Industrial and/or Maritime Terminal of Similar Size
- Form 11 – Demonstrated Experience in Successful Design and Construction of a Refrigerated Warehouse of Similar Size, Capacity and Construction

Form 12 – 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 “B” – Project Estimated Timeline

Appendix “C” – Reference Drawings Sheets 1 thru 9

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

**I. Request for Letter of Interest:**

On October 2, 2009, the Board of Commissioners Port of New Orleans (Board) announced its intent to enter into a Design-Build contract with an experienced entity for the Riverfront Cold Storage Facility Project. As provided below and incident to the Board's Design-Build Ordinance and La. R.S. 38:2225.2.1, the Board requested Letters of Interest from experienced entities possessing both professional design capability and qualified construction capability. 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: The building and all components constructed under this Design-Build contract shall have a useful life of at least 50 years.

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. Additional code requirements shall be stipulated in the Request for Proposals.

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 psf 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 berth has sufficient dredge depth to accommodate the deep draft vessels calling at the Henry Clay Avenue Wharf. The Design-Build project consists 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, high mast lighting, drainage, sewerage, and other utilities, excluding natural gas.

The conceptual drawings and project information provided in the Request for Qualifications (RFQ) are conceptual in nature and are not intended for use in designing and building the Riverfront Cold Storage Facility at the Henry Clay Avenue Wharf site. It is the intent of these documents to indicate the project site, the existing layout, and the scope, complexity, and quality of the construction using drawings of the facility when it was proposed at the Governor Nicholls/Esplanade Wharves. It is the responsibility of the short-listed Design-Builder Applicant Entities issued a Request for Technical Proposal (RFTP), 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 conceptual drawings issued in the RFQ and RFTP process. Further, it will be the responsibility of the successful Design-Builder to prepare complete construction documents responding to the fullest intent of the conceptual drawings and specifications.

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 information will be provided in the Request for Proposals. The Request for Proposals will contain drawings and specifications that indicate the quality of design and construction required.

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 is only granted to those having a U.S. Department of Homeland Security Transportation Worker Identification Card (TWIC) or a certified TWIC escorting up to five non-TWIC visitors. Prior arrangements, even for TWIC holders, must be made to enter any Board terminal. Access into terminal areas for the purposes of this solicitation will not be granted until after RFQs are evaluated. Short-listed, applicant entities issued a Request for Proposals will need TWIC cards for personnel to attend meetings at the project site or will have to make their own arrangements to be escorted by a certified TWIC card escort. The successful Design-Builder will be responsible for all workers at the project site possessing a TWIC card or being escorted by a certified TWIC card escort. In no case will Board personnel be responsible for escorting non-TWIC people into secured areas of the port.

### Budget and Contract Time:

The estimated budget for the scope of work for the Design-Build project is between \$30 million and \$42 million. The target completion date of the project is before 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. 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.

### **IV. Submission Instructions for Letters of Interest and Qualifications:**

Letters of Interest may be mailed, faxed or emailed to Deborah Keller. The Letter of Interest must be clearly marked "Letter of Interest for Design-Build Services, Riverfront Cold Storage Project". Responses to the Request for Qualifications are only valid if sent to:

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  
Fax: 504-528-3475  
Email: [kellerd@portno.com](mailto:kellerd@portno.com)

All Letters of Interest must be received no later than 8:00 a.m. local time on Monday, November 2, 2009. The Board will not accept a Letter of Interest delivered after the delivery deadline. The Letter of Interest must contain the name, street address, telephone, fax, and email address of a single point of contact and the name of the applicant entity under which the RFQ response would be submitted.

As Letters of Interest are received, firms will be listed on the project website. Firms that have submitted a Letter of Interest as described herein will be emailed project information as it is posted to the Project Webpage. Firms that do not submit a Letter of Interest are responsible for checking the Project Webpage for updated information.

### **V. Point of Contact:**

Interested firms should direct written questions in accordance with this request to Deborah Keller via mail, email, or fax. All questions regarding the RFQ must be received by Deborah Keller no later than 3:00 p.m. local time on Friday, November 6, 2009. Questions received after this date may not be answered. Project information will be posted to the project web page ([www.portno.com/riverfrontcoldstoragefacilityproject.htm](http://www.portno.com/riverfrontcoldstoragefacilityproject.htm)). Interpretations and clarifications, as well as modifications to the RFQ will be issued by a written addendum mailed to all firms that submitted a Letter of Interest before the November 2, 2009 deadline. Only the addenda is binding and it is incumbent upon those interested to refer to the project web page daily.

## VI. DBE/MBE/WBE/SBE Participation

It is the policy of the Board to practice nondiscrimination based on social and economic disadvantage, race, color, sex, gender, disability or national origin. Further, the Board re-affirms its commitment to doing business with all segments of the Greater New Orleans 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 that are short-listed to receive a Request for Technical Proposal (RFTP) 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. Instructions will be provided in the RFTP.

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 RFTP will contain forms that must be submitted with the technical proposal that will include:

- 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.
- ii. The dollar amount committed for each DBE, MBE, WBE, SBE firm’s 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
- iv. To facilitate the use of DBE, MBE, WBE, SBE firms, a list of said firms is available at [http://www.portno.com/pno\\_pages/business\\_procurement.asp](http://www.portno.com/pno_pages/business_procurement.asp) or go to [www.portno.com](http://www.portno.com) click *Doing Business with the Port of New Orleans* click *Minority and Women Owned Business Enterprises*

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)

#### **VII. Request for Qualifications Package:**

Entities submitting a Letter of Interest prior to the deadline shall receive or be given electronic access to a Request for Qualifications (RFQ) package that shall outline all required information to be submitted for evaluation of qualifications. Any response failing to provide all the requirements contained in the RFQ package shall not be considered. **Statement of Qualifications submittals are due from Design-Build applicant entities no later than 8:00 a.m. local time on Friday, November 13, 2009.**

False or misrepresented information furnished in the RFQ shall be grounds for rejection. **After the deadline for responding to the RFQ, no submittal will be accepted and a received submittal may not be withdrawn and substituted by an applicant entity.**

Appendix A contains forms required to be completed in the Statement of Qualifications submittal. Refer to Section IX for the Statement of Qualifications submittal requirements.

#### **VIII. 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.

The following key factors, all equally weighted, will be used by the Board's Qualifications Evaluation Committee to evaluate the submitted qualifications of each applicant entity:

A. Professional training and experience of both the design and construction entity components and of key personnel in general and as related to the project under consideration.

B. Past and current professional accomplishments, for which opinions of clients or former clients and information gathered by inspection of current or recent projects may be considered.

C. Capacity for timely completion of the work, taking into consideration the Design-Builder's current and projected workload and professional and support manpower.

D. The nature, quantity, and value of Board work awarded to both the design and construction components of the applicant entity, it being generally desirable to allocate such work among Design-Builders who desire to perform such work.

E. Past performance on public projects, including any problems with time delays, cost overruns, and design inadequacies, for which the Design-Builder or any entity used as a subcontractor for professional design services, construction, or other service requiring a license or otherwise qualified to provide services was under contract.

F. Whether problems as indicated in Section "E" above resulted in litigation between the Board or any other public entity and the Design-Builder or any entity used in accordance with Section "E" above performing professional services, particularly if the Design-Builder or any entity used in accordance with Section E above is currently involved in unresolved litigation with the Board or another public entity or has been involved in litigation with the Board or another public entity where the Board or another public entity has prevailed.

G. Demonstrated experience in successful design and construction of an industrial and/or maritime warehouse terminal of similar size.

H. Demonstrated experience in successful design and construction of a refrigerated warehouse of similar size, capacity and construction.

I. Demonstrated experience is successful design and construction of a project located on the bank of a deep-draft waterway or on comparable hydrological/geotechnical conditions as this project site.

A minimum of the three highest ranked entities as rated by the Board's Qualifications Evaluation Committee will be issued a Request for Technical Proposal (RFTP). Scores are considered public record.

## **IX. Statement of Qualifications Submittal Requirements**

### Date and Time of Receipt:

Statement of Qualifications (SOQ) submittal must be received no later than 8:00 a.m. local time on Friday, November 13, 2009. The SOQs 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 SOQ shall be submitted 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 SOQ. It is the Design-Build Applicant Entity's sole responsibility to ensure delivery of its SOQ 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 SOQ to the above address before the stated deadline.

One original and three (3) copies of the SOQs and any appendices shall be provided. The signed original copy shall be identified as the original on the cover and marked as "Original". Each copy shall be identified on the cover as "Copy." The original and all copies shall be provided in ringed binders. Bound copies will not be accepted.

Statement of Qualifications Submittal Requirements:

This paragraph describes the specific information that must be included in the SOQ in order to be deemed responsive to the Board's RFQ. Required forms for the SOQ are contained in Appendix A. ***Any material modification to the forms may result in the SOQ being declared nonresponsive.***

The information provided in Forms 1 thru 12 of Appendix A 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 VIII. The information submitted on Forms 1 thru 12 will be used by the Board's Qualifications Evaluation Committee to score and rank the Design-Build Applicant Entities.

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

SOQ Required Forms:

**The Design-Build Applicant Entity is required to complete Forms 1 thru 12. Each Subcontractor and Subconsultant listed on Form 1 as a key firm, whose qualifications are to be considered by the Board's Qualifications Evaluation Committee, is required to complete Form 3 and Forms 5 thru 12.**

Form 1 shall identify a single point of contact and the address, telephone and facsimile numbers, and email contact information for the Design-Build Applicant Entity. An authorized representative of the Design-Build Applicant Entity shall sign the form. If the Design-Build Applicant Entity is not yet a legal entity or is a joint venture, limited liability corporation, or general partnership, the authorized representative for all the proposed principal participants shall sign the form. Forms 2 thru 12 are self-explanatory.

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

It is anticipated that on December 1, 2009, a minimum of the three highest ranked entities on the short list will be notified in writing of their selection and invited to submit a detailed technical proposal for the Design-Build project. Such notice shall specify a deadline for submission of the proposal, which is anticipated to be 45 calendar days after the notification. The specific requirements of the technical proposal shall be identified by the Board to the entities included in the short list by means of a “scope of services package,” which shall be provided to all entities invited to submit a technical proposal. The scope of services package may include enhancements, clarifications and modifications to the scope of services included with the request for qualifications only if they fall within the scope of the project.

## **XI. 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.

## **XII. 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 similar site conditions; Weighted Factor = 2

In a separate sealed envelope marked "Schedule and Price" the technical proposal submittal shall contain the proposal contract time expressed in calendar days and the lump sum price.

- B. The Board shall establish in the scope of services package for the Request for Technical Proposals the deadline for the submission of the technical proposal.
- C. Any response failing to meet all of the requirements contained in the Request for Technical Proposal shall not be considered by the Board.
- D. There will be no compensation to short-listed entities for the expense of preparing the technical propose.

### **XIII. 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-Builders on the short list and shall submit such scores to the chair of the Technical Review Evaluation Committee. 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-Builder in writing of each Design-Builder'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.

#### **XIV. Technical Proposal — Appeal**

Design-Builders 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.

#### **XV. 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.

#### **XVI. 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.

-END-