



**INDIANA DEPARTMENT OF TRANSPORTATION
REQUEST FOR QUALIFICATIONS
TO DESIGN AND BUILD
the
SAFER DRIVE 65 PROJECT
through a
FIXED-PRICE BEST DESIGN
PUBLIC-PRIVATE AGREEMENT
(DESIGN-BUILD DELIVERY)
PART C**

ISSUED

MAY 8, 2024

May 31, 2024 (Amendment 1)

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**FORM A
TRANSMITTAL LETTER**

INDOT Safer Drive 65 Project

PROPOSER: _____

SOQ Date: June 17, 2024

Indiana Department of Transportation
Attn: Kyanna Wheeler, PMP
100 N. Senate Ave, Room N758-MPD
Indianapolis, IN 47274

The undersigned Proposer submits this Statement of Qualifications (SOQ) in response to the Request for Qualifications dated May 31, 2024 (as amended, the RFQ), issued by INDOT to design and construct the Project.

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

- Transmittal Letter (this **Form A**);
- Proposer and Team Structure and Experience (including **Form B-1** Proposer Team Summary);
- **Forms B-2 and C** Information Regarding Proposer, Equity Members, Major Participants and Certification;
- INDOT Certificates of Qualification or Letter Regarding Application;
- **Form D-1** Entities Prequalified for Contractor Work Types;
- **Form D-2** Entities Prequalified for Consultant Work Types;
- **Form E** Project Information;
- **Form F** Current Contractual Obligations;
- **Form H** Financial Officer Certificate;
- Auditor's Report (Opinion Letter); and
- Surety Letter.

Proposer acknowledges access to all materials posted on the Procurement Website and the following addenda and sets of questions and answers to the RFQ:

Addendum # ___ issued on

Q&A Matrix #__ issued on

[Proposer to list any other addenda to this RFQ and sets of questions and answers by dates and numbers prior to executing Form A]

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

Proposer understands that INDOT is not bound to shortlist any Proposer and may, in its sole discretion, reject any SOQ that INDOT may receive.

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

Proposer agrees that INDOT will not be responsible or liable for any errors, omissions, inaccuracies or incomplete statements in the RFQ.

Proposer acknowledges and agrees that INDOT's determination as to the shortlisting of any Proposer shall be final, binding, and not subject to protest.

This SOQ shall be governed by and construed in all respects according to the laws of the State of Indiana, without regard to any conflict of laws principles or provisions.

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: _____

I, the undersigned, am the duly authorized representative for the Proposer.

[insert signature block appropriate to the Proposer's organization and attach evidence of authorization]

**FORM B-1
PROPOSER TEAM SUMMARY**

PROPOSER	
CONTACT PERSON	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

EQUITY MEMBER <i>(Duplicate for each Equity Member)</i>	
NAME OF FIRM	
CONTACT PERSON	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

MAJOR PARTICIPANT <i>(Duplicate for each Major Participant)</i>	
NAME OF FIRM	
CONTACT PERSON	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

FINANCIALLY RESPONSIBLE PARTIES (See Part A, Section 2.9) <i>(Duplicate for each Financially Responsible Party)</i>	
NAME OF FIRM	
CONTACT PERSON	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

FORM B-2
INFORMATION REGARDING
PROPOSER, EQUITY MEMBERS, MAJOR PARTICIPANTS

** Please do not leave any blank spaces; if not applicable, so state.*

Name of Proposer:

Name of Firm Completing **Form B-2**:

Firm's role on Proposer team (check one):

Proposer; Equity Member; Major Participant; Financially Responsible Party

Name of Official Representative (if applicable): _____

Business Organization (check one):

Corporations (If yes, then indicate the State/Country/Province and Year of Incorporation and complete Sections A-C and the Certification form (**Form C**) for the entity.)

Partnership (If yes, complete Sections A-C and the Certification form (**Form C**) for each member.)

Joint Venture (If yes, complete Sections A-C and the Certification form (**Form C**) for each member.)

Limited Liability Company (If yes, complete Sections A-C and the Certification form (**Form C**) for each member.)

Other (If yes, describe and complete Sections A-C and the Certification form (**Form C**))

A. Business Name: _____

B. Business Address: _____

Headquarters: _____

Office Performing Work: _____

Contact Telephone Number: _____

- C. If the entity is a Joint Venture, Partnership or Limited Liability Company, indicate the name and role of each member firm in the space below. Complete a separate Information form (**Form B-2**) for each member firm and attach it to the SOQ. Also indicate the name and role of each Financially Responsible Party and attach a separate form.

<u>Name of Firm</u>	<u>Role</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

[Please make additional copies of this form as needed for each entity required to complete this form.]

**FORM C
CERTIFICATION**

Proposer: _____

Name of Firm Completing this Form: _____

1. Has the firm or any affiliate*, or any current officer, director or employee of either the firm or any affiliate, been indicted or convicted, pled nolo contendere or received probation under federal, state, or municipal law 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 10 years (measured from the date of issuance of this RFQ)?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

2. Has the firm or any affiliate* ever sought protection under any provision of any bankruptcy act within the past 10 years (measured from the date of issuance of this RFQ)?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

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 within the past 10 years (measured from the date of issuance of this RFQ)?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

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 within the past 10 years (measured from the date of issuance of this RFQ)?

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 on a separate page with reference to this question.

5. Has any construction project performed or managed by the firm or, to the knowledge of the undersigned, any affiliate* involved serious, repeated or multiple failures to comply with safety rules, regulations, or requirements within the past 10 years (measured from the date of issuance of this RFQ)?

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 and e-mail addresses on a separate page with reference to this question.

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 Indiana governmental agency) to have violated any laws or Executive Orders relating to employment discrimination or affirmative action within the past 10 years (measured from the date of issuance of this RFQ), 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 Indiana law?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

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 Indiana Department of Labor, federal court or federal agency, to have violated or failed to comply with any law or regulation of the United States or any state within the past 10 years (measured from the date of issuance of this RFQ) governing any of common construction wages, (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 include an explanation on a separate page with reference to this question.

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 that could result in the firm 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 on a separate page with reference to this question.

9. Has there been any instance where the firm or any affiliate*, or its owners, officers, or managing employees submitted a bid on a public works project and were found to be nonresponsive or were found by an awarding body not to be a responsible bidder?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

10. Has there been any settled adverse claim, dispute or lawsuit between the owner of a public works project and the firm or any affiliate* during the last five years in which the claim, settlement or judgment exceeded two hundred fifty thousand dollars (\$250,000)?

Yes No

If yes, please explain (and include the amount of the claim, settlement, or judgment and other relevant details) on a separate page with reference to this question.

11. In the past five years has the firm or any affiliate* had liquidated damages or equivalent monetary consequences (e.g., noncompliance points) in excess of \$100,000 assessed against it during or after completion of a contract?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

12. Has a surety for the firm or any affiliate* completed a contract on the entity's behalf or paid for completion because the entity was in default and terminated by the project owner within the last five years?

Yes No

If yes, please include an explanation on a separate page with reference to this question.

13. In the past five years, has the firm or any affiliate* had any license, credential, or registration revoked or suspended?

Yes No

If yes, please provide specific details including date, reason, for revocation or suspension, whether same was reinstated, and any conditions thereto on a separate page with reference to this question.

* The term "affiliate" has the meaning set forth in Part B, Section 2.8.2 of the RFQ.

Under penalty of perjury, I certify that the foregoing is true and correct, that, to the best of my knowledge, all of the required information is included; that no Proposer team member has been disqualified, removed, or is currently debarred or suspended from performing work for INDOT, and that none of the information disclosed materially adversely affects our ability to carry out any and all Project responsibilities and that I am the firm's Official Representative:

By: _____

Print Name: _____

Title: _____

Date: _____

[Please make additional copies of this form as needed for each entity required to complete this form.]

FORM D-1
ENTITIES PREQUALIFIED FOR CONTRACTOR WORK TYPES

Work Type	Prequalified Entity (Bidding Capacity)
B(a) Asphalt Pavement: W/INDOT Certified HMA Plant	
A(a) Concrete Pavement: General	
C(a) Heavy Grading	
D(b) Highway or Railroad Bridge Over Highway	
D(a) Highway or Railroad Bridge Over Water	

FORM D-2
ENTITIES PREQUALIFIED FOR CONSULTANT WORK TYPES

Work Type	Prequalified Entity
5.2 Environmental Document Preparation – CE	
5.6 Waterway Permits	
5.8 Noise Analysis and Abatement Design	
5.9 Archaeological Investigations	
5.10 Historical/Architectural Investigations	
6.1 Topographic Survey Data Collection	
7.1 Geotechnical Engineering Services	
8.2 Complex Roadway Design	
9.2 Level 2 Bridge Design	
10.1 Traffic Signal Design	
10.2 Traffic Signal System Design	
10.3 Complex Roadway Sign Design	
10.4 Lighting Design	
10.5 Intelligent Transportation System Design	
10.6 Intelligent Transportation System Integration	
16.1 Utility Coordination	
17.2 Small Structure and Pipe Hydraulic Design	
17.3 Storm Sewer and Detention Design	
17.4 Bridge Hydraulic Design	
18.1 Pavement Design and Analysis	

**FORM E
PROJECT INFORMATION**

Entity Involved (e.g., Proposer, Equity Member, Major Participant or Affiliate, Project Name and Contract Number) (1)	Owner Information (2)	Project Description	Dates Work Performed	Construction Value: Original Contract Price and Final Contract Price	Project Role, Description and Amount of Work Performed (3)	Project Outcome or Current Status (4)

Notes:

- (1) If the specific entity that undertook the identified project is not the Proposer, Equity Member or Major Participant, as applicable, but rather an “Affiliate” of such entity, please expressly indicate and identify the entity and its relationship to Proposer, Equity Member or Major Participant, as applicable. At INDOT’s sole discretion, such entity may be required to be a Financially Responsible Party and provide a guaranty of Design-Build Contractor under the DBA.
- (2) For owner information, provide owner’s name, address, contact name and current e-mail address and phone number.

- (3) Describe the work and state the percent or dollar value of the (a) the construction work performed/was responsible for (if a Design-Build Contractor); or (b) the design work performed (if the entity is a designer). For example, a member of a JV with a 30% stake in a \$200 million project would insert 30% or \$60 million; an engineer that performed \$10 million worth of work on a \$100 million project would insert 10% or \$10 million.
- (4) Identify and describe any increases in the original contract amount of the greater of \$500,000 or 5% of the original contract amount and any time extensions for completion or other deadlines/milestones and the reasons for such increases and/or time extensions. If none, indicate “none”.

For design firms, projects or contracts listed that were traditional design-bid-build consultant/engineering services contracts, as opposed to, for example, design-build contracts, the information provided shall be limited only to the consultant/engineer services contract, rather than any ensuing construction contract where such entity had limited or no involvement.

For construction firms, for project or contracts listed using the traditional design-bid-build delivery method, the information provided shall be limited only to the construction contract rather than any design contract where such entity had limited or no involvement.

This form must be submitted for each project identified in Part B, Section 2.5 and may not exceed one page per project and 8 pages in the aggregate. This separate “Notes” page shall not be counted towards the 8 pages in the aggregate.

FORM F

CURRENT CONTRACTUAL OBLIGATIONS

Entries on this sheet shall include all construction work under contract or verbal performance agreement or pending award to the contractor signing, whether as principal or as subcontractor.

(Attach additional sheets as needed for each section)

LIST OF ALL UNEARNED WORK NOW UNDER CONTRACT WITH ANY OWNER, CONTRACTOR OR OTHER PARTY		
Contract Number	Contract Owner	Value of Unearned Work
Total of all Unearned Work Sublet \$ _____		

**LIST ALL UNEARNED WORK SUBLET AND APPROVED TO SUBCONTRACTORS ON
INDOT CONTRACTS**

Contract Number	Subcontractor	Work Type(s)	Value of Unearned Work

Total of all Unearned Work Sublet \$ _____

LIST ALL UNEARNED WORK NOW UNDER CONTRACT WITH ANY OWNER, CONTRACTOR, OR OTHER PARTY IN THE PREQUALIFICATION WORK TYPE(S) ASSIGNED TO THIS CONTRACT AND USED FOR BIDDING CAPACITY BY THE PROPOSER

Contract Number	Contract Entered Into With	Work Type(s)	Value of Unearned Work

Total of Unearned Work by Work Type(s) \$_____

**LIST THE TOTAL OF ALL UNEARNED WORK SUBLET AND APPROVED TO
SUBCONTRACTORS ON INDOT CONTRACTS IN THE PREQUALIFICATION WORK
TYPE(S) ASSIGNED TO THIS CONTRACT AND USED FOR BIDDING CAPACITY BY
THE PROPOSER**

Contract Number	Subcontractor	Work Type(s)	Value of Unearned Work

Total of all Unearned Work Sublet by Work Type(s) \$ _____

LIST ALL LOW BIDS SUBMITTED, OPENED, AND PENDING AWARD WITH AN OWNER OR OTHER PARTY

Contract Number	Subcontractor	Work Type(s)	Value of Unearned Work

(This Item Does Not Affect Bidding Capacity)

Total of Bids Pending Award \$ _____

I hereby certify that to the best of my knowledge and belief, the above tabulations are true and complete and that my latest financial statement on file with the Indiana Department of Transportation continues to represent fairly and substantially my financial position as of this date.

Proposer _____ (Printed OR Typed)

Signature _____

Title _____

Date _____

FORM H

FORM OF FINANCIAL OFFICER'S CERTIFICATE

INSTRUCTIONS:

- (a) Complete a separate Form H for the Proposer and its Equity Members.¹
- (b) Each Financial Officer's Certificate should be signed by the Chief Financial Officer, Treasurer (or equivalent) officer (Financial Officer) of each entity listed above, dated not earlier than 14 calendar days prior to the SOQ Due Date.

I, [Name], the [Title] of [Named of Proposer lead team member or Financially Responsible Party] (the Company), do hereby certify as of [Date]² that:

- (a) This certificate is being executed and delivered in connection with the Statement of Qualifications (SOQ) submitted by [Proposer's Name] (Proposer) in response to the Request for Qualifications to Design and Build the Safer Drive 65 Project (Project), dated [____, 2024] (RFQ), issued by the Indiana Department of Transportation (INDOT).
- (b) As to the matters herein set forth, I either have personal knowledge or have obtained information from officers or employees of the Company in whom I have confidence and whose duties require them to have personal knowledge thereof. I make the certifications herein to INDOT pursuant to the requirements of the RFQ and with the intent and understanding that they will be relied upon by INDOT as a basis for the evaluation of the SOQ contemplated by the RFQ.
- (c) **[Financially Responsible Party Support:** The Company intends to support the [name of lead team member] with the financial, human resources and other support needed by it to satisfy its obligations successfully with respect to the Project if the Proposer were to become the Design-Build Contractor.]
- (d) The information provided by the Company to the Auditor on which the Auditor's Report is based is true, correct and complete, and presented fairly, in all material respects, the financial position and results and operations and

¹ Each of the Proposer and its Equity Members should provide its own separate certificate. If any such firm is proposing a Financially Responsible Party and a consolidated Auditor's Report is provided by the Financially Responsible Party on behalf of itself and such entity, then only one consolidated Financial Officer's Certificate should be submitted for the Financially Responsible Party. If Proposer, Equity Members, and the Financially Responsible Party are submitting separate Auditor's Reports, then the each must submit separate Financial Officer's Certificates. If an entity has no Financially Responsible Party, all references to "Financially Responsible Party" should be deleted from the form.

² Date must not be earlier than 14 days prior to SOQ Due Date.

cash flows of the Company, [the Financially Responsible Party and its consolidated subsidiaries, including the *[name of Company]*,] as of the date referenced in the Auditor's Report. The Company has no material contingent liabilities, or unusual forward or long-term commitments not disclosed therein.

- (e) [Except as detailed in an addendum to this certificate,] No material change in the financial condition of the Company has occurred or is projected to occur, as applicable (i) since the date of its most recent audited and unaudited financial statements on which the Auditor's Report is based, and (ii) during the next fiscal quarter following the date of the SOQ.[Attached hereto as Annex A is a detailed description of Material Changes in the Financial Condition of the Company.]³
- (f) [Except as detailed in an addendum to this certificate,] Company has not experienced any material and adverse change in the criteria on which Company obtained its pre-qualified status as *[list pre-qualified status]* that is required for its intended participation on the Proposer team since the date on which that *[pre-qualified status]* was obtained.

IN WITNESS WHEREOF, the undersigned is the [_____]*[insert title]* and a Financial Officer of the entity to which this Form relates, and has duly executed this certificate as of the date first written above.

By: _____ Print Name: _____
Title: _____

³ Complete the appropriate certification. Delete the sentence that is not applicable. Fill out Annex A as "not applicable" if there is no material change in financial condition to disclose. Further instructions regarding material changes are provided in Annex A.

ANNEX A TO FINANCIAL OFFICER'S CERTIFICATE

Material Changes in Financial Condition

[COMPANY TO PROVIDE DETAILS]

INSTRUCTIONS TO PROPOSERS REGARDING ANNEX A:

If applicable, this Annex A should include the following details regarding material changes in the Company's financial condition:

- (1) a description of each material change, actual and projected, and any related changes or disruptions in executive management;
- (2) actual and projected impacts on the Company's organizational and financial capacity and its ability to remain engaged in this procurement and submit a responsive proposal;
- (3) a detailed description of any other projected impacts, positive and negative, of the changes experienced and anticipated to be experienced in the periods ahead, including the likelihood that the circumstances of the change or impacts thereof will continue during the Project term; and
- (4) a detailed explanation of whether each material change is expected to impact the Proposer's ability to satisfy the obligations under the DBA, and if so, how these material adverse changes are being mitigated.

The Company should describe measures that would be undertaken to insulate the Project from any recent material and adverse changes and those currently in progress or reasonably anticipated in the future.

At the discretion of INDOT, any failure to disclose a prior or pending material change may result in disqualification from the procurement process. Set forth below is a list, though not comprehensive, of examples of what INDOT considers to be a material change in financial condition:

- (a) a change in the tangible net worth of 10% or more of net assets;
- (b) a sale, merger, or acquisition exceeding 10% of the value of net assets prior to the sale, merger or acquisition which in any way involves the Company or its parent company;
- (c) a change in credit rating for the Company or its parent company;
- (d) inability to meet material conditions of loan or debt covenants by the Company or its parent company that has required or will require a waiver or modification of agreed financial ratios, coverage factors, or other loan stipulations or additional credit support from shareholders or other third parties;
- (e) in the current and three most recent completed fiscal years, the Company or its parent company (i) incurred a net operating loss; (ii) sustained charges exceeding 5% of the then net assets due to claims, changes in accounting, write-offs, or business restructuring; or (iii) implemented a restructuring/reduction in labor force exceeding 5% of employees or involved the disposition of assets exceeding 10% of the then-net assets; and
- (f) other events known to the Company that represent a material change in financial condition over the past three years, or which may be pending for the next reporting period.

**EXHIBIT A
SOQ SUBMITTAL OUTLINE**

SOQ Component	Form (if any)	RFQ Section Cross-Reference
1. General		
(a) Transmittal Letter	Form A	<u>Part B, Section 1.1</u>
(b) Confidential Contents Index	--	<u>Part B, Section 1.2</u>
2. Proposer and Team Structure and Experience		
(a) Proposer	--	<u>Part B, Section 2.1</u>
(b) Equity Members	--	<u>Part B, Section 2.2</u>
(c) Major Participants	--	<u>Part B, Section 2.3</u>
(d) Proposer and Team Structure	--	<u>Part B, Section 2.4</u>
(e) Prequalification Requirements		<u>Part B, Section 2.5.1</u>
(f) Minimum Experience	Form E	<u>Part B, Section 2.5.2</u>
(g) Form B-1, Organizational Charts and Key Personnel Resumes	Form B-1	<u>Part B, Section 2.6</u>
(h) Legal Information	--	Part B, Section 2.8
(i) Legal Issues	--	<u>Part B, Section 2.8.1</u>
(j) Legal Liabilities	--	<u>Part B, Section 2.8.2</u>
(k) Legal Proceedings	--	<u>Part B, Section 2.8.3</u>
3. Additional Materials		
(a) Information Regarding Proposer, Equity Members, Major Participants and Financially Responsible Parties	Form B-2 and Form C	<u>Part B, Section 3.1</u>
(b) Contractor's Statement of Experience and Financial Condition	INDOT Form CR-1	<u>Part B, Section 3.2</u>

SOQ Component	Form (if any)	RFQ Section Cross-Reference
(c) Entities Prequalified for Contractor Work Types	Form D1	<u>Part B, Section 3.3</u>
(d) Entities Prequalified for Consultant Work Types	Form D2	<u>Part B, Section 3.4</u>
(e) Current Contractor Obligations	Form F	<u>Part B, Section 3.5</u>
(f) Financial Officer Certificate	Form H	<u>Part B, Section 3.6</u>
(g) Auditor's Report (Opinion Letter)	--	<u>Part B, Section 3.7</u>
(h) Surety Letter	--	<u>Part B, Section 3.8</u>