



**Mississippi Department of Transportation
Response to Questions
Received July 18 – July 22, 2008
Regarding the Airport Parkway Project**

Question 1: What are the MDOT procedures and/or guidelines that govern the manner and point in time in which the Developer can tender to MDOT a parcel of land needed for a right of way for condemnation? If not currently known, will MDOT provide such procedures and/or guidelines in the RFP? Responder will need confirmation from MDOT that a procedure will exist for Responder's negotiation with land owners and to refer to the State's assistance in condemning property when the interested land owners are not ready to agree on a fair price.

Answer: More information will be given on the Right of Way acquisition process during the RFP process.

Question 2: What is the aggregate price paid to date by MDOT for rights of way for the Project and the approximate percentages these rights of way represent of the total required for the Project?

Answer: More detail on the status of the Right of Way will be provided to shortlisted proposers during the RFP process.

Question 3: What is the estimated aggregate remaining funding for MDOT to acquire additional rights of way prior to selection of a Developer and what is the approximate percentage these rights of way are expected to represent of the total required for the Project?

Answer: More detail on the status of the Right of Way will be provided to shortlisted proposers during the RFP process.

Question 4: Will MDOT provide the Responders with a breakdown of prices paid for each right of way and their respective locations and acreages? Does MDOT or the State have a valuation mechanism to appraise land for condemnation purposes which could be used by Responders to estimate a potential total cost of acquiring the ROW?



Answer: More detail on the status of the Right of Way and on acquisition procedures will be provided to shortlisted proposers during the RFP process.

Question 5: The ROW will apparently cross a spur of the Kansas City Southern line that parallels MS 468. The RFQ does not appear to address the division of responsibilities of MDOT and the Developer on this matter. Will MDOT confirm it has the primary obligation, with such assistance as may be required from the Developer, to obtain the relevant permits from the KCS? If so and based on MDOT's experience, does MDOT believe it can obtain these permits prior to the RFP submission date? Responder believes that MDOT is in a better position to negotiate reasonable terms for the required permit than a private entity.

Answer: See Section 2.6 of the RFQ, this will be the responsibility of the Developer.

Question 6: Will the RFP include the "system of civil administrative adjudication" for contested notices of toll evasion violations as required by H.B. 3, 2008 Extraordinary Session, Section 8? Does MDOT expect to adopt a system of civil administrative adjudication that is substantially similar to a system used by another state? If so, please provide the names of such states and the proceedings you intend to use?

Answer: The Administrative Hearing Process will be set out in the attachments to the RFP.

Question 7: Please confirm that the Concessionaire will be considered a "processing agent" for the purposes of H.B. 3, 2008 Extraordinary Session, Section 8. In this respect, please state what is the scope of responsibility that MDOT expects of the processing agency other than mailing statutory notices and receiving responses to notices and related unpaid tolls and penalties. In particular, does MDOT anticipate that the processing agency would have to pursue collection activities for unpaid tolls and penalties as authorized by H.B. 3, 2008 Extraordinary Session, Section 7(3) and Section 12? If so, does MDOT agree that H.B. 3, 2008 Extraordinary Session, Section 12, permits the processing agency to charge the convicted toll violator for collection agency charges?

Answer: The Tolling Enforcement Process will be set out in the attachments to the RFP.

Question 8: Will the "administrative fees and charges" referenced in H.B. 3, 2008 Extraordinary Session, Section 8, be for the benefit of the processing agency?



Answer: The Tolling Enforcement Process will be set out in the attachments to the RFP.

Question 9: How will MDOT fund compensation to the processing agency for the services it performs?

Answer: The Tolling Enforcement Process will be set out in the attachments to the RFP.

Question 10: Will a toll facility operator (in this case, the Concessionaire) be entitled to charge an administrative fee for toll road violations that is separate from the maximum \$100 penalty for an unpaid toll under H.B. 3, 2008 Extraordinary Session, Section 7(2)?

Answer: The Tolling Enforcement Process will be set out in the attachments to the RFP.

Question 11: H.B. 3, 2008 Extraordinary Session, Section 7(5) provides “[t]he amount of any unpaid toll, and any applicable penalties, shall be retained by or remitted to the governmental entity having jurisdiction over the toll road.” However, new Section 65-43-6 of the Miss. Code Ann. states that a convicted toll violator shall be ordered by the court to “make restitution to the toll facility operator in an amount equal to the dollar amount of the toll that such person was required but failed or refused to pay.” How does MDOT intend to reconcile the foregoing statutes? Who retains the Section 7(2) penalty for the toll facility violation?

Answer: The Tolling Enforcement Process will be set out in the attachments to the RFP.

Question 12: Would MDOT accept a request to change the policy behind this Section 5.5 so that changes to Responder team members prior to the submission of the SOQ and the Proposal regarding the inclusion of Equity Members and major Non Equity Members would not be discouraged?

Answer: Section 5.5 of the RFQ sets out the process for changes to the Responder’s team which MDOT will follow.

Question 13: Please clarify which evidence of safety record would be acceptable from a foreign Responder.

Answer: Foreign Responders should refer to the OSHA website (<http://www.osha.gov/recordkeeping/index.html>) for rules and procedures for determining what their



recordable incident rate would be if they were registered for business in the US. Being a foreign company (especially for the construction and O&M firms) does not relieve Responder of the responsibility of furnishing the required safety record.

Question 14: Please confirm that the Equity Funding requirement can be met by the “Financially Responsible Entity”.

Answer: Yes, confirmed.

Question 15: URS' report on Traffic and toll revenue study for Airport Parkway states that URS adopted the CMPDD model combined with the Statewide Transportation model for this study. The model information from the MDOT contains a combined model network, triptables and results from assignment runs. Two sets of trip tables and assignment results are given, one set corresponding to the MPO socioeconomics and another to the GI socioeconomic update.

Could MDOT provide the model documentation for both models, the CMPDD model and the Mississippi Statewide model, including any information related to zoning, socioeconomics, network development, the four step process, the traffic assignment procedure and parameters etc.?

Answer: Documentation about the Central Mississippi Planning and Development District and Statewide models is available on the MPO (<http://www.cmpdd.org>) and MDOT (<http://www.gomdot.com>) websites. The User Guide to this is public information.

Question 16: Could MDOT provide the following information?

- Calibration and validation information for the CMPDD model and the Mississippi statewide model.
- Information on development and calibration of the combined model. Parameters used in user equilibrium and stochastic user equilibrium traffic assignment for combined model.
- The detail of any modifications to the network or trip tables done to the travel demand model - individual models or combined model- performed by the URS while calibration and while T&R forecasting.
- Field descriptions for any new fields added the roadway layers in TransCAD



Answer: Most of this information is available on the Airport Parkway website for download in the data room. Further explanation of these materials will be available at a meeting with the shortlisted proposers to be held in late September.

Question 17: URS' report on traffic and toll revenue study for Airport Parkway includes historical AADTs and ADTs from the ATR counts in tables. Could MDOT provide any traffic count data for the study area (AADTs or ADTs, historical and present, vehicle classification)?

Answer: Traffic count data collected as part of the Preliminary Traffic and Revenue Study are available in the data room of the Airport Parkway website. Additional published MDOT traffic counts are available on MDOT's website (<http://www.gomdot.com>).

Question 18: URS' report contains results from the SP survey. A report on SP survey performed is also available. Could MDOT provide the complete data collected from the SP surveys?

Answer: A complete data set from the Stated Preference Survey produced by Resource System Group is available and will be provided to shortlisted proposers. Results from the Stated Preference Survey are posted in the data room of the Airport Parkway website.

Question 19: URS' report discusses some of the results from the O-D survey. Could MDOT provide the complete data collected from the OD SURVEYS?

Answer: Data from the OD survey will be made available in the data room for shortlisted proposers.

Question 20: Addendum #1 to the RFQ had a slight modification to the footers of both form B and Form C. Given that there are not important changes in these forms, could we submit the form B and form C included in the RFQ that we have already signed?

Answer: Yes, you can use the original Forms B and C.

Question 21: Regarding the requirement stated in Part A section 5.2(e) "Pass/Fail Review" and in Part B, Volume 2, Section 5 "Financing Capability" of the RFQ, our team assumes that this requirement could be answered by the inclusion of three or more examples for similar projects where Responder or Equity



Member contributed a minimum of \$100 million to finance the project. We assume that the total amount that could be considered as investment of the equity member in the project is the sum of the following figures:

- The equity invested in the project
- The amount of subordinated debt invested in the project

Please, confirm whether this assumption is correct.

Answer: Yes, the amount of both equity and subordinated debt invested in the project may be considered as investment of the equity member in the project for the purpose of providing 3 or more examples of similar project financings. In addition, responses should include non-binding, indicative sources of equity for the Project.

Question 22: Please consider replacing the entire "Surety Letter" wording in paragraph 1.1 with the following:

"the contractor must provide evidence from a surety or insurance company that it is capable of obtaining a performance and payment bond in an amount of at least \$350 million. Evidence shall take the form of a letter from the surety/insurance company indicating that such capacity exists for the contractor. Letter indicating "unlimited" bonding capability are not acceptable. "

The reason for this replacement is because the current paragraph 1.1 is confusing with respect to which party provides a letter and there are things in the paragraph that do not concern the contractor. If there is a requirement for the "responder"/developer to provide evidence of surety capability then **we suggest a separate paragraph to address the requirements of the developer.**

Answer: The first three paragraphs of Part B, Volume 2, Section 1.1 of the RFQ will be clarified in Addendum #2 of the RFQ.