1. **Question** – Is pre-registration required for the pre-proposal conference on May 3?

   **Answer** – Pre-registration is not required. Please refer to Section I-8 of the RFP for further information.

2. **Question** – Please advise if consultants would be precluded from competing & submitting on future P3 or DB procurements with PennDOT if they were selected as a prime consultant for the Strategic Consultant Services contract.

   **Answer** – Regarding the “prime consultant, the selected Offeror will be involved in a broad array of programmatic analyses to support the development and execution of the Commonwealth’s P3 program. As a result of the services the prime consultant is expected to provide and their access to information regarding the Commonwealth’s P3 program’s priorities, projects and approach, the prime consultant is precluded from competing and submitting on future procurements that are developed and issued under the Commonwealth’s P3 program.

   The selected Offeror will, minimally, be precluded from submitting or participating in any capacity with regard to proposals for future P3 procurements for a period of three (3) years after the expiration or termination of the resulting Contract, whichever occurs first.

   A subconsultant or subcontractor to the selected Offeror, is not subject to the prohibition set forth above. However, the State Adverse Interest Act as it applies to P3 projects under Act 88, would still preclude a subconsultant or subcontractor from competing in and submitting proposals for future P3 procurements in which they assisted PennDOT in the development of or provided recommendations to PennDOT with respect to a project.

   Please note that any guidance pertaining to the State Adverse Interest Act and contractor integrity is for general use only, while questions regarding specific projects or work under this procurement should be directed to Offerors’ legal counsel.

3. **Question** – Please advise if consultants would be precluded from competing & submitting on future P3 or DB procurements with PennDOT if they were selected in a subconsultant role to a prime for the Strategic Consultant Services contract.

   **Answer** – See response to Question #2.

4. **Question** – In accordance with sections II-5 (Personnel) and IV-3.A (Staffing), please clarify how many candidate résumés are required/expected per position.

   **Answer** – Résumés are expected for all personnel that will engage in work related to this RFP.

5. **Question** – Is the position of Project Director referenced in Part III-4 (ii.) required in addition to the staff position requirements listed in Part IV-3(A) or is it expected to be performed by one of the staff already listed in Part IV-3(A)? If the former, please clarify the following:
a. Is the project director to be deemed “key personnel” in accordance with II-5?

b. Should a résumé be submitted for the Project Director?

c. What (if any) specific qualifications (i.e., PMP certification, P3 program management experience, etc.) required/expected for this position?

Answer – Offerors should identify a Project Director who will have overall lead responsibility for coordination and delivery of all work defined under Part IV of the RFP. This individual may also be classified as an Expert Business Consultant and/or Expert Financial Consultant. The Project Director is considered to be classified as key personnel. Offerors are required to include a résumé for the Project Director demonstrating that the qualifications of the proposed individual meet or exceed the requirements of Part IV-3.A.

6. Question – With reference to section II-3 (Work Plan), since the strategic consultant services are task order-based and include both program development and project structuring/evaluation elements, what are PennDOT’s expectations regarding the level of detail of the proposed work plan? Should we provide the general approach and methodology for delivering key tasks or should we propose an activity-based work plan and Gantt Chart for the initial contract period (24 months) that we believe would best help PennDOT and the Commonwealth of Pennsylvania achieve their infrastructure and P3 objectives?

Answer – To ensure the Department has sufficient information to evaluate submitted proposals, Offerors should provide a detailed approach and methodology for delivering the Business Management Services described under Tasks, Part IV-4.A. As appropriate, Offerors may include example time lines for proposed work efforts.

7. Question – Please provide additional detail regarding the “ability of the Offeror to meet the terms of the RFP, especially the time constraints, quality, ability to meet functional requirements” referenced in Part III-4(A-ii). The explanation of time constraints, quality, and ability to meet functional requirements are not further detailed elsewhere in the RFP tender dossier.

Answer – To clarify, the Department believes this question is in reference to Evaluation Criteria, Part III-4 (A-iii). Offerors are required to demonstrate that they possess the organizational flexibility, staff resources, experience and expertise to meet the requirements of the Work Statement defined under Part IV of the RFP by providing high quality, effective deliverables in the time and budget constraints that the Department defines through work orders issued under this contract.

8. Question – Please provide additional information regarding PennDOT’s expectations regarding training (section II-6). Would this training be delivered primarily to the Office of Policy and Public Private Partnerships staff or would the training be directed at other stakeholders?

Answer – Training may be proposed and provided by the selected Offeror to Department staff, members of the P3 Transportation Board and other public entities that may undertake P3 projects. The details of training initiatives would be defined in a work order issued by the Department. For purposes of their proposal, Offerors are to provide a general discussion of their approach, methodology and topics that could be covered under P3 training course(s) as well as prior experience providing similar training to other clients.
9. **Question** – Can we assume that our response to Section II-7 Financial Capability is not included in the 75 page limit as stated in Section 1-14 Economy of Preparation?

**Answer** – Offeror’s financial stability and economic capability to perform the contract requirement shall be described in their technical proposal and be included in the 75 page limit. Financial documents, such as financial statements, may be attached as appendices which are not part of the 75 page limit.

10. **Question** – Section 9120 of Act No. 88 (“Act 88” or “P3 Act”) and Section 1.3.3 of the Implementation Manual and Guidelines, indicate that a “state advisor or consultant is not precluded from preparing or submitting a response to a request for proposals or Transportation Projects under Act 88; participating in any activity with the Department of Transportation relating to the same; negotiating or entering into a contract for any resulting Transportation Project; or engaging in other action taken in furtherance of the purposes of Act 88.”

Can you please re-confirm that the interpretation of this language above is that the selected Offeror can simultaneously provide advisory services and / or participate as part of an investment/concessionaire team during a request for proposal and procurement process of a Transportation Project under Act 88?

Also, please clarify any conflict of interest under PA Adverse Interest Law, if the selected offeror is involved in some manner in the preparation of the P3 RFP. If this is determined to be a conflict of interest, please provide any guidelines related to the level of involvement required that would trigger the conflict of interest.

**Answer** – Under no circumstances can the selected Offeror both advise PennDOT under the terms of its contract and be part of the proposal on the same project. Even if not technically a violation of the State Adverse Interest Act based on Section 9120 of the P3 Law, principles of fairness associated with competitive procurement preclude them from submitting or being part of a proposal to perform a project where they were involved in its development under a contract or subcontract to provide P3 consulting services to PennDOT. See response to Question #2 for further direction on this issue.

11. **Question** – In case the selected Offeror decides to provide advisory services or participate as part of an investment/concessionaire team during a request for proposal under the Act 88, is there a specific procedure by which the selected Offeror notifies PennDOT of its decision? Is there a requirement to formally request permission for the selected Offeror to be cleared to proceed with its decision?

**Answer** – See response to Question #2. Only one (1) prime consultant firm will be selected as the Strategic Consultant. There is no ability to request permission to provide advisory services or participate as part of an investment/concessionaire team.

12. **Question** – In case the selected Offeror is precluded from providing certain services to PennDOT due to an appearance of or actual existence of conflict, will this prohibition be permanent for the selected Offeror or will it last only for the time that the selected Offeror remains engaged by PennDOT?
13. **Question** – It has been publicly stated that the P3 Office has already engaged a series of other consultants such as a financial consultant, technical consultants and is in the process of selecting a legal advisor. Can you describe the expected degree of interaction from the Strategic Consultant or its expected role as it relates to the other engaged consultants?

**Answer** – The selected Offeror’s role is to support the Department’s implementation, development, and delivery of all projects that fall under the P3 program. The Department may procure additional consultants with various expertise critical to specific P3 projects. At the direction of the Department, the selected Offeror will be required to work collaboratively with any entities designated by the Department in regards to the P3 Program.

14. **Question** – Part I, Section I-4 of the RFP includes the following language: “The services may be used by other Commonwealth agencies and Public Entities outside the Governor’s jurisdiction, for the advancement of alternative delivery methods on eligible projects under Act 88. Additional detail is provided in Part IV of this RFP.”

However, Part IV of the RFP does not provide a description of any other Commonwealth agency or Public Entity outside the Governor’s jurisdiction that may also receive strategic services from the selected Offeror.

For clarification purposes, can you provide an example of the other Commonwealth agencies and Public Entities outside the Governor’s jurisdiction that may receipt services from the selected Offeror under this RFP?

**Answer** – An example of a Commonwealth agency that falls directly under the Governor’s jurisdiction is the Department of Conservation and Natural Resources. Examples of independent agencies outside the Governor’s jurisdiction are the Pennsylvania Turnpike Commission, the Southeastern Pennsylvania Transportation Authority and the Port Authority of Allegheny County.

15. **Question** – Can a proposal include more than one person as Expert Business Management Consultant and one person as Expert Financial Consultant?

**Answer** – Yes.

16. **Question** – How will the cost proposal be evaluated? What is the relative weighting?

**Answer** – As specified in Part III-4, Evaluation Criteria, only Technical submittals (80%) and Small Diverse Business submittals (20%) will be evaluated as set forth in this section. Contract negotiations will focus on the maximum hourly rates set forth in the cost submittal. Maximum hourly rates will then be the basis by which work order costs are determined.

17. **Question** – Section II-10, C requires travel and subsistence costs to be included in the rates. Since travel might vary pursuant to various work assignments, would the Department consider direct reimbursement of pre-approved expenses
Answer – Section II-10 of the RFP defines the travel and subsistence costs to be included as part of the maximum hourly rate. Offerors should prepare their Cost submittal in accordance with Section II-10.

18. Question – Part II, Section II-6 of the RFP requires Offerors to “indicate recommended training of agency personnel.” Could you please clarify whether PennDOT contemplates that the trainings would be developed by the selected Offeror and provided to PennDOT staff as a part of its scope of work (e.g., Offeror develops PennDOT-specific project screening trainings and manuals) or is this requirement intended to solicit recommendations for third party companies/academic institutions that offer training courses for fees?

Answer – See response to Question 8.

19. Question – Part II, Section II-7 of the RFP requires the Offeror’s financial statements, including its balance sheet and income statement or profit/loss statement. As a private partnership, our company does not have these types of financial statements that are available for disclosure. Could an alternative form of financial information be acceptable to PennDOT? In order to comply with the financial information requirements under our Federal contracts and for other potential clients seeking to confirm financial stability, we have developed a disclosure document that provides sufficient financial information to confirm our company’s financial strength and credit profile. Would such a document be acceptable?

Answer – Yes.

20. Question – Part IV, Section IV-4.A.7 of the RFP refers to providing guidance and support to facilitate proactive and interactive public outreach activities. Consistent with the approach to procuring legal services through a separate contract, which is very helpful, would PennDOT consider also procuring the public outreach activities through a separate contract? Given the likelihood that (a) a number of qualified firms that wish to become Offerors are also likely to be entities that are registered as municipal advisors with the Municipal Securities Rulemaking Board and the Securities Exchange Commission and (b) qualified firms that perform public outreach services (and that such Offerors would want to team with) may also engage in other activities such as lobbying, procuring both types of firms under a single contract could present challenges in the future. Although the final MSRB rules have not been issued yet, we anticipate that, upon their issuance, both Federal rules and our firm’s compliance policies may prohibit or discourage any subcontract relationship with entities that engage in lobbying activities (or even activities that appear to be like lobbying).

Answer – While it is the intent through this contract to subcontract for public outreach activities, the Department reserves the right to remove this requirement, in whole or part, from the contract that will result from the RFP, or any individual work order pursuant to Section 30 of the Standard Terms and Conditions, Changes.

21. Question – Part IV, Section IV-4.A.13 of the RFP refers to providing project management and administrative support and all other staff required to meet the needs of the P3 program. To what extent does PennDOT contemplate using this contract for staff augmentation? Does PennDOT...
contemplate that any Work Orders would require the Offeror’s staff to work full-time or part-time at PennDOT’s offices?

**Answer** – As the P3 program is developed and implemented, Offerors must be prepared to provide resources as necessary to meet work order deliverables. The Department may need on-site program management, technical and administrative personnel to be provided by the selected Offeror. This need will be defined via a work order on a case-by-case basis. Offerors should demonstrate their expertise and experience for providing and managing, both off-site and on-site personnel, that support the implementation of similar P3 programs and/or large transportation infrastructure programs.

22. **Question** – Part IV, Section IV-4 of the RFP describes the procedures for Work Orders and in clause 6 states that the cost of each Work Order will draw down from the “maximum contract amount.” Has a maximum contract amount been determined for this contract and, if so, what is the amount?

**Answer** – A maximum contract amount has not been established at this point.

23. **Question** – Appendix C – Cost Submittal Template states that the Maximum Hourly Rates shall be inclusive of, among other things, travel and subsistence. Please confirm that only hourly fees incurred for work performed may be invoiced and that the Contractor will not be able to submit invoices for any travel, lodging, meals and other out-of-pocket expenses incurred in connection with work under the contract.

**Answer** – See response to Question #17.

24. **Question** – When will initial P3 projects be advertised?

**Answer** – Minimally, the Strategic Consultant will be selected and on board; while any project must be approved by the P3 Board in advance of a solicitation. Relevant P3 information will be updated on an ongoing basis and can be found on the Department’s website at:

http://www.dot.state.pa.us/Internet/P3info.nsf/P3Home?OpenFrameset

25. **Question** – Are you committed to accepting one (1) firm or is there an opportunity for multiple firms?

**Answer** – The award for this RFP will be made to one (1) Offeror.