

STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION

IN RE: DOVER TRANSIT  
CENTER DESIGN-BUILD PROJECT

Request for Qualifications/Informational Meeting

DelDOT Administration Center  
800 Bay Road  
Dover, Delaware

Tuesday, May 26, 2009  
10:36 a.m.

BEFORE:

JOHN V. EUSTIS, JR.  
Contract Services Project Manager

JOHN T. SISSON  
Projects and Facilities Manager

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1                   MR. EUSTIS: Good morning. My name  
2                   is John Eustis. I'm Contract Services Project  
3                   Manager, which actually doesn't mean anything.  
4                   In theory, I'm retired from the Department. I  
5                   retired a year and a half ago and now I only work  
6                   full-time. It's better than what I had before I  
7                   suppose.

8                   We are here to talk about the  
9                   qualifications for Contract 25-020-01, the Dover  
10                  Transit Center. It's a design/build project, and  
11                  I'm going to start by talking about some of  
12                  the -- I may not talk about anything if I can't  
13                  get this to work. First I'm going to start with  
14                  housekeeping.

15                  Cell phones, everybody's got one,  
16                  everybody uses one. I have mine, too. You get  
17                  two options, and they are turn them off or put  
18                  them on vibrate because we're only going to be  
19                  here for about an hour. You will survive without  
20                  them. I do allow exceptions to that. If your  
21                  wife is in labor, you can leave your phone on and  
22                  you can answer it. If you have a close relative  
23                  that is having surgery, you can leave your cell  
24                  phone on and you can answer it. If something

1           else comes in that you feel is really important  
2           and you need to answer your phone, go outside so  
3           you don't disturb anyone else. Not a very  
4           welcoming comment, but that's the way it goes.

5                        As you can see, we have a  
6           transcriptionist here. There will be a  
7           transcript of this meeting. It will be put on  
8           the Web site that you have been referred to as  
9           soon as I have it back. And there are a couple  
10          of things that happen when you have a  
11          transcriptionist. I'm pretty sure not one of you  
12          knows this woman. And she doesn't know you  
13          either. So if you have questions or comments,  
14          you need to state your name and who you represent  
15          so she can have that recorded and we will have a  
16          really good transcript at the end of the day.  
17          And when it gets to those particular things that  
18          you want to ask questions about, if it's part of  
19          my presentation and you think of something, just  
20          raise your hand. I would rather have you ask  
21          your questions as you think of them and then, if  
22          I'm going to get to it in a minute, I will say  
23          so, but otherwise, I'll entertain the questions  
24          as we go along, because I may not be as clear as

1 I possibly could.

2 RFQ copies, anybody here not get one  
3 in the e-mail yet? A little later give me your  
4 e-mail address and I will send one to you as soon  
5 as we're done here.

6 That's all the housekeeping stuff.  
7 This is usually the place where we get the most  
8 questions, and for those of you who are planning  
9 on protesting this acquisition, this is where you  
10 start.

11 The authority to do this project, we  
12 have had the project approved by the joint  
13 chairs -- cochairs of the Joint Legislative  
14 Committee on Capital Improvement Program and the  
15 director of the Office of Management and Budget,  
16 and in about 10 minutes, 20 minutes the  
17 Governor's going to be down the other end of the  
18 building talking about this project. He's aware  
19 of it. It's been part of the Department's  
20 capital program for quite a while and the  
21 opportunity has arisen that we can at least do  
22 part of it, if not all of it. It's been approved  
23 by FHWA and by FTA. The funding is being  
24 provided by under the American Reinvestment Act

1 of 2009. This is where I get screwed up. The  
2 funding of this phase is 100 percent federal  
3 dollars out of the Recover Reinvestment Act. The  
4 funding agencies are FHWA and FTA. That's not  
5 alphabetical order. That's order by dollars.

6 Both sets of rules -- and they  
7 both -- for some reason, they all work for U.S.  
8 DOT, but they have two different sets of rules on  
9 these things. So both sets of rules will apply,  
10 and that will be more evident when you get to  
11 part 2 of the RFT.

12 Questions and comments on the RFT and  
13 RFP, for that matter, all questions have to come  
14 to me. The way we deal with this is you have a  
15 single point of contact for every issue you have  
16 and that's going to be me, barring I get hit by a  
17 truck or something. Any questions you want to  
18 submit, there's my e-mail address. I had copies  
19 of my card on the table. You should have that.  
20 That has my e-mail address on there, also. It  
21 also has my fax number, but I would prefer that  
22 you use my e-mail address. And you can see  
23 there's three really good reasons.

24 One, I may not be able to answer the

1 question myself and I need to forward that on to  
2 another person. So your question will be in your  
3 words and it will go forward that way. What it  
4 will not have when it goes to another person for  
5 a response is your name or your firm. It will  
6 only have your question. The identity of  
7 questions is not sent forward, that way there can  
8 be no prejudice in the answers. And really I  
9 don't care, so it's better that way.

10 The other really good reason is I'm a  
11 lousy typist and it takes me forever to reproduce  
12 those things, and I have no administrative  
13 support. You get to ask your own questions in  
14 your own words. I don't have to make an  
15 interpretation of it.

16 If you feel like it would be  
17 beneficial to you to talk to me about your  
18 question beforehand, that's fine, you can call  
19 me, we will talk about it, but your question  
20 won't go any further until I get an e-mail about  
21 it. I'll be as cooperative as possible. In  
22 theory I only work four and a half days a week  
23 and every one of you that's gotten an e-mail from  
24 me has my cell phone number, it's my personal

1 cell phone number, but don't feel bad about using  
2 it because if I'm not here, that's the only way  
3 you're going to get ahold of me, and I will  
4 obviously accommodate you and you will know if  
5 I'm not here because my phone will be answered by  
6 someone else.

7 Like I said, all your questions are  
8 confidential. Only you and I will know who you  
9 are. Do not call John and ask him a question,  
10 don't go to the District and ask them questions,  
11 and if you see people out in the field, don't  
12 bother asking them questions. They all have been  
13 instructed to tell you, geez, I don't know, why  
14 don't you call John Eustis. If you really do  
15 need to talk to someone other than me, I will  
16 make those arrangements for you. I break down  
17 questions in two types: Those leading questions,  
18 those are the ones where I grab you by the nose  
19 and I point you to a sentence on a page somewhere  
20 in the documents already. The other types of  
21 questions can be proposal-specific or they could  
22 be SOQ-specific, and depending upon the nature of  
23 the question that you have, I'm going to respond  
24 only to you or it may be something that requires

1 a change in the RFQ or the RFP, for that matter,  
2 later on down the line, and that will come out as  
3 part of an addendum. But in any case, all  
4 responses will be in writing; therefore, all  
5 questions have to be in writing. I'm better at  
6 reading than in hearing, especially since I'm  
7 getting older. I will make the decision as to  
8 whether the subject of this answer requires that  
9 everybody be notified by an addendum.

10 Now, I won't do that in a vacuum. If  
11 I feel -- if you have asked me a question and I  
12 feel it needs to go out to everyone, I will more  
13 than likely contact you first and discuss that  
14 issue with you because there may be parts of your  
15 question that you don't want to go out in an  
16 addendum. Anything that's specific to your firm  
17 or your particular situation, that's not going to  
18 be for general consumption. That's between you  
19 and me.

20 I have done this a number of times.  
21 I have a reputation for being fair and running a  
22 transparent process. I'm not going to screw it  
23 up this time. Nobody here is going to get any  
24 special treatment. Okay?

1                   Confidentiality is extremely  
2           paramount in these type of acquisitions because  
3           you are required in order to get qualified for  
4           this project to submit to me confidential  
5           information. The people that will be reviewing  
6           that information will have signed confidentiality  
7           agreements. They will not be able to discuss  
8           your information outside of the group that deals  
9           with that. When they have done their review, I  
10          collect up every copy of everything they have,  
11          including their notes, and they go into a file  
12          until we have an awarded contract, and once we  
13          have an awarded contract, those documents that  
14          are no longer required for us to have, you have  
15          the option of getting them back or I will shred  
16          them. Either way, they're confidential.

17                   To that extent, pretty much every  
18          design-build I have had to do has been federally  
19          funded. I don't really have to have proof that  
20          one of the people that is working for us has  
21          spoken outside of the group. All I have to have  
22          is a comment that seems verifiable and they are  
23          out. That includes the feds, that includes any  
24          Department personnel. I have complete control

1 over this. In one instance I did bar a federal  
2 employee from having any more participation in a  
3 design-build because he said one too many things.  
4 So I don't know if that makes you feel any more  
5 confident or less confident, but fact of the  
6 matter is I'm dead serious about confidentiality,  
7 the information that you submit to us. That's  
8 why there is a single point of contact and that's  
9 me.

10 I do know that you are going to need  
11 to talk to suppliers, materialmen,  
12 subcontractors, subconsultants, and those things.  
13 I would suggest in that venue, some of you are  
14 going to be talking to the same folks as other  
15 people, and I would suggest that you have some  
16 sort of confidentiality agreement with them,  
17 also. I had a design-build a number of years ago  
18 where one of the people from one of the firms was  
19 talking to a couple of different suppliers and  
20 they were talking to a couple of different folks  
21 from DNREC, because they can be involved in these  
22 things, and the details of their design were  
23 getting out through their own people. That's not  
24 too bright. I would assume that most of you

1 don't want that kind of thing happening.

2 Here are some important dates. First  
3 one is today, the 26th. Theoretically, you're  
4 here now. If you're not, you probably didn't  
5 sign in. This is not a mandatory meeting. This  
6 is an informational meeting. If someone else  
7 wants to come along and participate in this,  
8 they're going to have equal access to the  
9 information. It's going to be posted on the Web  
10 site.

11 The final date for receipt of  
12 submitters' questions, and at this point when  
13 you're in the RFQ process for me, you're a  
14 submitter, the last date for questions will be  
15 prior to noon on June 15th. The reason for that  
16 restriction is it may require that I have a  
17 response either to you or to everyone and I have  
18 to have time to prepare those responses and get  
19 them back to you in a timely fashion before you  
20 have to submit your SOQs.

21 The final issue date for the final  
22 addendum or answers to submitted questions is  
23 June 18th. In theory, I haven't scheduled  
24 anything for Saturday, but I might have. You

1 never know.

2 Statement of qualifications are due  
3 on June 24th, 2:00 p.m. local time. Strictly  
4 enforced. That means 2:00 p.m. is 2:00 p.m., not  
5 2:01, not 2 o'clock and 10 seconds, not 2 o'clock  
6 and 15 seconds. They will be due in the  
7 Bidders Room. You all signed in at the front  
8 desk out here. When you bring in your statements  
9 of qualifications, when you came through that  
10 door, there are a couple of steps to your left  
11 that go up to a room. That's called the Bidders  
12 Room. That is a public room. You do not have to  
13 sign in. There is a window on the far side of  
14 that room after you get in there. On your way  
15 out, you may want to stop by and take a look at  
16 it. That's where SOQs are to be submitted. And  
17 I'm deadly serious about the 2 o'clock deadline.  
18 There actually might be a couple people in the  
19 room that have experienced how serious I am about  
20 the 2 o'clock deadline.

21 Short list will be announced on  
22 July 2nd. It will be posted. Everyone who  
23 submits will be contacted at that time. It will  
24 probably be by the close of business. I'm

1           assuming, since there are quite a few people  
2           here, I'm going to get more than three, so it's  
3           going to take me a little while to get through  
4           all that.

5                         The protest deadline is July 9th.  
6           Nobody's going to protest. That's really an  
7           unimportant date.

8                         The RFP schedule, in your RFQs you  
9           got a copy of what the RFP schedule is going to  
10          be or what we planned on it being. That is  
11          subject to change. And the reason it's subject  
12          to change is because not everybody who has funds  
13          involved in this is necessarily as responsive as  
14          we would like them. So the intent was or is to  
15          issue the request for proposals on July 22nd, and  
16          that issuance date will be the date of the  
17          preproposal meeting. They will be handed out at  
18          that time. And I will issue them, the official  
19          RFPs, to those folks that have made transition  
20          from submitted to proposal. They will be issued  
21          on CDs or DVDs, depending upon the nature of the  
22          quantity of information that is put out.

23                         There will be a concept plan due date  
24          that will be about four weeks later. This is

1       where your concern about confidentiality really  
2       does come in, because you're going to have to  
3       submit to us a concept plan and, more than  
4       likely, I'm going to schedule meetings that week  
5       for your team to come in and present your  
6       concept.

7                   There's a couple reasons for doing  
8       this. The most important reason is about three  
9       slides down and that is at the end of the day --  
10      we're short-listing three firms. At the end of  
11      the day, when we get in proposals and we review  
12      them, we're going to have three proposals that  
13      are going to meet all the requirements. That is  
14      the goal. I'm not one of these folks that is  
15      trying to figure out a way to get you thrown out  
16      on some screwball detail that you may have  
17      missed. I want to have good competition, I want  
18      to have competition on technical score, not on  
19      price. Of course, if you get out of whack with  
20      your price too far, we can't afford the project  
21      and then we're screwed. Fact of the matter is I  
22      want you to compete on technical score and I want  
23      three good proposals at the end of the day.

24                   Now, further on down the line we may

1 request final proposal presentations. It just  
2 depends on how complex things get between now and  
3 then. Like I said, the goal at the end of the  
4 day is to have three of them.

5 Couple of things about when you get  
6 to the point of not only being a proposer or  
7 doing a joint venture, joint ventures are  
8 acceptable, and to that end, when we get to that  
9 point, if specialized forms are required for you,  
10 I'll supply those.

11 Proposal bonding is required. That's  
12 a state law. 10 percent of the price proposal.  
13 One of the things you may have noticed is there's  
14 a disconnect between the final proposal and the  
15 price proposal. The last thing I want you to do  
16 is screw up your final proposal because you're  
17 trying to do your price proposal at the same  
18 time. That's why there's a time difference  
19 there. You get your final proposal right and you  
20 get your price proposal right and you're not  
21 scrambling for both of those at the same time.

22 When the award is made, there will be  
23 a hundred percent payment performance bond  
24 required. Federal wages will apply. Federal

1 wage rates will apply to the project. State  
2 wages will not apply. The state's Department of  
3 Labor has said we don't have any money invested  
4 and the state does not have any money invested in  
5 the project since it's a hundred percent federal.  
6 The way that state wages could apply in the  
7 future is if we add work that is funded with  
8 state funds. And it only takes a dollar of state  
9 funds to screw up. That's the case.

10 SOQ evaluations. There are pass-fail  
11 and there are technical factors. The pass-fail  
12 are legal, financial, and proposal  
13 responsiveness. The details of that are in the  
14 RFQ starting on page 11. Technical factors are  
15 organization and key managers. Experience,  
16 obviously we want folks that have experience,  
17 past performance. I'm going to be asking for  
18 where you have done well, where you have done  
19 poorly, where you have gotten in trouble, and I  
20 do check them. Backlog and capacity, capacity's  
21 great if you don't have a backlog. So you are  
22 going to be asked for that information, also.

23 Project understanding, we want to  
24 know that you understand how we want to get from

1 A to Z and hopefully we will get to put a B in  
2 there in the meantime.

3 The technical scores are not going to  
4 be numerical. They're going to be exceptional,  
5 good, acceptable, unacceptable. There's only  
6 going to be three folks looking at this stuff and  
7 when we get down to the end, if I got 10 firms  
8 that are all exceptional, then it becomes a  
9 little bit sticky and somebody's feelings are  
10 going to get hurt, but there's not much I can do  
11 about that.

12 Short-listed firms will be on an even  
13 footing after the SOQs are evaluated and are on  
14 the short list. Once you're on the short list,  
15 the slate's clean, everybody is equally qualified  
16 in my eyes and they will be equally qualified in  
17 the eyes of the folks that are looking at the  
18 RFPs. Any information that may not have been  
19 perfect in the SOQ doesn't go forward to the  
20 folks looking at the RFPs. They're completely  
21 separate groups. They do not get to talk to one  
22 another. In fact, they probably won't know --  
23 the short-list folks won't know who's on the  
24 Selection Committee. Selection Committee folks

1 will probably not know who's on the Short List  
2 Committee. Part of the confidentiality issue.

3 It says up there any questions so  
4 far, but there's a couple things I left out. One  
5 is there are DBE requirements on this. So  
6 7 percent DBE goal, and that 7 percent is on the  
7 total value of the lump sum price and it should  
8 be spread between professional services and  
9 construction. Doesn't have to be 7 percent of  
10 one and 7 percent of the other. It has to be  
11 7 percent of the total. We're looking for  
12 participation by professional service DBEs on  
13 this project, as well as construction or  
14 materialmen.

15 The other thing is ARRA has specific  
16 and peculiar reporting requirements, even during  
17 the design phase. When we get to the point of  
18 the RFP, I'll go into more detail on that, and  
19 actually on the Department's Web site you can  
20 look at some of those things, but the goal of the  
21 federal government is to be able to report that  
22 we have indeed either saved jobs, increased jobs,  
23 or not and how effective it was. And the  
24 reporting requirements simply get to the point of

1           having the person, how many hours they worked,  
2           and what they got paid during that time period.  
3           It's really a simple form. It will be probably  
4           permitted to be filed online. It will go to Jim  
5           Hoagland, who is my successor in the position I  
6           used to have here and he will accumulate that  
7           information and forward it to the feds. That is  
8           not something that at this point we believe is  
9           FOIA. The fact of the matter is it's nobody's  
10          business but yours. Same thing with your  
11          financial information. That is included from the  
12          FOIA requirements. If we award this to somebody  
13          and somebody comes along and says, I don't think  
14          they're financially capable of doing this  
15          project, well, they got to prove it. They're not  
16          going to prove it by any information I have.

17                            Any questions?

18                            MR. PIERETTI: My name is  
19          Rod Pieretti with Chilton Engineering.

20                            John, we're a certified DBE. My  
21          question is: At the time of submittal, what  
22          federal forms are required of us to supply to  
23          teaming?

24                            MR. EUSTIS: To?

1           MR. PIERETTI: Teams with others with  
2           the prime. We certainly are not going to be a  
3           prime. We will be looking to team. Will we need  
4           federal forms such as 255s and 254s at the time  
5           of submittal?

6           MR. EUSTIS: No. That is between you  
7           and your folks that are making up your team. And  
8           there will be -- as part of the RFP, there is a  
9           certification form where the submitters are or  
10          the proposers are going to have to identify their  
11          DBE goals and the percentage on each level,  
12          whether it's 7 percent of professional and  
13          5 percent of construction or whatever the  
14          breakdown happens to be.

15          I have been looking at some other  
16          forms and that's one of the reasons that the RFP  
17          was not done as quickly initially. You're going  
18          to be listed in the RFP as a participant in the  
19          project anyway. The form and format of which you  
20          prove your qualifications to the Department  
21          doesn't necessarily have to be 254 or 255. It  
22          could be anything else.

23          Any other questions? Let me come  
24          over with the microphone.

1 MR. MEITZOER: Alex Meitzoer with  
2 Pennoni Associates.

3 Do MDE or DBE firms have to be on the  
4 DelDOT MDE-certified list or is it open to  
5 others?

6 MR. EUSTIS: They have to be  
7 certified by the Delaware Department of  
8 Transportation as a DBE or through the  
9 unification process at the time of submittal.  
10 You can't submit a DBE or MDE firm at that time  
11 of the proposal and try to get them certified in  
12 the meantime. The best thing to do if you're  
13 planning on using them, get them to put in their  
14 DBE submit information now.

15 Any other questions?

16 (No response.)

17 MR. EUSTIS: How many people want me  
18 to continue talking for the rest of the morning?

19 This is John Sisson who's going to be  
20 the project manager on this project. Like I  
21 said, I'm Contract Services Project Manager,  
22 which means nothing. After this thing gets  
23 awarded, I move on to something else.

24 MR. SISSON: Thank you, John. I'm

1 going to try to go over a little bit of the I'll  
2 call it the technical or the details of what  
3 we're looking for.

4 Start out, I put a DART First State's  
5 mission statement which kind of ties into what  
6 we're looking for in this project. The mission  
7 of the Delaware Transit Corporation is to design  
8 and provide the highest quality public  
9 transportation service that satisfies the needs  
10 of the customer and the community. I feel that's  
11 important because this hub for the city of Dover  
12 is very important in the community, as well as  
13 its function is to provide transit services.

14 For those who are not familiar, the  
15 site we're looking at is the former George &  
16 Lynch property on Water and Queen Street. We  
17 will try to highlight this here. Water Street is  
18 bounded here and down around. That's the  
19 property we're looking at so far. There are two  
20 properties -- we still are in the process of  
21 purchasing two houses. We should have that done  
22 by the time we have someone selected to move  
23 forward with this project. There's currently a  
24 field office for the Governor's Avenue project

1 on-site and they are in the process of  
2 relocating.

3 Conceptual plan was prepared in the  
4 past. Looking at DART's needs for the transit  
5 hub, and there are several components of the  
6 plan. The first and probably the biggest is the  
7 bus loop which was shown off of West Street  
8 allowing 14 40-foot transit buses to enter the  
9 site and access the site. West Street was chosen  
10 in its initial phase by the traffic engineering  
11 that we had done. We found it was the easiest  
12 way to get buses in and out of the site. As you  
13 look at this project, you might find a better  
14 solution. You're more than welcome to present  
15 that.

16 One of the design elements of the  
17 loop was to allow passengers to transfer between  
18 the buses without crossing in front of them.  
19 This is a safety concern that we have at our  
20 current transit hub where all the buses mingle  
21 and people are darting back and forth between.  
22 We're always concerned about hitting a  
23 pedestrian.

24 The second biggest component is the

1 building or the future building which is not part  
2 of the project at this time but its siting, its  
3 footprint, its location is key to this team's  
4 work here. We want to know where and how big of  
5 a footprint of a 30,000-square-foot building you  
6 would propose on this site to tie that into  
7 pedestrian movements through the building to what  
8 would be future ticketing and restrooms and  
9 vending or retail, how pedestrians would come in  
10 and out and interact with that building. The  
11 intention is to have Greyhound or Trailways  
12 operate out of this center, too. They would have  
13 their ticketing, any baggage handling that they  
14 do. So the location of that, again, this is just  
15 a concept. It doesn't have to be in that  
16 location, it doesn't have to be that shape.  
17 We're looking for what you feel is the best  
18 location for a 30,000-square-foot building that  
19 would be built in the future. And one of the key  
20 elements of that is once we get this bus loop  
21 open, we don't want to shut it down to build a  
22 building in the future. So how that gets sited  
23 is very important.

24 Parking, this is a large parking lot

1 right now for the transit hub, but it would be to  
2 support the building. We want the parking lot to  
3 be essentially designed and constructed under  
4 this phase. In the future it could be used for a  
5 construction stage as part of the building, but  
6 we want to get that part done.

7 Storm sewer would be also sized and  
8 designed for the complete buildout of the  
9 project. We want to address all those issues  
10 now.

11 You will see on the Queen Street side  
12 there was a loop. It was for cab or taxi dropoff  
13 and pickup, other dropoffs and pickups. It was  
14 also parking for an ambulance service which may  
15 or may not go in the building. So the building  
16 was to include the county's paramedic services  
17 which are located on the east side of Dover now  
18 which isn't the best situation for them. The  
19 travel times, make the response slower than need  
20 be.

21 Feel free to interrupt me with any  
22 questions about this. I know I'm going pretty  
23 fast.

24 I have talked about the future

1 building, the circulation. Again, it's very  
2 important for passenger, vehicle, bikes. If I  
3 try to go backwards here, future rail I didn't  
4 point out. Over here the little piece of land  
5 that the State does own, the railroad tracks run  
6 here. At sometime in someone's future there may  
7 be downstate rail. This is an important  
8 connection to the transit center when and if it  
9 ever comes into play.

10 So the circulation in and to the site  
11 is very important. Eden Hills is being  
12 developed. You have the downtown business, Lake  
13 Hall area. All that traffic and circulation is  
14 important. We have shown traffic -- again, the  
15 buses coming off West Street. There may be a  
16 better way to do that. That's information we  
17 have at this point. Trying to keep buses and  
18 cars from intermingling on the site is very  
19 important.

20 The overall context of the design is  
21 something that's important to the City and the  
22 Department. It will be a collaborative process  
23 between the City and the Department and even the  
24 community of what the architecture looks like and

1           what the bus shelters look like, how does the  
2           site fit into Eden Hills being developed, going  
3           down Water Street, the colonial look there.  
4           There are some things that, depending on your  
5           view, don't really fit into the area. Spencer's  
6           Bazaar is right down the corner, the police  
7           department. We're looking for your  
8           interpretation and best take on how that fits  
9           into the community.

10                        Amenities on the site, the bus  
11           shelter or how we envision a complete shelter  
12           around the transit hub allowing people to walk  
13           between buses out of the rain. Today is a  
14           perfect day to say what it's like to be running  
15           around through the rain and snow. Benches, we're  
16           looking for the site to be designed so not to  
17           become a state park. We don't want to be  
18           attracting skateboarders but provide other  
19           amenities needed.

20                        I talked about the houses we need to  
21           purchase. Part of your participation, once we  
22           purchase these houses, is the rezoning process  
23           through the City of Dover. They are aware of the  
24           project, they're on board, but we will have to

1 make a submission to the City once we move  
2 forward with your design.

3 Storm water management, the  
4 Department has the NPDES permit. There will be  
5 more information on that in the RFP. That will  
6 need to be addressed with the best management  
7 practices, how to treat the storm water. We will  
8 be looking for more than the basic city  
9 requirement for storm water. There's issues in  
10 this general area with storm water. They will  
11 all be outlined in the RFP.

12 Green and sustainability, we will be  
13 looking for life cycle cost analysis. We're  
14 looking for any initiatives that will keep the  
15 Department and Delaware Transit Corporation's  
16 costs down over time. Anything that we can do  
17 not to burn oil or coal or any of those things.  
18 We will be looking for those to be submitted as a  
19 part of your design, whatever creative things you  
20 can come up with.

21 There's a picture of our current  
22 transit site.

23 I will open it up for any questions  
24 on the site.

1 MS. NG: Hi. I'm Katherine Ng from  
2 Wu & Associates.

3 I was wondering, are you seeking a  
4 lead certification or rating for the future  
5 building for this entire project?

6 MR. SISSON: The future building, we  
7 would be looking for a lead certification. We  
8 have not decided yet on the site if we're going  
9 to go for anything. The future building, we will  
10 be looking for lead certification. We have not  
11 decided whether to do lead certification for this  
12 site. That will be part of the RFP, but if  
13 nothing, at the very minimal, we will be looking  
14 for elements. You will need the proper personnel  
15 to be able to address those.

16 Any more questions?

17 MR. BRAMBLE: David Bramble, David A.  
18 Bramble Corporation.

19 Are you going to give us any  
20 parameters on the building like floors, number of  
21 floors to have, or is that going to be part of  
22 the RFP?

23 MR. SISSON: We are not set on the  
24 number of floors. Our initial analysis at three

1           made the most sense. It will be something that  
2           the architect involved in your team will have to  
3           help you decide what's the most cost-effective  
4           way to get 30,000 square feet of office space,  
5           maybe some commercial in there. But 30,000  
6           square feet in there. We don't want to set the  
7           exact height. The City does have -- they won't  
8           allow too tall of a building, but we're not  
9           setting exact floors.

10                       MR. CHILDS: Nash Childs with  
11           Bancroft Construction Company.

12                       John, you had mentioned that the  
13           first phase of this project or at least the phase  
14           that's out right now for the site portion on this  
15           project, the building itself, is there a time  
16           frame on when you might get funding for that?  
17           And is it your intention for whatever team is  
18           selected for the site portion to continue on with  
19           that team when funding becomes available for the  
20           building or is that going to be a whole separate  
21           RFQ, and how does that work?

22                       MR. SISSON: Currently the stimulus  
23           funds or the ARRA funds that were made available  
24           for this project would not allow us to include

1 the building. We are continuing to look for  
2 funding sources or means to get this building  
3 built. We feel it's important. I'll let John  
4 talk about the RFP part.

5 MR. EUSTIS: One of the thoughts of  
6 keeping this a design-build rather than the  
7 design-bid-build was the fact that as a  
8 design-build, if we get a team together and we  
9 get the money at the same time before the process  
10 has ended, the ideal thing for us to do would be  
11 to add the building to the project. That's one  
12 of those huge dreams and six-foot-tall ifs. Like  
13 John said, we are working on additional funding  
14 to cover that, which is also the same reason why  
15 I mentioned that state wage rates may possibly be  
16 added to the project at a later date.

17 MR. DOHERTY: Thanks. Jerry Doherty,  
18 EDis.

19 First, in 1.1(f) you alluded to the  
20 issue of providing a concept plan for the  
21 proposal. It's unclear whether that concept plan  
22 is required for the RFQ portion or the RFP  
23 portion.

24 MR. EUSTIS: RFP.

1 MR. DOHERTY: You want a concept  
2 building plan provided for your RFQ presentation?

3 MR. SISSON: RFP.

4 MR. DOHERTY: I'm sorry, RFP.

5 Second question is: In Section 1.10,  
6 page 4, under "Legal Entity Requirement," is  
7 there a misprint there where you asked for the  
8 noted entity, the license by the State Division  
9 of Professional Regulation, Board of Professional  
10 Land Surveyors, and the Division of Revenue for  
11 contractor prior to the award of any contract,  
12 which means do you want all of those concepts  
13 included under one entity? Or is it just one of  
14 those?

15 In other words, our team member has  
16 to have a professional land surveyor on board is  
17 one question. The other part of that question  
18 is: Does that legal entity have to be one group;  
19 for example, one firm has the Professional Land  
20 Surveyors requirement, as well as the other that  
21 is stated in your paragraph?

22 MR. EUSTIS: The RFP actually has a  
23 lot more detail on that issue. The fact of the  
24 matter is to get a single entity that has all of

1 the professional requirements to complete this  
2 would be impossible. So the layout of the  
3 team -- you're going to have a lead team. Those  
4 folks that are on the site doing the work have to  
5 have the required licensure and registrations.

6 Now, the issue of what's the timing  
7 of having that, the timing is under the code, you  
8 have to have submitted for those things. At the  
9 time of submittal of the proposal, you have to  
10 have those in place for execution.

11 MR. WILLIAMS: Thank you.

12 Ted Williams from Landmark Engineering.

13 I'm going to follow up on that to  
14 make sure. The way I read that, what you're  
15 looking for is the team members that are on the  
16 selected team would have to be at least somebody  
17 has to be a registered professional engineer,  
18 somebody registered with the surveyors, and then  
19 also somebody registered with the contractor.  
20 But not each individual team member would have to  
21 be registered with each of those entities.

22 Correct?

23 MR. EUSTIS: That's correct. Unless,  
24 of course, you do a joint venture and it has

1           20 arms on it.

2                   Any other questions?

3                   MR. BATTA:    Thanks, John.

4           Neeraj Batta with Batta Environmental.

5                   What kind of environmental studies  
6           have been done on the site, and are those kind of  
7           documents going to be available prior to the  
8           proposal phase or the qualification phase or  
9           both?

10                   MR. EUSTIS:   Nice question.   Next  
11           question?

12                   MR. SISSON:   We have done a Phase I  
13           and Phase II environmental -- if we feel it  
14           necessary, we can make them available.   Just a  
15           matter of scanning them in and putting them on  
16           the Web site.   They have been done.   We have done  
17           some tank removals on the site from George &  
18           Lynch.   There's houses still to be purchased and  
19           once those are purchased, we will do some  
20           assessments on them.   Since we don't own them  
21           yet, we have not completed them.

22                   MR. BRAMBLE:   David Bramble again.

23                   I'm concerned about what you said  
24           about the building because it's a different set

1 of skills to do the site than to build a  
2 building. If you're going to morph into a  
3 building contract, it's going to be a different  
4 group of people that's going to bid than the  
5 people that would bid on the site package. I  
6 question how that's going to work. I certainly  
7 might not have a building contractor on a team if  
8 I was on a team doing the site, where if you're  
9 going to morph into the building, you're going to  
10 need somebody who has building expertise.

11 MR. SISSON: You want to answer that?

12 MR. EUSTIS: You're exactly right,  
13 Dave. This initial phase requires a site  
14 contractor, and the teams are going to be put  
15 together. My expectation is the teams will be  
16 put together with that in mind. The hope is --  
17 and it won't happen before the RFP is issued.  
18 The hope is we will be able to negotiate in the  
19 building at a later date. And that's going to  
20 require some huge changes in teams at that time.  
21 We recognize that.

22 Does that help or does that just  
23 muddy the waters for you?

24 MR. BRAMBLE: Muddies the water.

1 UNIDENTIFIED SPEAKER: Muddied the  
2 water for me.

3 MR. EUSTIS: The best way I can  
4 describe it is our goal is to have the whole  
5 project -- John's goal is to have the whole  
6 project done. The problem is funding isn't  
7 coming at the same rate as the need to get the  
8 ARRA funds expended. So we have got until  
9 February 12, I think.

10 MR. SISSON: For the ARRA?

11 MR. EUSTIS: Yes.

12 MR. SISSON: I think so.

13 MR. EUSTIS: We have until  
14 February 12, I believe, to start expending those  
15 ARRA funds, and I realize this is kind of like,  
16 you know, trying to put a saddle on a camel and  
17 doing a horse's job. That's the best way I can  
18 describe it. The hope is that before we either  
19 get to the end of this RFP process or we get to  
20 the end of the project, we can put the building  
21 in there with the same architectural team and  
22 engineering firms. A builder is going to have to  
23 be hired at some point.

24 Now, if it turns out we don't get the

1 money for another 10 years, we're done, Phase I  
2 is it. And we don't really know. We're  
3 working -- the Secretary's been working with a  
4 number of groups and agencies in order to get  
5 additional funding. I, frankly, don't know where  
6 that stands at the moment.

7 MR. DOHERTY: Jerry Doherty, EDiS.

8 You made a comment just a second ago  
9 that the RFQ requires a site contractor as part  
10 of the submission team? I don't see anything in  
11 the --

12 MR. EUSTIS: No. It's not a  
13 requirement. It's a need. You're going to have  
14 a site contractor to do that work.

15 MR. DOHERTY: RFQ you're talking  
16 about?

17 MR. EUSTIS: Yes. Well, in terms of  
18 the team -- when you get to the end of the day,  
19 when you see -- here's one of the things I'll  
20 tell you right now is the requirements for team  
21 members to be listed at the end of the RFP  
22 process and anybody that's going to do more than  
23 5 percent of the work has to be listed. But at  
24 the RFQ stage that is not the case.

1 Deafening silence. Baba Hari Dass  
2 said one time, "Ask yourself if what you're about  
3 to say would be an improvement on silence," and I  
4 broke the silence.

5 MR. GLEASON: Terry Gleason with  
6 Eastern States Construction.

7 Given what you just said, primarily  
8 site contract at this point, but your key  
9 personnel, you're calling for the project manager  
10 to have 15 years' commercial building experience.  
11 Even more likely to have the site work or highway  
12 experience at this point in time?

13 MR. EUSTIS: One of the reasons the  
14 RFP is not out as soon as I would like it to have  
15 been is we have gotten a lot of different  
16 comments on the qualifications that are in that  
17 proposal there. And we are looking those over to  
18 finalize those in the next week or so. I know  
19 that doesn't answer your question, but there will  
20 be changes to that. There will also be changes  
21 to some of the requirements for architects and  
22 that kind of thing.

23 MR. PIERETTI: Thank you, John.  
24 Rod Pieretti, Chilton Engineering.

1           I have to go back to the very words  
2           "design-build" and I presume that the mechanism  
3           here is that you would be able to design and  
4           build as part of your RFQ. Is that right or is  
5           that not so?

6           MR. EUSTIS: That is correct, for  
7           where we are at the moment. The sense that I'm  
8           getting now is the concern is where we could be  
9           in the future. Right?

10           Anything else? How many of you are  
11           now disappointed that you came?

12           I have had some of the concerns that  
13           you have expressed expressed to me before this  
14           point in time. I would encourage you to stay  
15           engaged in the project. Please stay engaged in  
16           the project. That's the only way it's going to  
17           be successful. And like I said, we are working  
18           to do the best we can. The sooner I get those  
19           things out, the better, but we got two ends here.  
20           We had to get started. One of the other reasons  
21           we didn't go design-bid-build is it wasn't going  
22           to be possible to get the design completed in  
23           time to have something out in order to qualify  
24           for the ARRA funds. Design-build seemed to be

1 the only viable solution since we didn't really  
2 have a design team on board, and it takes about  
3 the same amount of time to get a design team on  
4 board as it does to get a design and construction  
5 team.

6 MR. VINZON: Beau Vinzon,  
7 Commonwealth Construction.

8 The RFQ that was sent out, the one  
9 you're going to be sending out another way, this  
10 one is not the one that we're going to work off  
11 of; is that correct?

12 MR. EUSTIS: Not exactly. What I  
13 sent out is the RFQ of the moment. There will be  
14 an addendum to the RFQ. There will actually be  
15 at least two. One is going to include a copy of  
16 the transcript from today and the changes that we  
17 have to one of the -- 108(c) section in one of  
18 the amendments. And like I said, any other  
19 questions and comments that you have about this  
20 process, the sooner you get them to me, the  
21 better chance I have of getting them included.

22 MR. VINZON: Can you tell us the  
23 budget figure for the first phase? And what will  
24 you anticipate the budget for the second phase to

1 be?

2 MR. EUSTIS: The budget figure, and I  
3 think it says it in there somewhere, is  
4 \$5 million for design and construction for  
5 Phase I. Actually, if you go back to the CTP,  
6 you will see that we initially -- for the project  
7 as a design-bid-build project all-inclusive was  
8 something over \$13 million. Correct? So we're  
9 looking for another six or seven million dollars.  
10 You got any money?

11 MR. CHILDS: Nash Childs with  
12 Bancroft Construction.

13 Just a logistical question. When the  
14 addendum are issued, are you going to send them  
15 electronically or should we go over to the Web  
16 site?

17 MR. EUSTIS: Any changes to this  
18 project, I have a list of all 75 RFQ holders, and  
19 when there are changes to the RFQ, they will be  
20 e-mailed to the contacts that I have now. If you  
21 want to change your contact person, that's fine.  
22 I don't have a problem with that. Just let me  
23 know. They will go out as attachments to an  
24 e-mail and I will request return receipt

1        verifying that you received them. I have used  
2        this process a couple of times. It's great and  
3        saves a mountain of paper even though many of you  
4        may know and I see the guys, most of the  
5        construction people sitting in the back, they  
6        already know this, the primary project of DelDOT  
7        is recycle paper. I'm trying to go against the  
8        grain here by doing this electronically.

9                    The other thing that I wanted to  
10       point out, there's a couple things that people  
11       have asked and I don't think I mentioned it. If  
12       you're so inclined and you want to print out the  
13       RFQ double-sided, it's designed for that. The  
14       other thing is there's a boatload of forms in the  
15       back and the reason I haven't let them go as Word  
16       files yet, and I will make them available to you  
17       as Word files once we get them in the final form,  
18       there's a couple that have to be changed.

19       Obviously the form KP needs to be changed and  
20       those kinds of things. Shoot me an e-mail and  
21       I'll e-mail back all the forms in Word format so  
22       that they're easier to deal with.

23                    UNIDENTIFIED SPEAKER: Are you going  
24       to be distributing a list of the sign-in sheet

1 today?

2 MR. EUSTIS: Yes. The most  
3 frequently asked question is the sign-in sheet  
4 for today. As soon as I get it transcribed, it  
5 will be on the Web site. The same Web site that  
6 I referred you to, that would be additional  
7 information there.

8 MR. KSENIECH: Pete Kseniech from  
9 Kent Construction.

10 In the request for proposal on page 8  
11 of 28, it indicates that a person cannot be on  
12 more than one team as lead engineer, lead  
13 architect, or the principal. Is that true?

14 MR. EUSTIS: Yes. I like the easy  
15 questions.

16 MS. YOUNG: Marian Young from  
17 Brightfields.

18 As a follow-up to that last question,  
19 is that because of the confidentiality reasons or  
20 for some other reason? And also on that same  
21 page it says environmental, it doesn't say  
22 consultant. I think environmental bore meters  
23 can be on multiple teams. Do you consider the  
24 environmental consultant the coordinator?

1           MR. EUSTIS: Yes and yes. The  
2           confidentiality is the main reason. If we were  
3           doing public relations, that would also be one of  
4           those things where we would probably have  
5           exempted. But it's the technical folks that  
6           really need to be segregated by team. It's the  
7           same thing if you were to set up -- it's part of  
8           the -- if you go back like a couple hundred  
9           years, part of the Brooks Act where you want to  
10          avoid setting up a situation where a group of  
11          folks put in three proposals under three  
12          different names in order to corner the market.  
13          And this actually is a Brooks Act receipt process  
14          the way we have it set up. So that we're  
15          actually -- there is a price element to it, but  
16          my desire is to have people compete on technical  
17          capability and the proposal be competed on  
18          technical scoring. That's in the best interest  
19          of the State. That's in your best interest,  
20          also.

21                            Anything else?

22          MR. BRAMBLE: David Bramble. I'm  
23          still concerned that you're asking for one  
24          project that takes a different set of skills than

1           what you're going for. Would you consider having  
2           a part of this RFP we give them a site and walk  
3           away and have a separate RFP for the building?  
4           Also a question, you said that the funds had to  
5           be obligated by 2011. I thought ARRA funds had  
6           to be spent by 2011.

7                       MR. EUSTIS: As soon as we issue the  
8           RFP, the federal funds are obligated. They gave  
9           us until I believe it was February 12. I might  
10          be wrong about that date. But at that point  
11          anything that's not out in the field could have  
12          the funds pulled back. They don't have to be  
13          expended in that entire time. We have two years  
14          to spend them.

15                      MR. BRAMBLE: I don't understand it  
16          that way, but I'm not sure -- I thought some of  
17          the funds had to be expended within a year and  
18          all of them had to be spent within three.

19                      MR. EUSTIS: That's actually true.  
20          There were two stages to the ARRA funding and  
21          there was a group of projects that had to be out  
22          in the field within the first 120 days. They had  
23          to be advertised and bid within the first  
24          120 days. This project is not in that group.

1 That's in the one-year phase. This particular  
2 project has to be advertised and bid and awarded  
3 within one year from the date. And at that point  
4 I believe we have two or three years to spend all  
5 of the funds -- two years. There are two levels  
6 and actually there's a third level, which is  
7 called the discretionary funding, which are  
8 projects that will be competed -- states will  
9 compete for those funds. \$1.5 billion for that.  
10 I don't know what the Department's doing about  
11 that. There are actually three stages. We just  
12 got the rules for the competition last week or  
13 the week before. They gave themselves 90 days  
14 and they took 90 and a half. They're really good  
15 at making rules. They're just not at all that  
16 good at complying with them. Okay?

17 MR. SISSON: I want to expand on that  
18 question. To expand on part of that question  
19 about doing the project in two phases. It's key  
20 that the building be sited in this first phase,  
21 but it's going to be -- the architectural  
22 component of that is to be the key component of  
23 your team say where this building goes so it can  
24 be constructed, whether it's with this phase or a

1 later phase, without interrupting the transit  
2 services. To try to make them two totally  
3 separate projects does not work on that level.

4 I hope that gives a little clarity on  
5 that issue.

6 MR. TUCKER: Barrett Tucker with  
7 American Infrastructure.

8 On page 2 of 4 of the RFQ, that's  
9 exactly how the statement of qualification needs  
10 to be submitted? Period.

11 MR. SISSON: Any more questions?

12 MR. TUCKER: That's just a  
13 confirmation, yes or no?

14 MR. SISSON: John said yes.

15 We thank everyone for coming out.

16 MR. EUSTIS: The only other thing I'd  
17 like to remind you to do is if you have questions  
18 or comments and you don't want to bring them up  
19 here, send me by e-mail. I'd be tickled to death  
20 to have them. The purpose is to improve the  
21 process.

22 (Meeting concluded at 12:00 p.m.)

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STATE OF DELAWARE)

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NEW CASTLE COUNTY)

I, Kimberly A. Hurley, Registered Merit Reporter and Notary Public, do hereby certify that the foregoing record, pages 1 to 48 inclusive, is a true and accurate transcript of my stenographic notes taken on Tuesday, May 26, 2009, in the above-captioned matter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of May, 2009, at Wilmington.

*Kimberly A. Hurley*  
Kimberly A. Hurley



**ERRATA - CORRECTIONS TO THE TRANSCRIPT OF THE INFORMATIONAL  
MEETING FOR CONTRACT25-020-01,  
DESIGN-BUILD OF  
DOVER TRANSIT CENTER  
MAY 26, 2009, 10:30 A.M.**

- Page 5, line 3 - Strike “Recover Reinvestment” and replace with “Recovery and Reinvestment”
- Page 5, lines 12 & 13 - Strike “RFT” and replace with “RFP”
- Page 7, line 17 - Strike “Those” and replace with “Nose”
- Page 13, Line 20 - Strike “submitted to proposal” and replace with “Submitter to Proposer”
- Page 19, Line 11 - Strike “included” and replace with “precluded”
- Page 26, Line 12 - Strike “Lake” and replace with “Leg” (Legislative)
- Page 27, Line 17 - Strike "state" and replace with "skate"
- Page 29, Line 4 - Strike "lead" and replace with "LEED"
- Page 29, Line 7 - Strike "lead" and replace with "LEED"
- Page 29, Line 10 - Strike "lead" and replace with "LEED"
- Page 29, Line 11 - Strike "lead" and replace with "LEED"
- Page 40, line 6 - Strike “VINZON” and replace with “VINTON”
- Page 40, line 6 - Strike “Vinzon” and replace with “Vinton”
- Page 40, line 22 - Strike “VINZON” and replace with “VINTON”
- Page 42, line 6 - Strike “project” and replace with “product”
- Page 44, line 13 - Strike “receipt” and replace with “RFP”