

**STATE OF DELAWARE**



**DEPARTMENT OF TRANSPORTATION**

**DESIGN-BUILD PROJECT**

**for**

**INDIAN RIVER INLET BRIDGE**

Replacement of Bridge 3-156,  
SR1 over Indian River Inlet  
State Contract # 26-073-03 Readvertised  
Federal Contract # BRN-S050(14)

**SCOPE OF SERVICES PACKAGE**

**INSTRUCTIONS TO PROPOSERS**

**APPENDIX E**

**ABBREVIATIONS AND DEFINITIONS**



**TABLE OF CONTENTS**  
**APPENDIX E**  
**ABBREVIATIONS AND DEFINITIONS**

1.1 ABBREVIATIONS ..... 1  
1.2 DEFINITIONS ..... 1



**1.1 ABBREVIATIONS**

A/E	Architectural/Engineering
DB	Design-Build
ITP	Instructions to Proposers
JV	Joint Venture
LLC	Limited Liability Company
DelDOT	Delaware Department of Transportation
NOI	Notice of Intent
NTP	Notice to Proceed
QC	Quality Control
RFP	Request for Proposals
RFQ	Request for Qualifications
SOQ	Statement of Qualifications
US	United States

**1.2 DEFINITIONS**

The following terms shown in bold type, when used herein, shall have the following meanings:

**"Addenda/Addendum"** means additions, deletions, and modifications to the provisions of the Scope of Services Package after the Advertisement date and prior to the Proposal acceptance date.

**"Advertisement"** means a public announcement stating the Department's Notice of Intent (NOI) for the procurement of a particular project and inviting prospective Proposers to obtain a Request for Qualifications (RFQ) or Scope of Services Package and submit a Statement of Qualifications (SOQ) or Proposal, as applicable.

**"Affiliate"** means any of the following:

- A) A Person who, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:
  - 1) The Proposer; or
  - 2) Any other Principal Participant.
- B) An Affiliate may also be any Person for which ten percent or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:
  - 1) The Proposer;
  - 2) Any Principal Participant; or
  - 3) Any Affiliate of the Proposer under part (A) of this definition.

For purposes of this definition, the term "control" means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

**"Clarifications"** means a written exchange of information that takes place between a Proposer and the Department after the receipt of all Proposals during the evaluation process. The purpose of Clarifications is to address ambiguities, omissions, errors or mistakes, and clerical revisions in Proposals.

**"Contract Documents"** means the executed Agreement (contained in Part 1 of the Contract Documents included in the Scope of Services Package, Parts 2 through 7, Part 8 the portions of

the successful Proposer's Proposal identified in Section [1.2.4](#)), and all provisions required by law to be inserted in the Contract whether actually inserted or not. Whenever separate publications and the Department's Standard Specifications are referenced in the Contract Documents, it is understood to mean the publications and Specifications, as amended, current as of the Proposal due date unless otherwise noted.

**"Deficiency"** means a material failure of a Proposal to meet the Department's requirements or a combination of significant Weaknesses in a Proposal that increases the risk of unsuccessful Contract performance to an unacceptable level.

**"Department"** means the Delaware Department of Transportation or its representatives.

**"Design-Build"** means a project delivery methodology under which the Department contracts with a single legal entity that has responsibility for the design and construction of the Project under a single contract with the Department.

**"Design-Builder"** means the single legal entity selected pursuant to the Scope of Services Package that enters into the Contract with the Department to design and construct the Project.

**"Designer"** means a Principal Participant or Specialty Subcontractor authorized to perform design work in the State of Delaware that leads the team furnishing or performing the design of the Project. (Del Code Title 24, §§2801.)

**"Instructions to Proposers"** means those documents included in the Scope of Services Package containing directions for the preparation and submittal of information by the Proposers in response to the Scope of Services Package.

**"Person"** means any individual, firm, corporation, company, Limited Liability Company (LLC), Joint Venture (JV), voluntary association, partnership, trust, or unincorporated organization, or combination thereof.

**"Price Reasonableness"** means a price, in its nature and amount, does not exceed that which would be incurred by a prudent person in the conduct of competitive business. What is reasonable depends upon a variety of consideration and circumstances, including the following:

- A) Whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the Proposer's business or the Contract performance;
- B) Generally accepted sound business practices and federal and state laws and regulations;
- C) The Proposer's responsibilities to the Department, other customers, the owners of the business, its employees, and the public at large;
- D) Any significant deviations from the Proposer's established practices;
- E) Comparisons of price information to the engineer's estimate and to the Department's historic costs for similar Work; and
- F) Comparisons of price information submitted by other Proposers.

**"Principal Participant"** means any of the following entities:

- A) The Proposer;
- B) An individual firm, all general partners, LLC or JV members of the Proposer; and/or
- C) All Persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Proposer.

**"Project"** means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

**"Proposal"** means the offer (in response to the Scope of Services Package) of the Proposer for the Work, when executed and submitted in the prescribed format and on the prescribed forms.

**"Proposer"** means a Person submitting an SOQ for the Project in response to an RFQ, and if selected for the Short-List, an entity submitting a Proposal for the Project in response to this Scope of Services Package.

**"Quality Control"** means the total of all activities performed by the Design-Builder, Designer, subcontractors, producers, or manufacturers to ensure that its Work meets Contract requirements. Quality Control includes design reviews and checks; independent design reviews and checks; inspection of material handling and construction; calibration and maintenance of sampling and testing equipment; working plan review; document control; production process control; and any inspection, sampling, and testing done for these purposes. Quality Control also includes documentation of objective evidence of all QC efforts.

**"Quality Control Engineer"** means an independent engineering/testing firm employed by the Design-Builder responsible for administering and managing the construction QC inspection, sampling, and testing specified in the Contract Documents. The QC Engineer shall not be owned or controlled by any Principal Participant or by any Construction Subcontractor of the Design-Builder. The Designer or a firm associated with or subsidiary to the Designer may serve as the QC Engineer, except any Designer that is a Principal Participant or any Designer (or subsidiary of a Designer) that is an Affiliate of any Principal Participant or Construction Subcontractor shall not serve as the QC Engineer.

**"Request for Proposals"** - The "Scope of Services Package."

**"Request for Qualifications"** - The written solicitation issued by the Department seeking SOQs to be used to identify and Short-List the Proposers to receive the Scope of Services Package for the Project.

**"Scope of Services Package"** - The document identifying the Project and its Work to be performed and Materials to be furnished in response to which a Proposal may be submitted by a Proposer/Design-Builder. The Scope of Services Package includes the ITP, Contract Documents, and Reference Documents. The Scope of Services Package is issued only to Persons who are on the Short-List. The Scope of Services Package may also be referred to as the Request for Proposals or RFP.

**"Statement of Qualifications"** means the submission made by a Proposer in response to the RFQ, including all clarifications thereto submitted in response to requests by the Department.

**"Weakness"** means a representation in the Proposal that is determined by the Department to increase the risk of unsuccessful Contract performance. A significant Weakness in the Proposal is a representation that is determined by the Department to greatly increase the risk of unsuccessful Contract performance.

For definitions of other initially capitalized terms, see Part 2 - DB Section 100, DB Section 101-3.