



I-495 & I-270 Public-Private Partnership (P3) Program
Phase 1 Request for Qualifications (RFQ)
Frequently Asked Questions (FAQs)

General Scope/Process

1. What is the RFQ and how does it start the solicitation process?

- The Request for Qualifications (RFQ), which initiates the solicitation process to select a Phase Developer for Phase 1 of the I-495 & I-270 P3 Program, was issued on February 7, 2020. The RFQ provides an overview of the scope and status of the P3 Program, specific requirements such as BPW conditions, an overview of the solicitation process, and qualifications sought in potential Phase Developers. The release of the RFQ is an opportunity for potential Respondents to examine the scope and conditions to determine if they would like to be considered as a Phase Developer candidate. The deadline for submissions by Respondents is April 22, 2020.

2. What the RFQ is NOT ...

- The RFQ is NOT the selection of a Phase Developer. That step would come later (see “Solicitation” section below for an overview of this process).
- The RFQ is NOT a Request for Proposals. That step would come later.
- The RFQ is NOT an indication that all final approvals for the I-495 & I-270 P3 Program have been granted. Additional reviews and approvals from the Board of Public Works (BPW) are required at various stages, including the Phase 1 P3 Agreement (see below).
- The RFQ is NOT an indication that environmental reviews have been complete. The NEPA process is ongoing. A Draft Environmental Impact Statement is being prepared and will be the subject of public hearings this spring (see below).
- The RFQ is NOT a signal that land acquisitions may begin. The P3 designation approved by the BPW stipulates that no property may be acquired before the NEPA process is complete and the Phase 1 P3 Agreement is approved by the BPW.
- The RFQ is NOT an indication that decisions have been made on the transit benefits that will be included in the Phase 1 P3 Agreement. Extensive outreach and collaboration with local partners will be conducted before MDOT reaches memoranda of understanding with affected counties, which will be part of the agreement requiring BPW approval.

3. What is Phase 1?

- Phase 1 of the P3 Program includes improvements on I-495 from the vicinity of the George Washington Memorial Parkway in Virginia, across and including the American Legion Bridge (ALB) to the I-270 west spur, and the I-270 west spur from I-495 to I-70.
- I-495 from the vicinity of the George Washington Memorial Parkway to the I-270 west spur, and the I-270 west spur to I-370, will be delivered first.
- The section of Phase 1 for I-270 from I-370 to I-70 is undergoing a separate environmental review process and will be delivered after the section of I-270 between I-495 and I-370.



4. **What is the scope and phasing for the RFQ released on February 7? Will it be all of Phase 1 or can it be broken up?**
 - The RFQ will identify the teams most highly qualified to provide preliminary development activities and the potential future improvements under Phase 1.
 - The RFQ covers all of Phase 1; however, Phase 1 may be broken down into smaller Sections for design, construction, financing, operations and maintenance to allow the Phase Developer to successfully and efficiently deliver the improvements. The final design and construction for any Section cannot proceed until an environmental document has been approved covering the limits of the specific Section, and a Section P3 Agreement is approved by the Board of Public Works.

5. **What's the highest priority (if any) among sections in Phase 1?**
 - The replacement American Legion Bridge (ALB), in accordance with the Capital Beltway Accord with the Commonwealth of Virginia, must be delivered in the first Section.
 - In Phase 1, I-495 from the vicinity of the George Washington Memorial Parkway, across and including the American Legion Bridge, to the I-270 west spur, and the I-270 west spur to I-370, will be delivered first.

6. **What transit benefits will developers have to provide? When will these be determined/finalized?**
 - After extensive outreach and collaboration with local partners, MDOT will complete memoranda of understanding (MOUs) regarding benefits to regional transit service with the affected counties (Montgomery and Frederick counties for Phase 1) before the Phase 1 P3 Agreement is submitted to the Board of Public Works for approval. (Phase 1 Section 1 to I-370/Montgomery; Phase 1 Section 2/Montgomery and Frederick counties.)
 - The Phase P3 Agreement will advance the development of the defined regional transit service improvements in the MOUs and then deliver the improvements as part of the Section P3 agreements.
 - There has been an ongoing effort with local jurisdictions and transit providers as part of the Managed Lanes Transit Work Group that is identifying new transit service routes and park and ride expansions that could provide a new transit network using the managed lanes. It is anticipated that these improvements may serve as the basis of those that are ultimately developed and delivered as part of the P3 agreement. The report with recommendations from the Managed Lanes Transit Workgroup will be available this spring for public review.
 - The transit benefit will be made part of the P3 agreement and local communities will benefit when the managed lanes become operational.



- 7. When will additional details regarding the Bi-State Capital Beltway Accord be shared, including who will be responsible for certain work items and how interactions between the two states and their contractors will be managed?**
 - MDOT, in partnership with the Commonwealth of Virginia, will deliver the ALB as part of the Phase 1 P3 Agreement and each state will be responsible to jointly fund the ALB from each state's future toll revenues. No public funding will be required. A formal agreement with specific details is being developed between the states.

- 8. What are the roles and responsibilities of MDOT and MDTA?**
 - MDOT, including MDOT SHA, and MDTA are joint reporting agencies for Maryland for this P3 Program and will both be party to the P3 agreements.
 - MDOT SHA is responsible for the overall management of the P3 Program development and delivery and will be issuing the Request for Qualifications.
 - MDTA is the only state entity with the authority to set and fix tolls for State transportation facilities and will be responsible for setting a toll rate range and toll collections. Those rate ranges will be set by MDTA only after a period of public comment, review and hearings.
 - An Interagency Agreement between MDOT, including MDOT SHA, and MDTA further outlining the roles and responsibilities was approved last year.

Solicitation

- 9. What Firm Types are required to be part of a Developer team as part of the Request for Qualifications?**
 - Each team must have an Equity Member, a Designer, a Lead Contractor, and a Lead Project Developer.

- 10. Will additional firms be required?**
 - Yes, additional firms, including MBE/DBE firms will be required for the work for all Phase and Section P3 agreements.

- 11. What risks will the developer have to bear?**
 - Generally, the developer will take on the revenue risk of financing, design, construction, operations and maintenance. This includes the risk of toll revenue returns to repay all financing for the improvements.



12. How will teams be shortlisted? How many teams do you anticipate shortlisting?

- The most highly qualified teams, as determined by MDOT / MDTA evaluation and selection committees, will be shortlisted based on the experience, qualifications and past performance in successfully delivering similar projects and on their financial capability.
- We anticipate shortlisting three teams but may shortlist up to five if in the best interest of the State.
- MDOT SHA has established an overall evaluation structure for the solicitation process. Each SOQ will be initially evaluated by technical evaluation teams for the financial elements, technical elements, and compliance with the solicitation requirements.
- After initial evaluations, an Evaluation Committee will further review each SOQ in detail and recommend final ratings and a short list, that will be presented to the Selection Committee.
- The Selection Committee will include positions such as the MDOT Secretary, MDTA Executive Director, and MDOT SHA Administrator and will review the Evaluation Committee’s recommendation and make the determination of the Shortlist, which will then be announced.

13. How will the State pick the winner from the shortlist?

- The shortlisted proposers will be evaluated on their approach and alignment with addressing our high-level goals of relieving traffic congestion, minimizing impacts, and accelerating delivery all at no cost to the State of Maryland. We also will consider their innovative ideas in advancing these goals, including how they will work collaboratively with the communities and local stakeholders and further minimize property impacts.

14. When will later phase(s) occur? Are teams favored or excluded in subsequent phases if they participate and/or are selected for Phase 1?

- No schedule has been established for future phases. Any future phase will require BPW approval before moving forward.
- No firm will be favored or excluded on future phases regardless of their participation on Phase 1.

15. When will agreements have to go back to the Board of Public Works (BPW) for approval?

- The Phase 1 P3 Agreement is planned to go back to the BPW for approval in Spring 2021.

16. How will the Phase Developer select its subcontractors?

- The Phase P3 Agreement will require fair and transparent selection of subcontractors that will ensure opportunities for all subcontractors interested in performing work as part of Phase 1, including small, women, minority and disadvantaged businesses.



Financial

17. Will funding/subsidy be available for the P3 Program or is it no net cost? Is that true for each phase/section or can funds from one Section be reapportioned to another?

- The overall P3 Program will be delivered at no net cost to the State, with no public Transportation Trust Fund contribution and with all debt non-recourse to the State. MDOT will ensure each P3 Agreement is implemented to meet this commitment.

18. Will stipends be paid to proposers at the RFQ or RFP stage?

- MDOT will not offer any stipends, or reimbursement for work product as part of the RFQ but will offer the ability for reimbursement in exchange for work product to unsuccessful proposers in the RFP stage.

19. Will the State offer a stipend during the predevelopment phase?

- All work by the Phase P3 Developer will be done at their cost and risk, with repayment coming from future toll revenues.

Opportunity MDOT and Workforce Development

20. What are DBE/MBE goals?

- Goals have not been set for DBE/MBE. Goals will be set for the predevelopment work and the section design, construction, operations and maintenance considering the scope of work and available opportunities to subcontract.

21. Can small and local businesses join teams?

- Yes, there will be multiple opportunities for small and local business to be part of the P3 Developer team as the phase develops.

22. Are firms required to sign a Project Labor Agreement (PLA)?

- MDOT is developing a Community Benefits package that will include workforce development programs and Opportunity MDOT inclusion requirements that Phase and Section P3 Developers must comply with. This Community Benefits package will include provisions related to MBE, DBE, labor unions, contractors and others.
- A PLA is not mandatory. Prevailing wage rates will be used to ensure fair wages are provided.



NEPA

23. What happens if NEPA for northern I-270 (or other sections) don't proceed or don't select managed lanes as the preferred alternative?

- The Phase 1 Developer is being selected to assist MDOT with preliminary development work only at this time. If the northern part of I-270 does not receive approval through the environmental process or managed lanes are not included in a preferred alternative, that portion of the agreement would not advance past the preliminary development stage.

24. When is the Record of Decision for the Managed Lanes Study anticipated?

- MDOT is working to complete the Draft Environmental Impact Statement for public comment and a series of public hearings this spring. After the hearings, we will prepare the Final Environmental Impact Statement, which will be complete before the Phase P3 Agreement is submitted to the BPW.

25. Will there be a formal process to provide input into the NEPA study?

- NEPA is an open, public process which allows comments from all. We encourage comments from everyone on both the Managed Lanes Study and the I-270 Pre-NEPA Activities.

Phase P3 Agreement and Predevelopment Process

26. What is the scope of work for the predevelopment process under the Phase P3 Agreement?

- The Phase Developer will provide preliminary development services for the entirety of Phase 1 which may include development of design and schedule, supporting MDOT in community outreach and engagement, further minimizing impacts to property, communities, and environmental resources, developing detailed cost estimates and traffic and revenue studies, creating financing arrangements, and developing regional transit services that were included in MOUs with the affected counties.

27. How will the Phase Developer move from the preliminary development process to actual construction?

- The Phase Developer will be responsible to develop a proposal compliant with requirements of the Phase P3 agreement that they can design, build, finance, operate, and maintain the managed lanes system for a particular section of the phase with no net cost to the State and non-recourse debt to the State. Once environmental and BPW approval has been received, the Phase P3 Developer will move forward with that particular section.