

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

WILCOX & FETZER
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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.)

23 - - - - -
24

C E R T I F I C A T E

STATE OF DELAWARE)

)

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”