

December 20, 2019

ADDENDUM NO. 2

PROJECT: BBJ-QGAR, Design-Build Program for the NYC Borough Based Jail System, Queens Site Parking Garage
PIN: 8502020CR0040P-42P

THIS ADDENDUM IS ISSUED FOR THE PURPOSE OF AMENDING THE REQUIREMENTS OF THIS REQUEST FOR QUALIFICATIONS AND IS HEREBY MADE A PART OF SAID REQUEST FOR QUALIFICATIONS TO THE SAME EXTENT AS THOUGH IT WERE ORIGINALLY THEREIN.

Request for Qualifications

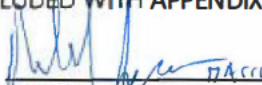
1. Amendments to the RFQ, provided in the attached documents in redline, have been made affecting the following RFQ sections and pages:
 - Appendix C
 - Appendix D-6
 - Appendix D-9

A clean, revised copy of the entire RFQ is also included with this Addendum No. 2

2. Consultant Questions and DDC Responses are attached to this addendum
 - RFI Q&A

Contact: Department of Design & Construction
Email: nycbbj@ddc.nyc.gov
Phone: 718-391-2022

By signing in the space provided below, the Proposer acknowledges receipt of this Addendum.
THIS ADDENDUM MUST BE SIGNED BY THE SUBMITTING FIRM AND INCLUDED WITH APPENDIX D-13 – Acknowledgement of Addenda.

for  _____
Nick Mendoza
Agency Chief Contracting Officer

Name of Submitting Firm

By _____

Title _____

APPENDIX C

Format and Organization for Statement of Qualifications

RFQ (Phase I) Response Table of Contents		
Tab	Category	Page Limitation
0	FUNDAMENTAL QUALIFICATIONS	Up to 29 pages total
	Cover Letter	2 pages
	Acknowledgment of Addenda Form (D-13)	1 page
	Equal Opportunity Employer Statement	1 page
	Construction Employment Report (Appendix D-1)	12 pages
	Doing Business Data Form (Appendix D-2)	2 pages
	Iran Divestment Act Form (Appendix D-3)	1 page
	Preliminary Insurance Confirmation	1 page
	Letter of Commitment from Surety	1 page
	Legal Structure	1 page
	Teaming Agreement	1 page
	Safety Questionnaire (Appendix D-5)	1 page
	Financial Questionnaire (Appendix D-6)	5 pages
1	PROJECT PAST PERFORMANCE/EXPERIENCE	Up to 2419 pages total
	Project Profiles Form #1-5 (each project limited to 32 pages) (Appendix D-7)	150 pages
	Project Evaluation Forms (Appendix D-8)	5 pages
	Prior Experience Working Together Form (Appendix D-9)	3 pages
	Project Relevancy Form (Appendix D-10)	1 page
2	DESIGN-BUILD TEAM RESUMES	Up to 98 pages total
	Team Introduction and Organization Chart	2 pages
	Design-Build Project Executive (Appendix D-11)	1 page
	Design-Build Project Manager (Appendix D-11)	1 page
	Design Integrator (Appendix D-11)	1 page
	Designer-of-Record (Appendix D-11)	1 page
	Design Architect-Lead (Appendix D-11)	1 page
	Design-Build Construction Project Manager (Appendix D-11)	1 page
	Resume Compliance Matrix (D-12)	1 page
3	ORGANIZATIONAL AND DB MANAGEMENT APPROACH	Up to 9 pages total
	Design-Build Management Approach	5 pages
	Design Excellence	2 pages
	Quality Assurance and Quality Control for Design and Construction	1 page
	Design and Construction Scheduling	1 page

APPENDIX D-6

Financial Questionnaire

FINANCIAL QUESTIONNAIRE

Attachments and explanations provided on a separate page, as requested in the questions below, shall not be counted against Proposer’s page count limit.

Provide the following information about the Proposer:

1. Name of Proposer:

2. Date of formation:

3. State of formation:

4. Number of employees?

5. If a corporation, provide the following:
Provide information for each officer of the corporation.

Position	Name	Years with Co.	% Ownership
CEO			
President			
Secretary			
Treasurer/CFO			
Other (Title)			
Other (Title)			
Other (Title)			
Other (Title)			

6. If an individual doing business as a sole proprietorship, please complete the following:

Owner	Years as Owner

7. If a joint venture, partnership, limited liability company (“LLC”), or other association, provide the following for each member of the joint venture, each partner, each member or manager of the LLC, or other association member. (Attach additional pages if necessary)

Name of Individual Or Entity	Principal Contact	Position	Years with Joint Ven- ture/ Part- nership/ LLC/Other	% Ownership Interest

8. Has there been and change in ownership during the last three (3) years?

(Note: A corporation whose shares are publicly traded is not required to answer this question with regard to public trades.)

If “yes”, please explain on a separate page.

Yes No

9. Is the entity a subsidiary, parent, holding company or affiliate of another firm?

(NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.)

Yes No

If “yes”, explain on a separate page.

State gross revenue for each of the last three (3) years:

2018: \$

2017: \$

2016: \$

10. Is the entity or any of its affiliates currently the debtor in a bankruptcy case?

Yes No

If "yes," indicate the case number, bankruptcy court, and the date on which the petition was filed.

Case Number	Bankruptcy Court	Date Filed
-------------	------------------	------------

11. Was the entity or any of its affiliates in bankruptcy at any time during the last five (5) years?

Yes No

If "yes," indicate the case number, bankruptcy court, and the date on which the petition was filed.

Case Number	Bankruptcy Court	Date Filed
-------------	------------------	------------

12. In the last five (5) years has any insurance carrier, for any form of insurance, refused to renew an insurance policy due to non-payment or contractor losses?

Yes No

If "yes," on a separate page give name of the insured, name the insurance carrier, the form of insurance, and the year of the refusal.

13. Please provide the following information from most recent financial statement:

Current Assets:	\$
Current Liabilities:	\$
Total Net Worth:	\$
Current Ratio (Assets/Liabilities):	\$
Working Capital (Current Assets - Current Liabilities):	\$
Debt to Equity Ratio	

History of Performance (Past Performance)

14. Has the entity or any of its affiliates ever been terminated for default on a construction contract?

Yes No

If "yes," explain on a separate page.

15. In the last five (5) years has the entity or any of its affiliates, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

Yes No

If "yes," explain on a separate page. State the name of the organization debarred, the year of the event, the owner of the project, and the basis for the action.

16. In the past five (5) years has any claim in excess of \$50,000 been filed or made in court or arbitration against the entity or any of its affiliates concerning their work on a construction project?

Yes No

If "yes," on a separate page identify the claim(s) by providing the project name, date of the claim, name of the claimant, the name of the entity the claim was filed against, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

17. In the past five (5) years has the entity or any of its affiliates made any claim in excess of \$50,000 against a project owner concerning work on a project or payment for a contract and filed or made that claim in court or arbitration?

Yes No

If "yes," on a separate page identify the claim by providing the name of claimant, the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

18. Has the entity or any of its affiliates (or any manager of an affiliate if the affiliate is not a person) ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public entity?

Yes No

If "yes," explain on a separate page, including identifying who was found liable or guilty, the court and case number, the name of the public entity, the civil or criminal verdict, the date and the basis for the finding.

19. Has there been more than one occasion during the last five (5) years in which the entity or any of its affiliates was required to pay either back wages or penalties for failure to comply with the State's prevailing wage laws?

Yes No

If "yes," attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed, the number of employees who were initially underpaid and the amount of back wages and penalties that were assessed.

20. During the last five (5) years, has there been an occasion in which the entity or any of its affiliates have been penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

Yes No

If "yes," attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that were assessed.

APPENDIX D-9

Prior Experience Working Together Form

PRIOR EXPERIENCE WORKING TOGETHER FORM

	Project 1	Project 2	Project 3	Project 4	Project 5
Design-Build Project Executive					
Design-Build Project Manager					
Design Integrator					
Designer-of-Record					
Design <u>Architect Lead</u>					
Design-Build Construction Project Manager					

For each of the five (5) projects listed in this matrix and identified on the Project Profile Forms, indicate the proposed Design-Build Team members who participated. Intent is to show individual’s experience working together on the projects. Clearly indicate project number on the Project Profile Form.

Queens Garage Revised

RFI Responses

- 1) **Question:** Will a list of all of attendees at the Pre-Solicitation conference be provided?
 - **Answer:** Yes, the list has been provided on DDC's website.
- 2) **Question:** Will the January 10th submission date be extended?
 - **Answer:** No. Due to the tight schedule, we do not anticipate an extension at this time.
- 3) **Question:** Do you have to register with Passport for each project individually?
 - **Answer:** No, firms only need to register in PASSPort once. Firms may be requested to submit a Certification of No Change for future submissions so long as no required information has changed.
- 4) **Question:** Do JV's need to be in Passport during the RFQ phase or just the individual partners?
 - **Answer:** No, JVs do not need to be registered in PASSPort as the JV. Individual firms that make up a JV need to be registered in PASSPort.
- 5) **Question:** Why is there a performance bond for early work, but possibly not for the facilities?
 - **Answer:** Yes, there will be 100% bonding for the early works packages. There will be payment and performance bond requirements for the new facilities packages as well, however, specific requirements are currently under review.
- 6) **Question:** What are the M/WBE goals for this project?
 - **Answer:** At this RFQ phase we do not yet have goals specified. M/WBE goals will be provided in the RFP phase, once the scope of work is finalized.
- 7) **Question:** Can Asian MBEs participate as MBEs in this contract?
 - **Answer:** Projects within this program that are awarded after April 12, 2020 will permit Asian MBE firms to participate as an MBE for professional services.
- 8) **Question:** Can proposers include M/WBE firms in the RFP response, if they were not included in the RFQ response?
 - **Answer:** Yes. The RFQ only requires, at a minimum, the identification of the Lead Contractor(s), the Principal Participants, the Designers and Key Personnel, all other Subcontractors are not required to be identified at the RFQ phase and will only be required during the RFP phase.
- 9) **Question:** Can MWBE's be on more than one proposing team?
 - **Answer:** Yes. M/WBE firms are encouraged to join more than one team. In accordance with the RFQ, subcontractors participating on more than one team must inform all teams and certify it is not working as a conduit of information between teams. Proposers are advised that capacity will be considered at both the RFQ and RFP phases.
- 10) **Question:** Can an MEP Sub-contractor be on more than one Team?
 - **Answer:** Yes. In accordance with the RFQ, subcontractors participating on more than one team must inform all teams and certify it is not working as a conduit of information between teams.

- 11) **Question:** Can a proposer qualify with the project experience of its wholly-owned (100% owned) subsidiaries?
- **Answer:** Yes, a proposer may rely on the project experience of its wholly owned subsidiary if the wholly owned subsidiary is included as part of the DB Team. Proposers are advised that both the Project Profile Form in Appendix D-7 and the Prior Experience Working Together Form in Appendix D-9 require disclosure of DB Team members that worked on the prior project. DDC will review whether and to what extent the prior project experience includes currently proposed DB Team members.
- 12) **Question:** Will there be a separate construction (CM) oversight contract?
- **Answer:** No, the Design-Builder will be responsible for managing its own construction. The AECOM-Hill Joint Venture (PMC) will manage the program on behalf of DDC.
- 13) **Question:** How will you ensure timely payments?
- **Answer:** DDC and the PMC will work with the Design-Builder to make sure payments are processed efficiently. Proper supporting documentation provided by the Design-Builder will allow the process to flow more quickly. Additionally, allowances will also be used to assist in managing funding and expediting payments.
- 14) **Question:** Will Firms/Teams that are awarded Early Works projects be precluded from proposing on the facility contracts?
- **Answer:** Successful proposers that are awarded early works packages are permitted and encouraged to propose on the new facility projects.
- 15) **Question:** Would DDC consider hiring a special consultant / employee to oversee and process Change Orders?
- **Answer:** The PMC will be assisting DDC with managing change orders.
- 16) **Question:** Is there an M/WBE requirement for Project and Program Management under the PMC?
- **Answer:** Yes. The M/WBE participation goals for the PMC's contract only is set at more than thirty percent (30%). See also Questions #6.
- 17) **Question:** Should the Design-Build Team include a Special Inspection Agency?
- **Answer:** At this time, DDC anticipates that the special inspections team will work directly with DDC and PMC; not in privity with the Design-Builder.
- 18) **Question:** Will DDC share the list of Proposers?
- **Answer:** DDC will publicly announce the firms shortlisted for the RFP.
- 19) **Question:** Would a major sub-contractor's qualifications be part of the Team's qualifications?
- **Answer:** Yes, DDC will review each Proposer's SOQ based on qualifications presented.
- 20) **Question:** Who will the Design Builder work with for design finalization and prevention of scope creep?
- **Answer:** The Design-Builder will be working with DDC and the PMC. DDC and PMC are currently working with sponsor agencies to define the scope and project requirements prior to issuance of the RFP.
- 21) **Question:** Will construction staging be provided by DDC?
- **Answer:** No, construction staging will be the responsibility of the Design-Builder. DDC will advise on locations that cannot be used for staging.

22) **Question:** Will Design Guidelines be provided beyond performance criteria?

- **Answer:** Yes.

23) **Question:** Will Allowances be included in the \$70M value or in addition?

- **Answer:** Yes, allowances are reflected in the preliminary budget of \$70M. DDC will coordinate with the Proposers at the RFP phase to negotiate the terms of the Design-Build agreement, which may include the allowances.

24) **Question:** Is BIM (Building Information Modeling) a requirement under this project?

- **Answer:** Yes, BIM is required for the Queens Garage.

25) **Question:** Do the team and supporting sub-consultants need to remain the same from the SOQ to the RFP phase?

Answer: The DB Team, including Principal Participants, Subcontractors and Key Personnel, identified in the SOQs submitted by Proposers should remain intact for the duration of the procurement process and the resulting Contract. A Short-listed Proposer may propose substitutions for participants; however, such changes will require written approval by DDC. Approval may be granted or withheld in DDC's sole discretion. During the subsequent RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the subsequent RFP. Requests by Short-listed Proposers for changes in any of the Principal Participants or DB Team will be particularly scrutinized. Proposers with changes, whether such changes are approved or not, may have their scores impacted during the review process. The Proposer should carefully consider the make-up of its Team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

DB Teams should be aware that the Key Personnel positions identified in the RFQ shall be carried forward to the subsequent RFP. The scoring of those Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of those Key Personnel positions in the Proposals submitted from the Short-listed Proposers.

Proposers that make changes to the Principal Participants, Subcontractors, or Key Personnel identified in the SOQs without DDC approval may be disqualified.

26) **Question:** Is the intent to have a single team for both dismantle and new? If separate, describe management of interface between two (2) Teams? If same, why separate RFQ's.

Answer: In Queens and Brooklyn there will be separate procurements and contracts for the dismantle and new facilities at each site. Therefore, while it is possible the same team may win both the dismantle contract and the new facility contract for the same site, no such requirement will be applicable, desired or requested by DDC. In order to meet the tight schedule, the dismantle will be required to have achieved substantial completion prior to each applicable new facility Design-Builder beginning site work. As a result, there should be nominal or no interface between the two separate contracts.

27) **Question:** Will a Schematic Design and/or As-Built drawings of the existing facilities be provided with the RFP?

- **Answer:** There are no schematic design documents for this contract; however, it is possible that for the contracts involving demolition of existing facilities that as-built drawings of the existing facilities will be made available to Proposers, should such as-built drawings be available to DDC. DDC will provide as much information as possible about the existing conditions of the site, including As-Built or original construction documents where available for informational purposes.

- 28) **Question:** Are the geotechnical and environmental reports available for the site?
- **Answer:** During the RFP phase, DDC will provide all available geotechnical and environmental reports and other available documentation in connection with the site for informational purposes.
- 29) **Question:** Is NYC DOB permitting required?
- **Answer:** Yes, DOB permitting is required by the Design-Builder. DDC is partnering with the DOB Design-Build Unit to find ways to expedite the review and approval process for this program.
- 30) **Question:** Does DDC expect the Design-Build Team to be its own legal entity?
- **Answer:** The Design-Builder entering into the DB agreement must be an entity capable of entering into and performing contracts under the laws of the State of New York. However, subject to the foregoing, the formation and/or corporate form of any DB Team will be in each Proposer's discretion.
- 31) **Question:** Will one-on-one meetings be scheduled during the RFP phase?
- **Answer:** Yes. We anticipate at least two (2) one-on-one, confidential dialog meetings for each of the short-listed teams in the RFP phase. DDC is also working with other City partners to find ways for DB Teams to receive confidential feedback on interim proposal submissions from authorities having jurisdiction, such as the Public Design Commission.
- 32) **Question:** Please explain the Award Fee Program.
- **Answer:** DDC is considering the use of award fees to reward the Design-Builder for exceptional performance exhibited in multiple factors throughout the execution of the Work, such as (without limitation) collaborative design, quality and craftsmanship, team integration, responsiveness, communication, professionalism, safety, and commitment to partnering. If an Award Fee Program is implemented, the award fees will be in addition to the Contract Price and a written Award Fee Plan will be issued by DDC.
- 33) **Question:** Can proposers include images on the Project Profile form and how would that affect the page limit?
- **Answer:** Yes, proposers may use images on the Project Profile form. No additional pages will be permitted.
- 34) **Question:** Can a Prime Designer also be on another D-B team as a subconsultant?
- **Answer:** Architect-of-Record (firm or individual), Designer-of-Record (firm or individual), Engineer-of-Record (firm or individual), Design Lead (firms or individual), the Lead Contractor, and Principal Participants are not permitted to be on multiple Proposer teams.
- 35) **Question:** Can a project reference letter from the client be substituted for the Project Evaluation Form (Appendix D-8)?
- **Answer:** In lieu of the Project Evaluation form, Proposers may submit the last available evaluation they have from the owner, owner's agent or client from the project considered.
- 36) **Question:** Can the client submit their Project Evaluation Form (Appendix D-8) directly to DDC?
- **Answer:** Project Evaluation Forms should be submitted by the Proposer as part of the SOQ submission.
- 37) **Question:** Are the insurance requirements for each team member (including subconsultants) or only for the Proposer?
- **Answer:** The insurance requirements are for Proposers.
- 38) **Question:** Do the submitted projects have to be complete or can they be ongoing?

- **Answer:** Projects submitted can be ongoing. Projects that demonstrate they were successfully completed on-time and on-budget will be given additional consideration.
- 39) **Question:** Where in the proposal response should we include the Resume Compliance Matrix (Appendix D-12) as it is not listed on the DDC's Table of Contents?
- **Answer:** The Resume Compliance Matrix should be included with the Tab 2 submission. The Resume Compliance Matrix is one (1) page and the form should not be modified by Proposers. Please see the revised Appendix C included with this Addendum.
- 40) **Question:** The page limit for projects highlighted in "Tab 1 – Project Past Performance / Experience" is listed as two pages but the corresponding form (Appendix D-7) is 3 pages. Please confirm the page limit?
- **Answer:** The page limit for each Project Profile Form is three (3) pages.
- 41) **Question:** Appendix D-1 requires attaching a variety of large firm documents. Please confirm that such attached documents do not count toward the page limit.
- **Answer:** Documents required as attachments to forms in Appendix D-2 through D-6 shall not be counted against the Proposer's page limit.
- 42) **Question:** Appendix D-1 forms A, B, and C require identification of projected subcontractors and workforce that will be used on the project which cannot be identified at this time. Please confirm whether Appendix D-1, Forms A, B, and C may be omitted from the SOQ submission.
- **Answer:** All forms should be included with the SOQ submission. Information currently unavailable should be noted as such.
- 43) **Question:** Please confirm that spiral binding in lieu of 3 ring binding is compliant with Section 4.3 of the RFQ.
- **Answer:** As per Section 4.3, plastic binding is not permitted.
- 44) **Question:** What is the design experience required for the Design Lead?
- **Answer:** Fifteen (15) years of design experience is preferred for the Design Lead.
- 45) **Question:** Please confirm whether the firms marked with an asterisk (*) in Appendix G are eligible for this procurement.
- **Answer:** No. Firms marked with an asterisk (*) in Appendix G are not eligible to participate in this procurement but are expected to be eligible to participate in future procurements.
- 46) **Question:** Are additional pages permitted for Tab 0 – Fundamental Qualifications required forms if the Proposer is a Joint Venture?
- Answer:** Yes. Page limits for each form in Appendix D-1 through D-6 are individual for each firm in the Proposer's team.
- 47) **Question:** Can a Proposer provide a current Certificate of Approval from NYC Small Business Services instead of the Part II documents required in the Construction Employment Report?
- **Answer:** No. Part II documents should be submitted as part of the Proposer's Construction Employment Report.
- 48) **Question:** The documentation requested for the DB Team's legal structure (item viii) and teaming agreement (item ix) in section 4.4.2 cannot be provided on one page as requested. Please clarify.
- **Answer:** A description of the legal structure or teaming agreement is limited to one (1) page each. Additional pages are permitted if a joint venture agreement or teaming agreement is provided.
- 49) **Question:** Please define the term "Integrated Design-Builder" stated in Section 4.4.2, item viii.
- **Answer:** An integrated Design-Builder is intended to be a Proposer's approach to your Design-Build Team's functionality, however is not a legal structure for purposes of this Section 4.4.2. Please describe your legal structure in response to this section.

- 50) **Question:** Is 11"x17" paper size permitted for the organizational chart and Appendix D-12 - Resume Compliance Matrix?
- **Answer:** Yes.
- 51) **Question:** Please confirm the page limit for the project descriptions listed in the "Prior Experience Working Together Matrix"?
- **Answer:** Project descriptions are provided in the Project Profile Form. Additional project descriptions are not required as part of the Prior Experience Working Together Matrix. Proposers should clearly indicate the corresponding project number on the Project Profile Form.
- 52) **Question:** One page limit seems insufficient for the amount of information requested in the "Quality Assurance and Quality Control for Design and Construction" section; we respectfully request to allow for at least two pages.
- **Answer:** One (1) page is permitted for the QA/QC for Design and Construction section.
- 53) **Question:** Will the DB Team be required to submit the project to the US Green Building Council for LEED "Gold" certification or will this be handled by DDC?
- **Answer:** The Design-Builder will be responsible to prepare all required materials and documentation necessary to enable the Project to achieve LEED "Gold" certification.
- 54) **Question:** In reference to Section 1.12 Rules of Conduct, item 2: Please provide an example of an acceptable certification that a Proposer's subcontractor is to issue when the sub-contractor/consultant is on multiple teams?
- **Answer:** Per Section 1.12 of the RFQ, Certification requirements will be provided after the Short-List is announced, but at a minimum will require a certification that the Subcontractor will not act as a conduit of information between multiple Proposers.
- 55) **Question:** Please confirm that the 6 roles identified in section 4.4.4-Tab 2 of the RFQ are those considered to be the Key Personnel that must commit 100% of their time to the project.
- **Answer:** The six titles listed in Section 4.4.4 are Key Personnel. All Key Personnel, except for the Design-Build Project Executive, are expected to dedicate 100% of their time necessary to deliver the Project on-time and in accordance with the requirements in the Design-Build contract.
- 56) **Question:** Financial Questionnaire, Appendix D-6, question #16 is incomplete. Please advise.
- **Answer:** See revised Financial Questionnaire in Addendum 2.