MICHIGAN

DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION

FOR

**TECHNICAL PROPOSAL**

TAY:AJP 1 of 5 APPR:JJG:RJC:12-02-20

**a. Description.** This work consists of developing and submitting a Technical Proposal which addresses the community’s needs and provides the compliance requirements that will be enforced based on the Technical Proposal provided by the Contractor and approved by the Engineer.

**b. Submission of the Technical Proposal.** Submit the Technical Proposal to the Engineer at the preconstruction meeting. Approval of the Technical Proposal by the Engineer and incorporation into a contract modification will be required prior to the start of work.

**c. General Requirements and Format of the Technical Proposal.** Format the Technical Proposal per the following requirements:

1. All pages must be 8½ inches by 11 inches.

2. Type font must be a minimum of 12 point.

3. Number pages continuously throughout, in the format of “1 of \_\_”.

4. Graphics are allowed but must meet the page size requirement.

5. Include separate sections for each Performance Goal plan.

6. Each Performance Goal plan is limited to 5 pages.

The contents of the Technical Proposal will become the property of the Department. The Department reserves the right to use any proposed innovation or method on future projects without disclosure, or obligation to compensate the Contractor.

**d. Content of the Technical Proposal.** Provide a Technical Proposal meeting the following requirements.

1. Cover Letter. Provide a cover letter which identifies the name of the project (contract ID including Route and brief location description), the name of the owner (Michigan Department of Transportation), and the name of the Contractor.

2. Identification of the Contractor. Provide the following information:

A. Name of the Prime Contractor.

B. Mailing Address of the Prime Contractor

C. Contact Person (Business Manager or Principal).

D. Contact Telephone Number.

E. Contact Facsimile Number.

F. Contact e-mail address.

3. Performance Goals. The majority of the significant work of the project is located in both residential and commercial areas. In recognition of the importance of the infrastructure to the adjacent community, and the impact the freeway and its rehabilitation has on the neighborhoods it traverses, the Department has engaged the community in a context sensitive solutions process to understand and address the community’s needs, concerns, and ideas for the project; both the physical infrastructure that will result from the project, as well as how the project is executed. This outreach with the community has revealed that several “Quality of Life” concerns are consistently raised by residents throughout the community. These concerns are the basis for the Performance Goals required in the Technical Proposal.

Provide a clear plan for each of the Performance Goals listed below. Provide specific actions that will be incorporated into the execution of the project to satisfactorily address each goal. Describe the type and level of effort to achieve the proposed outcomes and any specific work to be performed, and include a demonstration of the Contractor’s team’s experience, expertise and ability to perform the content of their Technical Proposal with success. Include a detailed description of what specific concerns will be addressed, how they will be addressed, and in what timeframe any complaints will be addressed in order to achieve each goal.

A. Air Quality. Provide an “Air Quality Monitoring and Site Cleanliness Plan” addressing how the Contractor plans to limit airborne particulates and fugitive dust during construction (including portable and temporary plants, such as concrete crushers, concrete batch plants, etc.). This plan must also address how the project site will be kept as free as possible from dust, mud, dirt, and miscellaneous debris, as well as a plan for how to respond to and mitigate complaints received.

Please refer to the Michigan Department of Environment, Great Lakes, and Energy(EGLE) guide for Managing Fugitive Dust. This guide can be found online at:

<http://www.michigan.gov/documents/deq/deq-ead-caap-genpub-FugDustMan_313656_7.pdf>

The “Air Quality Monitoring and Site Cleanliness Plan” must contain at a minimum:

(1) A description of mitigation measures taken to prevent decreased air quality from airborne particulates and fugitive dust. Include a fugitive dust plan. Sample plans can be found in Appendix B of the EGLE guide for Managing Fugitive Dust.

(2) A description of what specific steps will be taken on a daily basis to address and mitigate concerns regarding site cleanliness.

(3) A complaint response and resolution process, including a requirement to respond to all complaints within 12 hours of receiving the complaint. If any action is required, ensure a written proposal for resolution is submitted to the Engineer for approval, including a timeframe for when action would be taken.

B. Noise. Provide a “Construction Noise Mitigation Plan” which will identify and limit noise generating activities (including portable and temporary plants, such as concrete crushers, concrete batch plants, etc.) during evening and night time hours, especially in residential areas of the project site. Ensure removal (and protection) of soundwall panels to perform work and noise mitigation measures are included in the “Construction Noise Mitigation Plan.” The “Construction Noise Mitigation Plan” must contain at a minimum:

(1) A description of all construction activities that are anticipated to generate excessive noise during evening and nighttime hours, especially in residential areas of the project site. If possible, noise generating activities should be avoided during the nighttime hours. The “Construction Noise Mitigation Plan” must contain at a minimum:

(a) Daytime work (7:01 a.m. - 6:00 p.m.).

(b) Evening work (6:01 p.m. - 10:00 p.m.).

(c) Nighttime work (10:01 p.m. - 7:00 a.m.).

Follow all State and Local noise ordinances that are applicable. Noise ordinance waivers were not obtained as part of this project.

(2) A description of the mitigation measures that will be taken when noise generating activities will occur during the evening and nighttime hours. Examples of possible mitigation measures include, but are not limited to, noise curtains, noise barriers, equipment exhaust muffling systems, idling shrouds for generators or “smart alarms” instead of standard reverse signal alarms or use of spotters.

(3) A complaint response and resolution process, including a requirement to respond to all complaints within 12 hours of receiving the complaint. If any action is required, ensure a written proposal for resolution is submitted to the Engineer for approval, including a timeframe for when action would be taken.

C. Safety and Mobility. Residents from the local and adjoining communities expect to be able to travel safely and with minimal disruption to and from their homes. Residents expect to have reasonable access to local businesses, schools and churches and major routes linking them to employment, health and human services and leisure travel, which includes ensuring vehicular safety and mobility as well as pedestrian safety and mobility, with special attention paid to the needs of the senior and youth residents in the community.

Provide a “Safety and Mobility Plan” to address the mobility of residents within adjacent neighborhoods, and businesses within the construction influence area. The “Safety and Mobility Plan” must contain at a minimum:

(1) Identify the routes used for construction traffic and equipment to avoid neighborhood streets.

(2) A description of measures taken to prevent construction traffic and equipment from using neighborhood streets. Any instance of construction vehicles using neighborhood streets for access to and from the site will be considered non-compliance.

(3) A description of actions taken to maintain both vehicular and pedestrian access to area schools at all times.

(4) A complaint response and resolution process, including a requirement to respond to all complaints within 12 hours of receiving the complaint. If any action is required, ensure a written proposal for resolution is submitted to the Engineer for approval, including a timeframe for when action would be taken.

D. Local Contractor and Workforce Participation. High unemployment in the southeast Michigan region has drawn significant attention to major construction projects and the perceived opportunity for construction related employment for local residents. There is an expectation that members of the local community can and will participate in the economic opportunities made possible by the infrastructure investment being made in their neighborhoods.

Provide a “Local Contractor and Workforce Participation Plan” demonstrating how the Contractor will better engage the local community, provide employment opportunities where feasible, and meet the established goals included in the DBE Program. It is the expectation that the Contractor will be in close communication with the immediately impacted community regarding construction and mobility concerns, and as a part of this effort, the Contractor should provide business and employment opportunities to local companies and the local workforce in a manner that is consistent with the law. Nothing in this clause must be construed as requiring the Contractor to establish a local hiring or subcontracting preference.

The “Local Contractor and Workforce Participation Plan” must contain at a minimum:

(1) Process for engaging the local community regarding employment opportunities.

E. Property Damage Prevention and Utility Outage Avoidance. Provide a “Building, Property, and Utility Damage Prevention Plan” addressing what specific steps the Contractor will implement to ensure no damage occurs to any private or City owned property, adjoining infrastructure, commercial or residential buildings, and both public and private utilities. The “Building, Property, and Utility Damage Prevention Plan” must contain at a minimum:

(1) An understanding of the commercial and residential nature of the area.

(2) A plan to address and prevent temporary utility outages due to accidental damage during excavations or other contract work.

(3) A description of measures taken to assess the existing site conditions and any mitigations measures planned to prevent damage.

(4) A complaint response and resolution process, including a requirement to respond to all complaints within 12 hours of receiving the complaint. If any action is required, ensure a written proposal for resolution is submitted to the Engineer for approval, including a timeframe for when action would be taken.

**e. Compliance with the Technical Proposal**. The Contractor’s Technical Proposal will become part of the contract documents through a contract modification, and the Contractor is required to fulfill the plans and commitments made in their Technical Proposal. If at any time during the project, the Engineer documents that the Contractor is deficient or inadequately meeting any of the commitments made in their Technical Proposal, the Engineer will provide specific documented examples in a notice of non-compliance with the technical proposal to the Contractor for immediate action.

Upon receipt of notification for non-compliance with the Technical Proposal, take corrective action within the timeframe specified in the Performance Goal Plans or the Engineer will adjust the contract as described below. If corrective action cannot be taken within this timeframe, then ensure a documented corrective action implementation schedule is submitted for the Engineer’s approval within 4 hours of receiving notification from the Engineer. If the corrective action implementation schedule is not approved, or if the schedule is approved but not followed, the Engineer will adjust the contract as described below. If the implementation schedule is not followed, the Engineer will provide documented notification that the Contractor is in violation of this subsection.

**f.** **Corrective Action.** The Engineer will give documented notification to the Contractor as identified above. Failure to provide the corrective implementation schedule within the required time period or failure to make corrections within the timeframe required may result in one or more of the following actions by the Engineer:

1. Stop work directive with the issuance of Form 1165, Notice Of Non-Compliance With Contract Requirements, until corrective action is completed.

2. Liquidated Damages will be assessed in the amount of $100 per hour for every hour or portion thereof the improvements or corrective action remains incomplete as described herein. If improvements or corrections have not been made to the satisfaction of the Engineer, the contract will be adjusted until the Performance Goal is met.

3. Issuance of an interim and/or final Contractor performance evaluation noting failure to comply with contract requirements.

**g. Measurement and Payment.** The completed work, as described, will be paid for at the contract price using the following pay item:

**Pay Item Pay Unit**

Technical Proposal Dollars

**Technical Proposal** will be measured in dollars. A budgeted amount of $25,000.00 has been set up for this item. Upon approval of the **Technical Proposal**, the authorized amount will be paid to the Contractor.