Alternative Technical Concepts
Process and Procedures

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Alternative Technical Concepts (ATCs)
An ATC is a confidential pre-proposal submission by an Offeror to modify a contract requirement, specifically for that Offeror, prior to the Proposal due date. The purpose of the ATC process is to allow for technical innovation, creativity and flexibility to achieve the project’s goals and objectives at equal to or higher quality and performance, and which will provide a greater value to the public as determined by the Department. A proposed concept does not meet the definition of an ATC if the concept is contemplated by the RFP. ATCs may address, but are not limited to, specifications, materials, products, design standards, design solutions, staging or traffic control. After review, the Department, in their sole discretion, reserves the right to reject or approve a submitted ATC prior to submittal of Proposals. An Offeror may elect to, but is not obligated to, include approved ATCs as part of their Proposal and adjust their bid price and/or schedule as applicable.

The formal ATC process will be described in the Request for Proposal (RFP), including a specific schedule outlining deadlines for ATC submittals and Proprietary meeting(s). Offerors are expected to present conceptual ATCs to the Department during the Proprietary meeting(s).

The Department will determine whether an ATC Process will be included in a particular project procurement on a case-by-case basis. For projects where the full ATC Process is not included as part of a project’s procurement, the Department will utilize a process similar to its current state of practice where ATC ideas are discussed during proprietary meetings between the Department and Offeror. The RFP may be modified, through an addendum based upon accepted ideas in the Proprietary meeting(s).

ATC Limitations

1. The Department, in its sole discretion, will determine whether to make modifications to the RFP as a result of an approved ATC(s) from the Offerors. In most cases, the RFP will not be modified when ATC(s) are approved, including acceptable location specific design exceptions, design waivers, and deviations from VDOT Standards. However, where an ATC approval contemplates
a significant scope change or a widespread inclusion of a design exception(s) the Department, in their sole discretion, may amend the RFP.

2. The Department may outline certain items or elements that will not be accepted as ATCs in the RFP and are non-negotiable during procurement.

3. For SMART SCALE projects, ATCs that create a scope or budget change that would necessitate a re-evaluation of the SMART SCALE scoring will not be considered. The RFP will provide guidance on these limitations.

4. The Department may determine to limit the amount of ATC submittals as they deem necessary.

5. Offerors need to submit each concept as a separate ATC. A concept may include multiple interrelated parts but an ATC with multiple unrelated parts shall be rejected.

ATC Process and Steps (Exhibit A)

In effort to better facilitate the discussion and review of Offeror ATCs, VDOT recommends that potential ATCs be conceptually vetted with the Department during the Proprietary meeting prior to formal submission for review and potential approval. All discussions during the Proprietary meeting(s) are non-binding with regard to ATC approval. Offerors are required to submit their ATCs through the formal review and approval process. The process and steps for the ATCs will be detailed in the RFP but will generally follow the following steps:

1. VDOT releases RFP to shortlisted Offerors.

2. VDOT holds a pre-proposal meeting with shortlisted Offerors.
   
   *This meeting will occur generally one week after the RFP release date. The purpose of this meeting is for the Department to convey the scope and schedule of the project as well as the Departments expectations for the project’s goals and objectives.*

3. VDOT conducts RFP question and answer period.
   
   *Deadline for shortlisted offerors to submit questions to VDOT regarding the RFP documents will generally occur two weeks after the mandatory pre-proposal meeting. VDOT will provide responses or clarifications to questions that have been submitted approximately one week following the submission deadline.*

4. Proprietary Meeting
   
   *Each Offeror will meet separately and confidentially with the Department. Offerors will present their conceptual ATCs to VDOT personnel and collect initial feedback to determine how best to formulate each formal ATC submission document.*

   *Proposers will be required to provide a listing of conceptual ATCs that will be discussed in advance of the Proprietary Meeting to ensure that meeting attendees are in alignment with the discussion topics of the Offeror, promoting active communication. Proposers may also bring exhibits or prepared graphics to the Proprietary Meeting for use in conveying their conceptual ATCs to Department staff. Department staff will not be allowed to retain any physical elements brought to the Proprietary Meeting by the Offeror.*

5. Deadline to formally submit ATCs for VDOT review.
   
   *This date will be set approximately two weeks after the Proprietary Meeting. Offerors shall address all items in Exhibit B.*
It is in the Offeror’s best interests to formally submit ATC(s) as early as possible to allow the greatest amount of time for review, clarification, and potential approval in advance of the Proposal due date.

6. VDOT performs ATC Evaluation and Determination. VDOT will issue final determinations in writing to the Offeror for all ATCs submitted on or before the ATC submission deadline as indicated in the RFP (ATC determinations should be provided approximately three weeks prior to the Technical Proposal submission date). The determination will follow the format outlined in Exhibit C. If at any time after formal ATC submission it is determined that clarifications or additional information are needed, VDOT will request the information from the Offeror prior to completing the ATC review. VDOT, at its sole discretion, may elect to hold an ATC follow-up meeting with a particular offeror(s) as a means to discuss additional information or clarifications needed to complete the evaluation of a submitted ATC(s). No additional ATCs or project information will be discussed during the ATC follow-up meeting(s).

It will be VDOT’s sole discretion how much time to allot the Offeror for providing the additional information or clarification prior to making a final determination on the ATC.

7. Offeror includes approved ATC into their Proposal. Offerors have the option of whether or not to include approved ATCs into their Proposal. The Proposal will need to identify where each ATC has been incorporated and confirm by incorporation of the ATCs into their Proposal they are agreeing to all conditions that may have accompanied the ATC approval(s).

8. Technical Proposal submission date. This will generally occur approximately three weeks after the final ATC determinations have been issued by VDOT.

9. Department evaluation of Proposals. ATCs will not be evaluated separately but rather will be considered to be part of the overall Proposal and graded/ranked accordingly to the evaluation criteria and project goals and objectives as established with the RFP.

10. ATCs incorporated into Design-Builders contract. The RFP will provide details of incorporating the approved ATCs into the contract that the winning proposer had included in their Proposal.

The RFP will contain language allowing the Department to utilize ATC(s) submitted by an unsuccessful Offeror. This process will be detailed in the Proposal Payment Agreement.

Confidentiality of the ATC Process
ATC confidentiality is of the utmost importance to VDOT recognizing that Offerors invest a tremendous amount of effort into developing their ideas. ATC submissions are considered proprietary until the contract is awarded and unsuccessful Offerors have accepted stipends. The Department understands

the importance of maintaining tight restrictions on the review and approval process during procurement and will adhere to the policies outlined in the Design-Build Evaluation Guidelines to ensure confidentiality is maintained. The Guidelines document may be updated to include specific language regarding confidentiality of the ATC process. VDOT will require all individuals involved in the ATC review and approval process to sign non-conflict of interest and confidentiality agreements.
Exhibit A
ATC Submittal/Approval Process

1. Offeror notifies VDOT of concept ATC topic(s)

2. VDOT and Offeror participate in Proprietary meeting(s)*

3. Offeror formally submits ATC for VDOT review

4. VDOT formal ATC review process

5. Offeror provides requested clarification

   - Clarification needed
     - Yes: VDOT issues clarification to Offeror
     - No

6. ATC determination

   - ATC Denied

   - Approved

7. ATC included in Proposal (at Offeror’s option)

8. VDOT evaluation of Proposals

9. Winner selected

   - Selected Offeror ATCs incorporated into contract

10. Contract Execution

* Additional Proprietary meetings may be scheduled at the discretion of the VDOT PM-APD.
Exhibit B
ATC Submittal Template Form
EXHIBIT B: ATC Submittal Template Form

ALTERNATIVE TECHNICAL CONCEPT (ATC) SUBMITTAL FORM

ATC ID Number: Click here to enter text.

ATC Name-Description: 

OFFEROR: 

DATE ATC SUBMITTED: Click here to enter a date.

NOTE: Formal ATC Submission Form shall be limited to four pages, 12pt font, single spaced, excluding preliminary drawings or supporting documentation.

A) Provide justification as to how the proposed ATC meets or exceeds the project goals and objectives as stated in the RFP.

Offeror to complete

B) All references to requirements of the RFP that are inconsistent with the proposed ATC and explanation of the nature of the deviations from said requirements.

Offeror to complete

C) The locations where, and an explanation of how, the proposed ATC will be used on the Project;

Offeror to complete

D) Any reduction in the time period necessary to design and construct the Project resulting from implementing the ATC, including, as appropriate, a description of method and commitments

Offeror to complete

E) If additional right-of-way is required, identify the limits of this ROW and define the impacts, if any, this additional right-of-way has on the NEPA process;

Offeror to complete
F) Any changes in maintenance requirements associated with the ATC;

    Offeror to complete

G) Any changes in the anticipated useful life of the item(s) comprising the ATC;

    Offeror to complete

H) Preliminary analysis and quantitative discussion of potential impacts on vehicular traffic (both during and after construction);

    Offeror to complete

I) A preliminary analysis on environmental permitting, community impact, and safety;

    Offeror to complete

J) If Applicable, a description of other projects on which the ATC has been used, degree of success or failure of such usage, and contact information, including name, phone number and e-mail address, for an owner representative that can confirm such statements;

    Offeror to complete

K) Preliminary drawings of the configuration of the ATC or other appropriate descriptive information, including a traffic operational analysis, if appropriate.

    Offeror to complete (include graphical attachment(s), if needed)
Exhibit C
ATC Response Template Form
ALTERNATIVE TECHNICAL CONCEPT (ATC) RESPONSE FORM

ATC ID Number: Click here to enter text.

ATC Name-Description:__________________________________________________________

OFFEROR:__________________________________________________________

DATE ATC SUBMITTED: Click here to enter a date.

☐ PRELIMINARY RESPONSE:

☐ FINAL RESPONSE:

☐ (A) The proposed ATC is acceptable for inclusion in the Proposal with such conditions, modifications and/or requirements as identified by VDOT in Attachment 1 of this response.

☐ (B) The ATC is not acceptable for inclusion in the Proposal.

☐ (C) The submittal does not qualify as an ATC but may be included in the Offeror’s Proposal because it appears to be within the requirements of the RFP.

Signed: _________________________

[Insert name of Project Manager]

[Project Manager]

DATE OF ATC RESPONSE: Click here to enter a date.
ALTERNATIVE TECHNICAL CONCEPT (ATC) RESPONSE FORM

ATC ID Number: Click here to enter text.

ATC Name-Description: ___________________________________________________________________

OFFEROR: ________________________________________________________________________________

DATE ATC SUBMITTED: Click here to enter a date.

ATTACHMENT 1

Click here to enter text.