

Question

Answer

- We note the requirement for a Project Labor Agreement as a condition of award of the Design Build contract. What entity will
- 1 be responsible for negotiating this PLA?
RFQ Section 3.3 Communications Protocol indicates that all RFI's must be issued by close of business April 19, 2016 while
 - 2 Section 4.8 Procurement Schedule indicates a deadline of April 25, 2016. Please clarify.
 - 3 Is a 11x17 page size for the organization chart acceptable?
 - 4 For graphic representation, are we restricted to a 10 point font?
The RFQ mentions that he planned improvements to the Existing Facilities have been the subject of environmental review
 - 5 under the State Environmental Quality Review Act (SEQRA). Are the related documents available?
 - 6 Section 5.2.5 indicates form C-2 of Attachment B. There is no C-2 Attachment B provided, please clarify
Page 20, 5.2.4.2 Construction Experience: The Respondent shall provide its experience with construction management, construction and maintaining quality control of construction, of Similar Projects completed in the last ten years. Describe record of budget and schedule performance for Similar Projects with a construction value of more than \$100 million performed or being performed in the last five years and significant disputes that have risen during the design or construction of the project. On page 28, under Construction Experience, Satisfactory completion of similar project performed or being performed by team members in the last ten years, including budget and schedule. Please clarify if you want this information for the last five (5)
 - 7 years or ten (10) years.

- Page 20, 5.2.5 Reference Projects. It states "In addition to providing technical qualifications and experience, the Respondent shall provide a list of a minimum of five, but not more than ten directly relevant Similar Projects completed within the past ten years that the Respondent has been involved with as a designer, builder or a combination thereof (Reference Projects) (see Attachment B, SOQ Submittal Form B-2). Below that it states for each Reference Projects identified, provide the information
- 8 required on Form C-2. Form C-2 doesn't exist in the RFQ. Should we be using Form B-2, Relevant Project Experience?
Per page 16, Under Section 1 – General Information, you asked for 5.2.2 Project Team, which requests full resumes per page 18 in accordance with Form B-1. Under Section 2 – Technical Qualification on page 16, it states to include Form B-1. Which
 - 9 section would you like Resumes/Form B-1 to be included in?

- 10 Please define the role of the Public Information Consultant.
Does attachment A-1 Certificate of Authorization have to be signed by the Clerk/Secretary of the Corporation or can it be
- 11 signed by another Officer that is authorized to execute and delivery in the name and on behalf of the corporation.
If Contractor intends to contract directly with the Owner as the Design Builder (Contractor will subcontract with a design firm) and has sufficient financial strength to not require a Project Guarantor, does Contractor need to (1) provide information relating to a Project Guarantor, including, but not limited to, forms A2 and A3 and (2) include Project Guarantor information in the
- 12 Attachment A transmittal letter?
- 13 Are existing conditions drawings available for reference ?
A limit of 10 referenced projects is requested. If a Joint Venture is submitting qualifications, would the limit be 10 per company
- 14 or 10 overall?
The RFQ references "Similar Projects" and "Referenced Projects" is this the same? If not, is there a limit to the number of
- 15 "Similar Projects" that can be submitted?
- 16 Attachment B-2 Template for Referenced Projects is missing. Would you be providing a specific template?

- 17 Confirm there is a need for both a Project Guarantor and P&P bond?

The D/B team will be responsible for negotiating the PLA before the D/B contract is awarded.

We apologize for the inconsistency. The date should be close of business on 4/25/16.
Yes.
No.

Yes, they will be made available to the short-listed firms as part of the RFP data room.
The reference should be to Form B-2.

We apologize for the inconsistency. We are seeking information for the last 10 years.

The reference should be to Form B-2.

Please include Form B-1 in Section 2 – Technical Qualifications.
It is not necessary to provide the identity of a Public Information Consultant in the SOQ. Issues pertaining to public relations for the Project will be addressed in the RFP.

Any officer who is authorized to execute and deliver on behalf of the corporation is acceptable.

If the Respondent does not intend to propose a Project Guarantor based on its own financial strength, then you need only submit forms for the Respondent.
These will be made available to the short-listed Respondents as part of the RFP data room.

The limit would be 10 overall.
Similar Projects and Reference Projects are the same. Respondents are limited to submitting a minimum of five, but not more than ten, Similar Projects/Reference Projects.
Reference Projects are to be submitted on Form B-2 of Attachment B.
We are seeking Respondents who can demonstrate financial strength and wellbeing, be it through their own balance sheet or the support of a Project Guarantor, or a combination. The P&P Bond is a requirement. The Selection Committee will review and analyze all in determining the Respondents' financial score.

18 In a Joint Venture, does each party need to supply this \$1B bond or can it be provided cumulatively through the Joint Venture partners?

19 In the Structural Narrative there is a reference to a Structural Content Package (which was issued in December), can this be provided?

20 Will we be following the NYC, DOB, or other regulatory approval processes?

21 For the short-listed CM firms, at what stage will the bridge documents be (e.g. 100% SD, 50% CD, etc.)?

22 What are the proprietary systems which need to be provided by the same vendor who currently reside in the existing convention center?

23 In Attachment A, Article 2: the paragraph makes reference to Attachment C-1 (Authority to Submit) can you please confirm this is meant to read "Attachment A-1"?

24 In Attachment A-3, there is reference to March in the first paragraph, can you please confirm this should read "April"?

25 In 5.2.5 there is reference to "Form C-2" (Relevant Project Experience) can you please confirm this is meant to read "Form B-2"?

26 In section 5.2, the reference to Section 4 for Procurement Forms and Requirements; these forms ask for detailed information on our awarded subcontractors. However, at time of RFQ submission we will not have subcontractors as part of our team.

26 Please confirm we can submit this list at the contract phase.

27 Can you please clarify the percentage M/WBE Workforce Goals?

28 Will the design team be required to meet the above M/WBE goals?

29 For qualified subcontractors, where M/WBE capacity doesn't exist in the market place, can that volume be excluded from the denominator for the above referenced M/WBE goals?

30 Are the following consultants precluded from joining the construction management team: Langan Engineering, Cerami & Associates, Sam Schwartz Engineering and, Van Deusen & Associates.

31 What is the methodology and breakout for the funding of this and what is the timeline for putting this funding in place?

32 Section 3.1 of the RFQ lists the entities who have been retained to serve as the Consultant Support Team for the Project. The provided list of entities (or individual firms) also includes in parenthesis the professional service(s) provided by that entity as a member of the Consultant Support Team. Are these entities eligible to provide other professional services as part of a Respondent Team submission which are outside the scope of services they are currently providing as part of the Consultant Support Team for the Project?

33 Will ESD publish a list of attendees, presentation materials and/or handouts from the April 20th meeting?

34 Per page 33, Section 7.5 Certification under State Law Section 5-a, second paragraph - Only the prime consultant must complete Form ST 220-CA, but Schedule A to Form ST220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable.

(1) Are we correct in assuming that the respondent is the "prime consultant"?

(2) There is no Schedule A to Form ST 220-CA. Will you be issuing Schedule A or is it not required at this time.

34

35 As required in RFQ Section 5.2.2 – Project Team, we note the request for "Full resumes of key personnel" including an Operating Liaison. Please describe the Role and Responsibilities of the Operating Liaison.

It can be provided cumulatively.

Yes, this was already provided and can be found as an attachment to the RFQ. The Project Concept Report and the bridging documents are designed according to NYC building code. We anticipate that DASNY will be the permitting agency and will be permitting according to NYC Building Code.

100% DD

Proprietary systems or materials will be indicated in the bridging documents that will be released to the shortlisted entities with the RFP

The paragraph should reference Attachment A-1.

In Attachment A-3, the reference to March in the first paragraph should read "April".

The reference should be to Form B-2.

Confirmed.

The MWBE Participation Goals will be established in the second phase of this procurement (RFP phase).

The MWBE Participation Goals are based on the total Design-Build contract amount. Where MWBE Goals have been established, the successful Respondent to the RFP will be required to make "good faith efforts" pursuant to 5 § 142.8 to include MWBEs in the various subcontracting areas.

Yes.

The funding will consist of existing Series 2015 bond proceeds that are in the Owner's construction account; a \$1 B State appropriation that was passed in April as part of the budget; and proceeds from a new capital markets transaction expected later this year.

The firms that have previously been involved as part of the Consultant Support Team are precluded from participating in a bidding consortium. They will be eligible to join the successful bidder, after the bidding process.

Yes.

(1) Yes and (2) we will be issuing this at a later time.

The Operating Liaison will be responsible for communicating with the Operating Corporation to coordinate Project activities with and minimize disruption to the operations of the Existing Facilities.

As required in RFQ Section 5.2.2 – Project Team, we note the request for “Full resumes of key personnel” including a Program Manager. Please describe the Role and Responsibilities of the Program Manager

The Program Manager will perform a project management role, including assisting in managing and overseeing the design engineers, construction contracts, the permitting process, and commissioning. The Program Manager will be required to be stationed at the Project Site full-time.

Are the companies and its affiliates of the Owner’s Consultant Support Team listed on page 8 and 9 of the RFP, fully precluded from participating for any services as a Respondent and/or a Significant Subcontractor?

Yes.

Attachment A-4 requests for licenses and certificates of registration for those members of the Respondent’s Team leading the design and construction efforts. Please confirm a NY State Contractor license and lead individual professional licenses such as PE, RA, etc., suffices from the respondent team.

Confirmed.

Please confirm Form B-1 Key Project Staff should fall in Section 1 – General Information

Please include Form B-1 in Section 2 – Technical Qualifications.

Please confirm Form B-2 Relevant Project Experience should fall in Section 2 – Technical Qualifications 5.2.5 Reference Projects

Confirmed.

There are two references made in the RFQ to requesting information on safety awards. Each states a different timeframe. On page 20, Section 5.2.4.2, the last phrase states, “Identify any safety awards obtained in the last five years”. On page 29, it states, “Safety awards obtained in last three years”. Is the request being made for three years or five years?

Please include safety awards obtained in the last five years.

On Form B-2 – Relevant Project Experience regarding personnel, are items B and U different?

Item B should indicate the names of personnel and/or firms that were participants on the Reference Project and are also members of the SOQ submittal team and their role on the Reference Project. Item U should include a list of all key personnel on the Reference Project.

On page 20 of the RFQ, 5.2.5 Reference Projects references Form C-2. Should the reference to C2 be interpreted as B-2? If yes, please note that the items listed in 5.2.5 are different than the items included in Form B-2. Should the response utilize the items listed in 5.2.5? In addition, Form B2 is missing the following items: I, L, M, N, P, Q, R. Will a new Form B-2 be issued? Section 5.2.4.2 Construction Experience requires that:

The reference in Section 5.2.5 should be to Form B-2. Please provide all information requested on Form B-2. A revised Form B-2 is included with this Addendum.

- a) “The Respondent shall provide its experience with construction management, construction and maintaining quality control of construction, of Similar Projects completed in the last ten years”.
- b) It also requires to “Describe record of budget and schedule performance for Similar Projects with a construction value of more than \$100 million performed or being performed in the last five years...”
- c) And finally, “The Respondent may also provide descriptions of relevant experience related to other types of major vertical infrastructure projects in dense urban environment”

Section 5.2.5 Reference Projects indicates that “In addition to providing technical qualifications and experience, the Respondent shall provide a list of a minimum of five, but not more than ten directly relevant Similar Projects completed within the past ten years that the Respondent has been involved with...” Question: Is the list of five to ten relevant projects listed above, an extract of items b) and c) above?

No, the Reference Projects required by Section 5.2.5 are not required to be an extract of items b) and c).

In the glossary section 1.2 it states that reference projects should include minimum 5 maximum 10 projects. Can you please clarify if the 5-10 reference projects are to be provided for entire team or do both respondent and significant subcontractors need to include 5-10 projects each?

The Reference Projects are to be provided for the entire team.

Schedule A - Article 7 - Insurance – Section 7.2. This section states that additional insured endorsement ISO form number CG 20 26 11 85 shall be provided. This 31 year old endorsement dates back to 1985 and there have been updates to the endorsement over the years. Please confirm that the 2013 ISO form CG 20 26 04 13 is acceptable in lieu of the 1985 ISO form CG 20 26 11 85. The reason for this question is that the endorsement from 1985 will not be commercially available to

Contractors and they will not be able to comply with this contractual requirement.

Confirmed.

Schedule A – Article 7 – Insurance – Section 7.8(g). Please confirm that this subparagraph can be modified to state that updated replacement Certificates of Insurance can be provided “upon” expiration or renewal date of the insurance coverage rather than “thirty (30) days prior”. The reason for this question is that most Contractors do not bind their renewal insurance coverages 30 days prior to expiration so it would not be possible to provide a certificate 30 days prior.

Confirmed.

47 Schedule A - Article 7 - Insurance – Section 7.8 (b). This subparagraph states that the insurance policies shall be endorsed to provide written notice to the Corporation at least 30 days prior to the cancellation, non-renewal or material alteration of policies, which notice shall be evidenced by return receipt of United States Certified Mail. Please confirm that an endorsement to the policies which provides for written notice by United States mail will be acceptable in lieu of return receipt Certified Mail. The reason for this question is that insurance carriers will not agree to endorse insurance policies to provide for written notice by return receipt Certified Mail. Contractors will not be able to comply with this requirement.

Confirmed.

52 Please confirm square footages by program area.

You reference a Design Build Price is lump sum. The enabling legislation offers alternate delivery methods beyond lump sum.

A tabular program of space requirements will be provided to the shortlisted teams with the RFP. At this time, we are contemplating moving ahead with a lump-sum request, but the State reserves the right to make a change if it deems it necessary.

54 Would alternate deliveries be acceptable? (i.e. GMP)

Respondents must submit the surety letter of intent required by Section 5.2.6.1 in order to be considered responsive to the requirements of the RFQ.

55 Is the requirement in Section 5.2.6.1 necessary to get shortlisted or does Section 2.8 override that requirement?

It is stated in Section 7.4 of the RFQ, “For the purposes of this phase of procurement, ESD encourages MWBE’s to respond.

For purposes of the second phase of procurement, ESD will establish MWBE participation goals”.

For the second phase of the procurement, will ESD clarify how and to what extent the DB proposers will be required to include MWBE participation across the various areas of services with the DB team, including but not limited to: design services, other professional and technical services, construction management services, and construction trades?

For the second phase of the procurement, where MWBE Goals have been established, the successful Respondent to the RFP will be required to make “good faith efforts” pursuant to 5 § 142.8 to include MWBEs in the various subcontracting areas, including, but not limited to design services, professional and technical services, construction management services, construction trades, etc.

57

Attachment D – The Diversity Practices Questionnaire, Question #8 refers to an “attached Utilization Plan” to be completed by respondents that intend to partner or subcontract with NYS Certified Minority- and Women-Owned Business Enterprises. The subject utilization plan does not appear to be attached in the RFQ. Is the Form OCSD-3 “M/WBE Utilization Plan” the form

Form OCSD-4 MWBE Utilization Plan should be used. The form can be accessed using the following url: http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_4MWBEUtilizationPlan.pdf

58 which should be utilized?