



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Inspector General
Washington, D.C. 20590

December 19, 2007

The Honorable James L. Oberstar
Chairman, Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your October 5, 2007, request that we review the process used in selecting the winning bid for the contract to rebuild the St. Anthony Falls/I-35W Bridge and determine whether that process complied with the requirements of 23 U.S.C. 112 and 23 Code of Federal Regulations (CFR). Minnesota Department of Transportation (Mn/DOT) was responsible for selecting the winning bid and awarding the contract. We briefed your staff on December 12, 2007, on the results of our review. A copy of the materials that summarize the briefing is enclosed.

To address your request, we met with officials from the Federal Highway Administration and Mn/DOT to gain insight into their roles in the contract award process. We reviewed the process followed to award the bridge replacement contract and researched applicable federal and state laws, regulations, policies, and procedures. In addition, we visited the bridge site and interviewed Mn/DOT officials to get a firsthand perspective. We also examined Mn/DOT's documentation supporting the contract award process.

Mn/DOT awarded the contract to Flatiron/Manson on October 8, 2007, using a design-build, best-value contracting process. Although Flatiron/Manson's bid had the highest price and longest time frame for completion, the contract award process used by Mn/DOT followed the requirements of 23 U.S.C. 112 and 23 CFR, Part 636, for design-build contracting.

Generally, 23 U.S.C. 112 requires highway projects to be constructed using contracts awarded through competitive bidding to the lowest bidder; however, it also allows for design-build contracting when approved by the Secretary of Transportation and as permitted by applicable state and local law. Minnesota state law allows design-build contracts to be awarded based on either lowest price *or* best value selection. 23 CFR, Part 636, states that

“best value selection” is a process in which proposals contain both price and qualitative components, from which the winning bid is selected, based on a combination of those components.

In contrast to Mn/DOT’s prior design-build, best-value contracting history, the I-35W project is the first for which the winning bid had both the highest price and highest technical score. Of the six other design-build, best-value contracts previously awarded by Mn/DOT, five were awarded to the lowest price bidder. The variance between the sixth project’s lowest and winning price was 1 percent. Of those five contract awards to the lowest bidder, four of the winning bids also had the highest technical score. The variance between the two projects’ highest technical score and the technical score of the winning bid was also 1 percent.

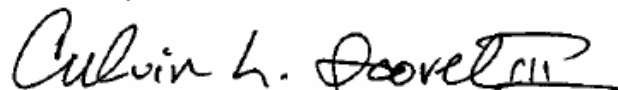
Proposals from bidders must be evaluated solely on the evaluation factors and subfactors contained in the Request for Proposal. The evaluation factors should be tailored to the acquisition. Although evaluation factors and goals differ among projects, we noted this project’s factors emphasized public relations and aesthetics more heavily than previous design-build projects that included those same factors. Mn/DOT also established a new proposal evaluation factor for this project called geometric enhancements. The winning bid received significantly higher technical scores than the other bidders for those evaluation factors. For example, the winning bid included such features as: (1) allowing the public to vote on specific design options for shape and color of the bridge support columns, retaining wall texture and color, monument design, railing design, and bridge color and lighting; (2) including elements such as under-bridge lighting, gateway monuments, and pond areas; and (3) incorporating future Mn/DOT roadway changes into the design. The winning bidder received a rating of “excellent” for proposing such features.

Our engineer’s limited review of contract-related documentation indicated that Mn/DOT provided a reasonable basis for the scoring of the evaluation criteria, although inherent subjectivity in the evaluators’ assignment of point scores for qualitative criteria exists.

In summary, the following factors influenced the selection of the winning bid: (1) deciding to use a best-value selection process instead of awarding the contract based on low bid, (2) placing greater emphasis on public relations and aesthetics than in previous design-bid projects, (3) establishing a new proposal evaluation factor called geometric enhancements, and (4) scoring certain elements of the winning bid as exceeding basic Request for Proposal requirements.

If I can answer any questions or be of further assistance in this or any other matter, please feel free to contact me at 202-366-1959, or my Deputy, Theodore Alves, at 202-366-6767.

Sincerely,

A handwritten signature in black ink that reads "Calvin L. Scovel III". The signature is written in a cursive style with a large initial 'C' and a distinct 'III' at the end.

Calvin L. Scovel III
Inspector General

Enclosure

cc: FHWA Administrator

**ST. ANTHONY FALLS (I-35W)
BRIDGE REPLACEMENT PROJECT
MINNEAPOLIS/ST. PAUL, MINNESOTA**



Briefing for Staff
House Committee on Transportation and Infrastructure
December 12, 2007



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Chairman Oberstar's Request

On October 5, 2007, we were asked to:

- Review the process taken by the Minnesota Department of Transportation (Mn/DOT) in selecting the winning bid for the contract to rebuild the St. Anthony Falls/I-35W bridge that collapsed August 1, 2007.
- Determine whether the requirements of 23 U.S.C. 112 and 23 CFR were met.

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Scope and Methodology

To address the Chairman's concerns, we conducted a limited review to understand how the winning bid was determined. We:

- Reviewed Federal and state laws and Federal regulations, policies, and procedures for the Design-Build (D-B) contract award process.
- Reviewed the process Mn/DOT followed to award the I-35W Bridge Replacement Project contract.
- Reviewed Mn/DOT's documentation supporting the solicitation and bid evaluation process.
- Met with FHWA Headquarters and Minnesota Division officials.
- Visited the I-35W bridge site and interviewed Mn/DOT officials to get a firsthand perspective.

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Summary of Results

- The contract award process used by Mn/DOT and FHWA followed the requirements of 23 U.S.C. 112 and 23 CFR 636 that state *D-B contracts can be awarded based on "best value," which considers both price and qualitative components.*
- Factors in the process that influenced the selection of the winning bid:
 - Mn/DOT chose to use a best value selection process instead of awarding based on low bid.
 - Mn/DOT emphasized public relations and aesthetics more than in its previous D-B projects and established a new proposal evaluation factor called *geometric enhancements*. These actions reflect Mn/DOT's plan to tailor the proposal evaluation factors to the project.
 - The winning bid included elements scored as exceeding basic RFP requirements (public selection of aesthetic features, elimination of design problems, etc.).

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Requirements of 23 U.S.C. 112 and 23 CFR 636

The process Mn/DOT followed for this project was in accordance with 23 U.S.C. 112 and 23 CFR 636.

- 23 U.S.C. 112 generally requires highway projects to be constructed using contracts awarded to the lowest bidder via competitive bidding; however, it also allows D-B contracting when approved by the Secretary of Transportation and as permitted by applicable state and local law. **Minnesota state law allows D-B contracts to be awarded based either on lowest price or best value selection.**
- 23 CFR 636, Design-Build Contracting, states:
 - "Best value selection" is a process in which proposals contain both price and qualitative components and the winning bid is selected based on a combination of those factors.
 - Proposal evaluation factors and significant subfactors should be tailored to the acquisition.
 - Proposals must be evaluated based solely on the factors and subfactors specified in the solicitation.


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**Contract Award Process:
Mn/DOT Design-Build Project History**

- The I-35 project is the first D-B, best value contract awarded by Mn/DOT for which the awardee had both the highest price and highest technical score.
- Since October 2002, Mn/DOT has awarded 6 D-B contracts using the best value process.
 - Five of the six were awarded to the lowest price bidder.
 - Four of those five also had the highest technical score.
 - For the one project when the low bidder did not win, the difference between the lowest and winning bid was 1 percent.
 - For the two projects in which the highest technical score did not win, the difference between the highest and winning score was 1 percent.


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**Contract Award Process:
I-35W Bridge Replacement-Milestones (all 2007)**

- August 1: The I-35W bridge collapsed.
- August 4: Mn/DOT issued the request for qualification (RFQ), seeking a statement of qualification (SOQ) from firms interested in the replacement contract.
- August 8: SOQs received. Five teams submitted SOQs, all were qualified and short listed. One dropped out of the competition.
- August 23: Mn/DOT released the request for proposals (RFP).
- September 14: Technical proposals received.
- September 14-17: Technical proposals evaluated.
- September 18: Financial proposals received.
- September 19: Mn/DOT opened financial proposals publicly, released average proposal evaluation technical scores and the estimated number of days to completion proposed by each team, then identified *Flatiron/Manson* as the apparent winner.
- October 8: Contract awarded to Flatiron/Manson.

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Contract Award Process: Calculation of Best Value Contract Award


The Technical Review Committee determined that all of the proposals met the technical requirements of the RFP and issued the following scores:

Bidder	Technical Proposal Score	Price Proposal "A"	Time (Days)	Time (Days x \$200,000) "B"	Adjusted-Bid (A+B)/ Technical Proposal Score Low Bid = Best Value
Ames/Lunda	55.98	\$178,489,561	392	\$78,400,000	\$4,588,953
C.S. McCrossan	65.91	\$176,938,000	367	\$73,400,000	\$3,798,179
Walsh/American Br	67.88	\$219,000,000	437	\$87,400,000	\$4,513,848
Flatiron/Manson	91.47	\$233,763,000	437	\$87,400,000	\$3,511,129

The best value represents the contract that has the lowest adjusted-bid. The formula used to compute the adjusted-bid was:

$$\text{Adjusted-bid} = (\text{Price Proposed, "A"} + (\text{Days x } \$200,000 \text{ per day, "B"})) / \text{Technical Proposal Score}$$

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Contract Award Process: Scoring Differences in Key Criteria

The key technical criteria that drove the winning score are highlighted in yellow: experience and authority of key individuals, aesthetics, enhancements, and public relations.

Evaluation Criteria		Differences in Scores	
Criteria	Total Points Available	Flatiron's Technical Score	Range of Scores - Other 3 Bidders
Quality = 50			
Experience and Authority of Key Individuals	20	18.83	11.43 – 14.33
Extent of Quality Control/Quality Assurance	10	8.80	5.70 – 7.12
Safety	10	8.60	7.43 – 8.57
Measures to Evaluate Performance in Construction	10	7.90	5.78 – 7.78
Aesthetics = 20			
Enhancements to the RFP	10	9.78	6.37 – 6.83
Approach to Involve Stakeholders	10	9.72	4.90 – 6.13
Enhancements = 15			
Geometric Enhancements	10	9.25	.58 – 6.70
Structural Enhancements	5	4.73	1.38 - 3.16
Public Relations = 15			
Total	100	91.47*	55.98 – 67.88

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Proposal Evaluation Factors: Project Goals and Evaluation Factors

23 CFR states proposal evaluation factors should be tailored to the project. Mn/DOT and FHWA representatives agree that one of the goals of the project is to restore public trust. Mn/DOT's proposal evaluation factors reflected their plan to achieve project goals.

Project Goals in order from RFP	Evaluation Factors	Weights
Safety	Safety	10
Quality – including “ensure public confidence”	Quality	40
Schedule	Note a	N/A
Environmental Compliance	<i>Not a factor, Note b</i>	0
Budget	Note a	N/A
Aesthetics	Aesthetics	20
Public Relations	Public Relations	15
Innovation	<i>Not a factor, Note c</i>	0
Partnering	<i>Not a factor, Note b</i>	0
<i>Not a goal, Note c</i>	Enhancements	15

Note a – “Schedule” and “Budget” are included in the award evaluation in the Adjusted Value computation as “Time” and “Price,” respectively.
 Note b – Mn/DOT stated this goal was included in the requirements of the RFP.
 Note c – Mn/DOT stated “Innovation” is emphasized to bring new ideas or solutions to problems and “Enhancements” encouraged this approach.


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Proposal Evaluation Factors: Emphasis

- ❑ Proposal evaluation factors emphasized public relations and aesthetics more than previous D-B projects. Mn/DOT also established a new proposal evaluation factor, *geometric enhancements*.
- ❑ The RFP instructed bidders to include the following in their proposals:
 - Public relations:
 - ❑ The qualifications and experience of their public information coordinator.
 - ❑ The approach and commitment to involve stakeholders, designers, and construction personnel into the public relations process as well to mitigate nighttime construction noise impacts on nearby residences.


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Proposal Evaluation Factors: Emphasis (contd.)

- Aesthetics:
 - Commitments to enhance the aesthetic requirements in the RFP.
 - The approach and commitments to involving stakeholders into the design process and enhancements to the aesthetic features using context sensitive design.
- Geometric enhancements:
 - Commitments to enhance the geometric features of the project and eliminate or minimize the 6 elements of the preliminary design released in the RFP that did not meet current highway engineering standards (called design exceptions).
- The RFP Geometric enhancements section “encouraged” bidders to develop plans to avoid the need to increase the height of two overpasses during future reconstruction of those overpasses. This reconstruction is not currently part of Mn/DOT’s 4 year Statewide Transportation Improvement Program.

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Proposal Evaluation Factors: Emphasis (cont.)

- Points assigned to public relations and aesthetics were significantly higher than in previous D-B projects. For example:
 - “Aesthetics” was assigned 20 points, *25 times* the 0.8-point average from two of six previous D-B projects.
 - “Public Relations” was assigned 15 points, *almost 4 times* the 4-point average from four of six previous projects.
- The “Geometric Enhancements” criteria is new. Ten out of the total possible 100 points were assigned to this category.

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Proposal Evaluation Factors: Emphasis (cont.)

Proposal evaluation factors differ among projects:

- 23 CFR 636: Factors and significant subfactors should be tailored to the project acquisition.
- FHWA: *"Given the unique scope, location, and goals of I-35W, we anticipate that the evaluation criteria and relative weights would be different from previous Mn/DOT D-B projects."*
- The Design-Build Institute of America (a professional engineering organization) guidance on evaluation factors states:
 - *There are no universally accepted evaluation criteria for making best value awards.*
 - *The best value approach allows award based on performance criteria that will best ensure the successful completion of the project.*
 - *Differences in complexity, risk, scope, and objectives between projects do not provide for a standard definition or method of success.*

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Proposal Scoring: Procedures Designed to Award Ratings Based on Meeting and Exceeding RFP Requirements

- Technical proposal scoring procedures awarded high scores for features judged to exceed RFP requirements:
 - Technical scoring criteria were designed to award ratings of *"Fair"* for meeting RFP requirements.
 - Ratings of *"Good," "Very Good,"* or *"Excellent"* were awarded for exceeding those requirements in different ways.
- While all proposals were found to be technically acceptable (at least *"Fair"* in meeting RFP requirements), the winning bid was rated *"excellent."*
 - The winning bid's *"excellent"* rating was awarded because of features judged to exceed the RFP requirements for these criteria: *experience and authority of key individuals, aesthetics, enhancements, and public relations.*

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Proposal Scoring: Features Judged to Exceed RFP Requirements



The winning bid included features judged to exceed RFP requirements, such as:

- Experience and Authority of Key Individuals: Key individuals have several years' experience on major bridge, river crossing projects and have all worked together previously.
- Aesthetics:
 - "Arches, Water, Reflection" design theme included enhancements such as: underbridge lighting, observation platforms at both river piers facing the water, landscaping, gateway monuments, and pond areas.
 - A public town-hall-type meeting, called a "charette," allowed the public to vote on specific design options for: bridge support shape and color, retaining wall texture and color, monument design, railing design, and bridge color and lighting. In response to our inquiries, Mn/DOT said this is the first time such a process has been used on a Mn/DOT project.

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Proposal Scoring: Proposed Features Judged to Exceed RFP Requirements (cont.)



- Enhancements:
 - A design which allows options for reconstructing two overpasses in the future. This reconstruction is not currently part of Mn/DOT's 4-year Statewide Transportation Improvement Program.
 - Elimination of all six elements in the preliminary design released in the RFP that did not meet current highway engineering standards.
 - The ability to increase the structural strength of the bridge by 10 percent in the future with minimal cost. Mn/DOT has no plan for when this feature may be used.
 - Smart bridge technology.
 - Lowest maintenance cost.
- Public relations: Sidewalk superintendent talks, bridge kiosks, webcams, and educational outreach efforts for Minnesota schools and students.

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**Proposal Scoring:
OIG Engineer Analysis of Scoring Procedures**



A limited review of Mn/DOT's contract related documentation indicated that Mn/DOT provided a reasonable basis for the scoring of the evaluation criteria, although inherent subjectivity in the evaluators' assignment of point scores for qualitative criteria exists.

United States Department of Transportation
Office of Inspector General
Compliance with Federal Accessibility Laws

The following pages contain Section 508-compliant versions of data that was presented in the previous document in a non-compliant way. Although this page, and all pages that follow, were not part of the original document, they have been added here to assist screen readers that will be used to read this document electronically.

ST. ANTHONY FALLS (I-35W) BRIDGE REPLACEMENT PROJECT MINNEAPOLIS/ST. PAUL, MINNESOTA



Briefing for Staff
House Committee on Transportation and Infrastructure
December 12, 2007



Final Design of St. Anthony Falls (I-35W Bridge)



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Chairman Oberstar's Request

On October 5, 2007, we were asked to:

- Review the process taken by the Minnesota Department of Transportation (Mn/DOT) in selecting the winning bid for the contract to rebuild the St. Anthony Falls/I-35W bridge that collapsed August 1, 2007.

- Determine whether the requirements of 23 U.S.C. 112 and 23 CFR were met.



Scope and Methodology

To address the Chairman's concerns, we conducted a limited review to understand how the winning bid was determined. We:

- ❑ Reviewed Federal and state laws and Federal regulations, policies, and procedures for the Design-Build (D-B) contract award process.
 - ❑ Reviewed the process Mn/DOT followed to award the I-35W Bridge Replacement Project contract.
 - ❑ Reviewed Mn/DOT's documentation supporting the solicitation and bid evaluation process.
 - ❑ Met with FHWA Headquarters and Minnesota Division officials.
 - ❑ Visited the I-35W bridge site and interviewed Mn/DOT officials to get a firsthand perspective.
-



Summary of Results

- The contract award process used by Mn/DOT and FHWA followed the requirements of 23 U.S.C. 112 and 23 CFR 636 that state *D-B contracts can be awarded based on "best value," which considers both price and qualitative components.*

 - Factors in the process that influenced the selection of the winning bid:
 - Mn/DOT chose to use a best value selection process instead of awarding based on low bid.
 - Mn/DOT emphasized public relations and aesthetics more than in its previous D-B projects and established a new proposal evaluation factor called *geometric enhancements*. These actions reflect Mn/DOT's plan to tailor the proposal evaluation factors to the project.
 - The winning bid included elements scored as exceeding basic RFP requirements (public selection of aesthetic features, elimination of design problems, etc.).
-



Requirements of 23 U.S.C. 112 and 23 CFR 636

The process Mn/DOT followed for this project was in accordance with 23 U.S.C. 112 and 23 CFR 636.

- 23 U.S.C. 112 generally requires highway projects to be constructed using contracts awarded to the lowest bidder via competitive bidding; however, it also allows D-B contracting when approved by the Secretary of Transportation and as permitted by applicable state and local law. **Minnesota state law allows D-B contracts to be awarded based either on lowest price or best value selection.**

- 23 CFR 636, Design-Build Contracting, states:
 - “Best value selection” is a process in which proposals contain both price and qualitative components and the winning bid is selected based on a combination of those factors.
 - Proposal evaluation factors and significant subfactors should be tailored to the acquisition.
 - Proposals must be evaluated based solely on the factors and subfactors specified in the solicitation.



Contract Award Process: Mn/DOT Design-Build Project History

- The I-35 project is the first D-B, best value contract awarded by Mn/DOT for which the awardee had both the highest price and highest technical score.

- Since October 2002, Mn/DOT has awarded 6 D-B contracts using the best value process.
 - Five of the six were awarded to the lowest price bidder.

 - Four of those five also had the highest technical score.

 - For the one project when the low bidder did not win, the difference between the lowest and winning bid was 1 percent.

 - For the two projects in which the highest technical score did not win, the difference between the highest and winning score was 1 percent.



Contract Award Process: I-35W Bridge Replacement-Milestones (all 2007)

- August 1: The I-35W bridge collapsed.
- August 4: Mn/DOT issued the request for qualification (RFQ), seeking a statement of qualification (SOQ) from firms interested in the replacement contract.
- August 8: SOQs received. Five teams submitted SOQs, all were qualified and short listed. One dropped out of the competition.
- August 23: Mn/DOT released the request for proposals (RFP).
- September 14: Technical proposals received.
- September 14-17: Technical proposals evaluated.
- September 18: Financial proposals received.
- September 19: Mn/DOT opened financial proposals publicly, released average proposal evaluation technical scores and the estimated number of days to completion proposed by each team, then identified *Flatiron/Manson* as the apparent winner.
- October 8: Contract awarded to Flatiron/Manson.



Contract Award Process: Calculation of Best Value Contract Award

The Technical Review Committee determined that all of the proposals met the technical requirements of the RFP and issued the following scores:

Bidder	Technical Proposal Score	Price Proposal "A"	Time (Days)	Time (Days x \$200,000) "B"	Adjusted-Bid (A+B)/ Technical Proposal Score Low Bid = Best Value
Ames/Lunda	55.98	\$178,489,561	392	\$78,400,000	\$4,588,953
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Walsh/American Br	67.88	\$219,000,000	437	\$87,400,000	\$4,513,848
<i>Flatiron/Manson</i>	<i>91.47</i>	<i>\$233,763,000</i>	<i>437</i>	<i>\$87,400,000</i>	<i>\$3,511,129</i>

The best value represents the contract that has the lowest adjusted-bid. The formula used to compute the adjusted-bid was:

$$\text{Adjusted-bid} = (\text{Price Proposed, "A"} + (\text{Days x } \$200,000 \text{ per day, "B"})) / \text{Technical Proposal Score}$$



Contract Award Process: Scoring Differences in Key Criteria

The key technical criteria that drove the winning score are highlighted in yellow: experience and authority of key individuals, aesthetics, enhancements, and public relations.

Evaluation Criteria		Differences in Scores	
Criteria	Total Points Available	Flatiron's Technical Score	Range of Scores - Other 3 Bidders
Quality = 50	50	44.13	30.34 – 37.80
Experience and Authority of Key Individuals	20	18.83	11.43 – 14.33
Extent of Quality Control/Quality Assurance	10	8.80	5.70 – 7.12
Safety	10	8.60	7.43 – 8.57
Measures to Evaluate Performance in Construction	10	7.90	5.78 – 7.78
Aesthetics = 20	20	19.50	11.27 – 12.96
Enhancements to the RFP	10	9.78	6.37 – 6.83
Approach to Involve Stakeholders	10	9.72	4.90 – 6.13
Enhancements = 15	15	13.98	1.96 – 9.86
Geometric Enhancements	10	9.25	.58 – 6.70
Structural Enhancements	5	4.73	1.38 - 3.16
Public Relations = 15	15	13.85	10.75 – 11.35
Total *rounding	100	91.47*	55.98 – 67.88



Proposal Evaluation Factors: Project Goals and Evaluation Factors

23 CFR states proposal evaluation factors should be tailored to the project. Mn/DOT and FHWA representatives agree that one of the goals of the project is to restore public trust. Mn/DOT's proposal evaluation factors reflected their plan to achieve project goals.

Project Goals in order from RFP	Evaluation Factors	Weights
Safety	Safety	10
Quality – including "ensure public confidence"	Quality	40
Schedule	Note a	N/A
Environmental Compliance	<i>Not a factor, Note b</i>	0
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Public Relations	Public Relations	15
Innovation	<i>Not a factor, Note c</i>	0
Partnering	<i>Not a factor, Note b</i>	0
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Note a – "Schedule" and "Budget" are included in the award evaluation in the Adjusted Value computation as "Time" and "Price," respectively.

Note b – Mn/DOT stated this goal was included in the requirements of the RFP.

Note c – Mn/DOT stated "Innovation" is emphasized to bring new ideas or solutions to problems and "Enhancements" encouraged this approach.



Proposal Evaluation Factors: Emphasis

- Proposal evaluation factors emphasized public relations and aesthetics more than previous D-B projects. Mn/DOT also established a new proposal evaluation factor, *geometric enhancements*.

 - The RFP instructed bidders to include the following in their proposals:
 - Public relations:
 - The qualifications and experience of their public information coordinator.

 - The approach and commitment to involve stakeholders, designers, and construction personnel into the public relations process as well to mitigate nighttime construction noise impacts on nearby residences.
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Proposal Evaluation Factors: Emphasis (contd.)

- Aesthetics:
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- Geometric enhancements:
 - Commitments to enhance the geometric features of the project and eliminate or minimize the 6 elements of the preliminary design released in the RFP that did not meet current highway engineering standards (called design exceptions).

- The RFP Geometric enhancements section “encouraged” bidders to develop plans to avoid the need to increase the height of two overpasses during future reconstruction of those overpasses. This reconstruction is not currently part of Mn/DOT’s 4 year Statewide Transportation Improvement Program.



Proposal Evaluation Factors: Emphasis (cont.)

- Points assigned to public relations and aesthetics were significantly higher than in previous D-B projects. For example:
 - *"Aesthetics"* was assigned 20 points, *25 times* the 0.8-point average from two of six previous D-B projects.
 - *"Public Relations"* was assigned 15 points, *almost 4 times* the 4-point average from four of six previous projects.
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Proposal Evaluation Factors: Emphasis (cont.)

Proposal evaluation factors differ among projects:

- 23 CFR 636: Factors and significant subfactors should be tailored to the project acquisition.

- FHWA: *"Given the unique scope, location, and goals of I-35W, we anticipate that the evaluation criteria and relative weights would be different from previous Mn/DOT D-B projects."*

- The Design-Build Institute of America (a professional engineering organization) guidance on evaluation factors states:
 - *There are no universally accepted evaluation criteria for making best value awards.*
 - *The best value approach allows award based on performance criteria that will best ensure the successful completion of the project.*
 - *Differences in complexity, risk, scope, and objectives between projects do not provide for a standard definition or method of success.*



Proposal Scoring: Procedures Designed to Award Ratings Based on Meeting and Exceeding RFP Requirements

- Technical proposal scoring procedures awarded high scores for features judged to exceed RFP requirements:
 - Technical scoring criteria were designed to award ratings of *"Fair"* for meeting RFP requirements.
 - Ratings of *"Good," "Very Good,"* or *"Excellent"* were awarded for exceeding those requirements in different ways.

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 - The winning bid's *"excellent"* rating was awarded because of features judged to exceed the RFP requirements for these criteria: *experience and authority of key individuals, aesthetics, enhancements, and public relations.*



Proposal Scoring: Features Judged to Exceed RFP Requirements

The winning bid included features judged to exceed RFP requirements, such as:

- Experience and Authority of Key Individuals: Key individuals have several years' experience on major bridge, river crossing projects and have all worked together previously.

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 - "Arches, Water, Reflection" design theme included enhancements such as: underbridge lighting, observation platforms at both river piers facing the water, landscaping, gateway monuments, and pond areas.

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Proposal Scoring: Proposed Features Judged to Exceed RFP Requirements (cont.)

- Enhancements:
 - A design which allows options for reconstructing two overpasses in the future. This reconstruction is not currently part of Mn/DOT's 4-year Statewide Transportation Improvement Program.
 - Elimination of all six elements in the preliminary design released in the RFP that did not meet current highway engineering standards.
 - The ability to increase the structural strength of the bridge by 10 percent in the future with minimal cost. Mn/DOT has no plan for when this feature may be used.
 - Smart bridge technology.
 - Lowest maintenance cost.
- Public relations: Sidewalk superintendent talks, bridge kiosks, webcams, and educational outreach efforts for Minnesota schools and students.



Proposal Scoring: OIG Engineer Analysis of Scoring Procedures

A limited review of Mn/DOT's contract related documentation indicated that Mn/DOT provided a reasonable basis for the scoring of the evaluation criteria, although inherent subjectivity in the evaluators' assignment of point scores for qualitative criteria exists.