

Alternative Technical Concepts Reviews

Note to Developer of the RFP: The Alternative Technical Concept Process shall be used at the District's discretion. ATC meetings shall not be considered Public Meetings. ATC meetings shall be recorded by the Department. Recordings of ATC meetings, information presented to the Department by the Design-Build Firm during an ATC meeting and ATC Proposals submitted by the Design-Build Firm shall be exempt from disclosure pursuant to a Public Records Request until such time as the Department has posted the intended Award notification. The RFP needs to indicate ATC areas that are off limits (i.e. The Department is not open to changing pavement types, reduction in scope, etc...). The Schedule of Events portion of the RFP shall include a deadline for submission of an ATC, a deadline for Department response to an ATC and shall accommodate 2 ATC meetings per Short-Listed Design/Build Firm.

X.1 Alternative Technical Concept (ATC) Proposals

The ATC process allows innovation, flexibility, time and cost savings on the design and construction of Design/Build projects. ATC's allow the Department to obtain the best value for the public. ATC meeting(s) may be held (maximum of two meetings per Design/Build Firm), in order for the Design/Build Firm to propose changes to supplied basic configurations, project scope, design criteria, or construction criteria. The proposed changes shall provide a solution that is equal or better than what is required by the Request for Proposal (RFP) as determined by the Department. A concept is not an ATC if it reduces quality, performance, reliability or scope or if the proposed concept is contemplated or not specifically prohibited by the RFP.

The purpose of this meeting is to discuss the proposed changes, answer questions and other relevant issues. Each Design/Build Firm with proposed changes may request a meeting to describe the proposed changes. The meeting should be between representatives of the Design/Build Firm and/or the Design/Build Engineer of Record and District/Central Office staff as needed to provide feedback on the ATC. The meeting should take place prior to the ATC due date noted in the RFP.

X.2 Submittal and Review of ATC'S

After the meeting, the District Design Engineer (DDE) will communicate with the appropriate staff (i.e. District Structures Engineer, District Construction Engineer, District Maintenance Engineer, State Structures Engineer, State Roadway Design Engineer, FHWA, as applicable) as necessary, and respond to the Design/Build Firm in writing as to whether the ATC is acceptable, not acceptable, needs additional information or does not qualify as an ATC within two weeks of the ATC meeting. If the DDE or his designee determines that more information is required for the review of an ATC, questions should be prepared by the DDE or his designee to request and receive responses from the Design/Build Firm. The review should be completed within two weeks of the receipt of the ATC. If the review will require additional time, the Design/Build Firm should be notified in advance with an estimated timeframe for completion.

If the ATC will result in changes to design standards or criteria, the changes will need to be approved in accordance with the Department's procedures prior to responding to the Design/Build Firm.

The project file will clearly document all communications with any Design/Build Firm.

ATC's are accepted by the Department at its discretion and the Department reserves the right to reject any ATC submitted.

X.3 Contents of ATC Submittal

All ATC submittals shall be sequential numbered and include the following information and discussions:

- a) **Description:** A description and conceptual drawings of the configuration of the ATC or other appropriate descriptive information, including, if appropriate, product details and a traffic operational analysis;
- b) **Usage:** The locations where and an explanation of how the ATC would be used on the project;
- c) **Deviations:** References to requirements of the RFP which are inconsistent with the proposed ATC, an explanation of the nature of the deviations from the requirements and a request for approval of such deviations or a determination that the ATC is consistent with the requirements of the RFP;
- d) **Analysis:** An analysis justifying use of the ATC and why the deviation, if any, from the requirements of the RFP should be allowed;
- e) **Impacts:** A preliminary analysis of potential impacts on vehicular traffic (both during and after construction), environmental impacts, community impacts, safety, and life-cycle Project and infrastructure costs, including impacts on the cost of repair, maintenance, and operation;
- f) **Risks:** A description of added risks to the Department or third parties associated with implementation of the ATC;
- g) **Quality:** A description of how the ATC is equal or better in quality and performance than the requirements of the RFP; and
- h) **Operations:** Any changes in operation requirements associated with the ATC, including ease of operations;
- i) **Maintenance:** Any changes in maintenance requirements associated with the ATC, including ease of maintenance;
- j) **Anticipated Life:** Any changes in the anticipated life of the item comprising the ATC;
- k) ***Handback:** Any changes in Handback Requirements associated with the ATC;
- l) ***Project Revenue:** A preliminary analysis of potential impacts on Project Revenue;
- m) ***Payments:** A preliminary analysis of potential impacts on the Upfront Concession Payment and Annual Lease Payment

* These submittal requirements will be needed for Public Private Partnership (PPP) projects only.

After the ATC meetings, the Contracting Unit, along with the Project Manager, will update the RFP criteria or issue an Addendum, if the ATC deviates from the RFP and is approved by the Department **(FHWA must approve such change as applicable)**. Approved Design Exceptions or Design Variances will require an update to the RFP.

The Department reserves the right to disclose to all Design/Build Firms any issues raised during the ATC meetings, except to the extent that FDOT determines, in its sole discretion, such disclosure would reveal confidential or proprietary information of the ATC.

X.4 Incorporation into Proposal

The Design/Build Firm will have the option to include any ATC's to which it received approval in their proposal and the Proposal Price should reflect any incorporated ATC's.

By submitting a Proposal, the Design/Build Firm agrees, if it is not selected, to disclosure of its work product to the successful Design/Build Firm, only after receipt of the designated stipend or after award of the contract whichever occurs first.

v. 07/01/2011