

**Project: North Battery Park City Resiliency
Project- Design Services**

Date: January 25, 2019

**RE: Addendum # 4
(#1 of 10 pages)**

Below are questions and responses pertaining to the RFP for North Battery Park City Resiliency Project-Design Services. BPCA makes every effort to respond to each Proposer question received. However, BPCA's failure to respond to an individual question should not be construed as agreement with any presumption contained in the question. Prospective Proposers' questions are restated for convenience only. The questions are not part of BPCA's response and are not to be construed as a substantive part of the Addendum to the Contract. Questions may be edited for clarity; edits are indicated by brackets, where applicable. These conditions applies to this Addendum and to all prior and all subsequent Addenda.

QUESTIONS AND RESPONSES

1. How does the BPCA recommend the issue of subsurface utilities be addressed and please clarify commonly accepted industry standards as it applies to utility surveys in Section IV Project Phases, Phase 1: Overall Project Objective Overview and Surveys, Items A, B & C . Would it be reasonable to assume ASCE Standard 38-02, Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data be followed for the purpose of completing the utility surveys?

Response: *ASCE Standard 38-02 should be followed for the purpose of completing required utility surveys.*

2. Would it be reasonable to assume the selected team include a qualified Subsurface Utility Engineering (SUE) firm to perform such services as subsurface utility investigations, utility mapping, ground penetrating radar, test holes or test pits using vacuum excavation for the purpose of utility surveys as requested under Section IV Project Phases, Phase 1: Overall Project Objective Overview and Surveys, Items A, B & C on Pg C-1 of the RFP?

Response: *Each Proposing team should include at least one firm that is qualified to perform the subsurface utility engineering (SUE) tasks required by the RFP Scope of Work.*

3. It was mentioned at the pre-proposal meeting that the consultant will be responsible for monthly reporting and quarterly reporting. Please advise where in the scope of work the reporting requirements are described?

Response: *Pages B-2 and B-3 of Exhibit B to the RFP set forth requirements that the selected Proposer submit quarterly M/WBE Contractor Compliance & Payments Reports and monthly SDVOB Contractor Compliance & Payment Reports.*

4. How many construction contracts does BPCA intend to issue for the work included in the design scope of work?

Response:

BPCA has not yet determined how many construction contracts will be issued for the construction of the work included in the Project and anticipates that the selected Proposer will provide recommendations in that regard.

5. Will construction contracts be under Wick's Law?

Response: *By statute, BPCA construction projects of requisite types and cost thresholds are subject to the provisions of Wicks Law (New York State Finance Law §135). Only those construction contracts associated with this Project that meet the applicable Wicks Law definitions and contract thresholds will be subject to Wicks Law requirements.*

6. Has BPCA obtained approval(s) for floodplain impacts from FEMA for all the BPCA's resiliency program elements implemented collectively – South BPC Resiliency, Ballfields, North BPC Resiliency, and Western Perimeter BPC Resiliency? If not, is any work associated with floodplain impacts resulting from the North BPC Resiliency Project included in this scope of work?

Response:

BPCA has not sought or obtained any FEMA approvals for the Project (or the other BPCA resiliency projects). The design and engineering team associated with each resiliency project is responsible for securing all required approvals and permits associated with the particular project. This responsibility includes the identification/determination of all approvals and permits required.

7. At the pre-proposal meeting, it was stated by BPCA that the capital funds for this project have been approved by the BPCA Board. What is the funding amount approved by the BPCA Board for the North BPC Resiliency Project?

Response: *It was not stated that the BPCA Board had approved the capital funds for construction of the Project, rather it was stated that the design and engineering costs for the Project had been approved through BPCA's capital plan approval process (the amount is not subject to disclosure at this time). Construction costs will be considered for approval once design has progressed sufficiently to allow for the development of a preliminary cost estimate.*

8. Can the M/W/SDVO/BE percentages be interchanged (e.g. 20% MBE and 10% MBE) or must they be strictly allocated 15% MBE, 15% WBE and 6% SDVOB?

Response: *Assuming that the Proposer provides valid advance written justification supported by good faith efforts, the percentages for M/WBE goals may be altered, as long as the total meets or exceeds 30 percent. Any such deviation from the M/WBE goals set forth in the RFP must be reflected in the Proposer's MWBE Utilization Plan (see Exhibit B), which is subject to BPCA's approval.*

The SDVOB goal shall remain 6%, and Proposer shall make good faith efforts to meet this goal.

9. While we understand it may not be a complete list, can you provide a list of the "Interested agencies" that we will be submitting documents?

Response: *The list – which must be formulated and confirmed in its entirety -- would likely include, but will not be limited to, the following agencies and entities: FEMA, NYC Department of Transportation, NYS Department of Transportation, NYC Parks and Recreation, NYC Department of Environmental Protection, NYS Department of Environmental Conservation, NYC Department of City Planning, ConEd, NYC Mayor’s Office of Recovery and Resiliency, Hudson River Park Trust; NYC Community Board 1; Stuyvesant High School; Borough of Manhattan Community College; and NYC Public Design Commission.*

10. Will the flood risk management components (i.e. flood wall, deployable structures) of this overall design be required to go through the FEMA accreditation and project closeout process?

Response: *Yes.*

11. Operation and Maintenance Plans are normally a requirement of the FEMA accreditation process for closeout; will this funding also be used to cover the development of the Operation and Maintenance Plans?

Response: *Yes.*

12. Should the development of Operation and Maintenance Plans of the Flood Barrier System be included in the scope of work for this RFP?

Response: *Yes.*

13. Does the BPCA have any boring information in the project vicinity available as part of the RFP?

Response: *No. BPCA expects the selected proposer to conduct all necessary surveys and geotechnical investigation.*

14. Does the BPCA have survey information including topographic and utility locates available as part of the RFP?

Response: *Please see the response to question 13.*

15. Is an EIS included in the scope of work?

Response: *It will be the selected Proposer’s responsibility to determine the level of environmental review required for the Project and to include the cost of such action in its cost proposal. In addition, the selected Proposer will be responsible for identifying and obtaining all required permits and approvals, as explained in response to question #6.*

16. Have any efforts related to an EIS that includes any elements of the North BPC Project commenced?

Response: *No.*

17. Does the 33-month contract time include an EIS by the consultant or others?

Response: *All pre-construction and construction work, including environmental review and approvals, are to be included in the thirty-three (33) month Contract term.*

18. Should the consultant assume for the fee proposal that the LMCR's DFE at the time of Contract award is 16.5?

Response: *The North BPC Report was based upon a DFE of 16.5'; however, the RFP states that the "Project must be designed to an elevation of not less than the LMCR's DFE as it exists as [of] the time of Contract award." It is Proposers' responsibility to perform sufficient due diligence to formulate its expectations as to what the LMCR's DFE will be at the time of Contract award.*

19. On page 5 of the RFP, the instructions state that the proposal shall be limited to "twenty-five (25) single-sided pages, exclusive of the Cover Letter, Cost Proposal and Required Attachments". Please clarify whether double-sided printing is allowed (for a total of 12.5 double-sided pages).

Response: *Double-sided printing is allowed.*

20. Are resumes included in the 25-page single-sided page limit?

Response: *Resumes can be excluded from the twenty-five (25) page limit.*

21. Will the BPCA provide the Exhibit C – BPCA's Standard Form Contract referenced but not found in the RFP?

Response: *Exhibit C was provided with Addendum #2 to the RFP, posted on January 11, 2019.*

22. Since there are several questions related to and/or likely to impact the fee proposal such as contract terms in the missing Exhibit C – BPCA's Standard Form Contract, can the BPCA extend the proposal due date to February 4, 2018?

Response: *See response to question 21 above.*

23. Are we to use the current effective FEMA flood insurance study model for the FEMA levee certification? Or should the model be updated as part of this project scope of work?

Response: *The selected proposer is expected to verify and update the model as necessary in order to be current at the time of construction.*

24. Can BPCA please confirm the estimated construction cost and estimated construction schedule for the North Battery Park City Resiliency Project?

Response: *An estimated construction cost is not available for disclosure at this time; the selected Proposer is required by the Scope of Work to provide cost estimates for construction of the Project. The construction schedule is to be included, along with the Project design, in the thirty-three (33) month Contract term.*

25. Do the business participation goals for MBE, WBE, and SDVOB apply to both the design and construction contracts of the project?

Response: *The MWBE and SDVOB goals have been set at 30% and 6%, respectively, for this design RFP. While the construction contract(s) for North Battery Park Resiliency Project have*

not yet been developed, BPCA will assess the contract(s) for MWBE and SDVOB goals in accordance with New York State Executive Law Articles 15-A and 17-B prior to solicitation.

26. Can BPCA provide the basis of design for how the 16.5' NAVD 88 design flood elevation was calculated?

Response: *BPCA intends to adhere to the DFE established by the NYC Mayor's Office of Recovery and Resiliency for the Lower Manhattan Coastal Resiliency Plan, as the Battery Park City resiliency projects may ultimately connect to resiliency projects constructed by NYC. The DFE of 16.5" NAVD 88 was established by LMCR prior to the drafting of the North BPC Report; however, that DFE is subject to revision by LMCR and is subject to certain variations according to surrounding conditions. BPCA will consider such variations to the extent that they are consistent with standards being applied in connection with other LMCR projects.*

27. Can BPCA please confirm that the intent is to provide protection against the FEMA preliminary 100-yr flood with 2050 SLR?

Response: *Yes, including any modifications to those standards prior to the Contract award.*

28. Can BPCA provide any available plans or preliminary reports for the South Battery Park City Resiliency Project site?

Response: *No plans or reports are available at this time. Certain presentations and reports associated with the Wagner Park Assessment and South Battery Park City Resiliency Plan are available on the BPCA website in the Resiliency and Sustainability section.*

29. What is the anticipated design and construction timeline for the Western Perimeter Battery Park City Resiliency Project?

Response: *BPCA expects to issue an RFP for design and engineering for the Western Perimeter Battery Park Resiliency Project around mid-2019. It is anticipated that design and construction for that project would extend from early 2020 through 2023/2024. These dates are estimates and are subject to change.*

30. Will a benefit cost analysis be expected as part of the design scope of work?

Response: *No formal benefit cost analysis is included as a part of this Project scope.*

31. Was an alternate flood barrier location closer to the Stuyvesant Pedestrian Bridge considered for the segment crossing West St (Route 9A)?

Response: *The location of the flood barrier crossing of West Street has not be definitively determined. The North BPC Report considers one possibility; however, BPCA is receptive to rational alternative concepts.*

32. Does BPCA have a list of flood control measures it's considering for reduction of interior drainage flooding (e.g. pumps, gates, storage)?

Response: *No. BPCA expects the selected proposer to provide options and recommendations for suitable flood control measures to be included as part of the overall Project design.*

33. Has BPCA performed City / State Agency stakeholder outreach on the initial phases of the project?

Response: *BPCA has conducted early outreach regarding preliminary project concepts and possible alignments with the following agencies/entities:*

- *NYC Mayor's Office of Recovery and Resiliency;*
- *NYC Department of Parks and Recreation;*
- *NYC Department of Transportation;*
- *NYS Department of Transportation;*
- *Borough of Manhattan Community College;*
- *Hudson River Park Trust;*
- *Battery Park City and Waterfront, Parks & Resiliency Committees of Community Board 1; and*
- *Stuyvesant High School.*

34. Are the Proposer's subconsultants required to complete the mandatory forms?

Response: *No. Only the prime Proposer is required to complete the mandatory forms.*

35. Can you please send us Exhibit C, BPCA Sample Form of Contract, for review?

Response: *See response to question 21.*

36. It is possible that flood waters can back up through buildings and beyond. Can BPCA confirm the extents of resiliency work that may be required of the design team within Stuyvesant High School, BMCC, and the privately-owned buildings on Chambers Street?

Response: *The selected Proposer will be required to design a complete barrier system from end to end of the North BPC Project Site, as the Site may be modified during the course of the Project. In the event that the alignment includes or impacts specific building elements, approval of the building owner will be required, perhaps in consultation with the building owner's own design professional or team. Please see response to question #39 with respect to buildings currently outside the North BPC Project Site which may be impacted due to a modification of the Site.*

37. As a follow up to the above question [Q. 36], does BPCA anticipate any structural or architectural modifications to the existing buildings?

Response: *BPCA anticipates that some level of structural and/or architectural modifications to existing buildings is likely; however, the extent of such modifications will be determined by the final alignment and design approach for the Project.*

38. Does BPCA anticipate any utility modifications to the existing buildings?

Response: *Please see response to question 37 above which also applies to potential utility modifications to existing buildings.*

39. Are the buildings themselves, particularly the BMCC complex, to be protected as part of this scope?

Response: *The primary objective of the Project is risk reduction applicable to future storm activity and flooding within Battery Park City; however, that objective requires extension of the flood barrier alignment eastward beyond the boundaries of Battery Park City. As a result, additional benefits will flow to certain non-Battery Park City areas that will be afforded protection by the Project alignment. To the extent that protection of any or additional portions of the BMCC complex is achievable as a benefit of the Project's primary objective, without unduly expanding the Project objective beyond its primary purpose, BPCA is supportive of working with BMCC to facilitate such protection.*

40. Are key stakeholders precluded from consulting on a team?

Response: *This question is unclear as posed. BPCA would consider the participation of any of the specific stakeholder agencies or entities referenced above in response to question #33 to be disqualified as representing a potential conflict of interest with respect to performance of the Project.*

41. BPCA has goals of 15% MBE, 15% WBE, and 6% SDVOB participation for this contract, with a total disadvantaged business participation goal of 36%. Can we shift the percentages between MBEs, WBEs, and SDVOBs so long as the participation total is at least 36%?

Response: *See response to question 8.*

42. The RFP does not list any third-party value engineering workshops. Are they required?

Response: *The Scope of Work does not contemplate third-party value engineering workshops; however, BPCA may request certain value engineering steps during the design process and may conduct a peer review of the Project design.*

43. Due to their work on the Preliminary Planning Report, reference document included in the RFP, is H2M precluded from proposing for this proposal?

Response: *No.*

44. Will a copy of the full report for the H2M Preliminary Planning Report be available?

Response: *A copy of the full H2M Preliminary Planning Report is attached to the RFP following Exhibit E.*

45. The outreach scope does not specifically note SEQRA, CEQR and NEPA. Can BPCA confirm that these are not required?

Response: *Please see response to question #15.*

46. Will a copy of the Pre-Proposal Meeting sign-in sheet and PowerPoint presentation be distributed?

Response: *BPCA will not provide a copy of the sign-in sheet or the PowerPoint presentation from the pre-proposal meeting. In formulating their Proposals, Proposers should rely upon information provided in the RFP, as supplemented by the posted RFP Addenda.*

47. What is the construction budget for the base scope of work?

Response: *Please see response to question #24.*

48. What is the construction budget for the add alternative scope of work?

Response: *Please see response to question #24.*

49. Is it envisioned that BPCA will be maintaining and operating the whole barrier/wall? If not, who is envisioned to do so?

Response: *Yes. It is expected that BPCA will maintain and operate the flood barrier system.*

50. Would you be able to email to me, EXHIBIT C – BPCA’S STANDARD FORM OF CONTRACT?

Response: *See response to question 21.*

51. I have dividers/tabs to separate sections, such as the Executive Summary, Questions, etc. so it is more convenient to get information. I also have dividers for other parts. I always assumed, like for other clients, these don’t go towards the page count as there is no content/no numbering, correct? Also, for the page numbering, that would only be the section (Executive Summary and Questions Answered) that is 25 pages, as everything else is forms/cover letter/attachments, correct?

Response: *Dividers can be excluded from the twenty-five page limit, as long as they do not include any substantive content or page numbers (i.e. only section titles). All pages that include substantive content must be numbered. As indicated in RFP Section V.A, the 25-page limit does not include the Cover Letter, Cost Proposal, or Required Attachments.*

52. We have laid out our organization chart. If I put it on 8 ½ x 11, as outlined in the RFP, it will be very difficult for BPCA to read. Is it OK to put it on 11x17? Is it OK to put that org chart with the resumes, as the first thing BPCA would see, outside of the content that requires page-count?

Response: *The organization chart may be printed on 11x17 paper.*

53. Has an environmental review been conducted on the project and if not, should the consultants include that in the proposals?

Response: *Please see response to question #15.*

54. One of our subconsultants is a certified MBE/WBE in New York City and is pending their MBE/WBE certification with New York State. The State has told the subconsultant that their application would be expedited should they be on a winning team for a State contract. Can this subconsultants’ fees be counted toward the 15% MBE and 15% WBE participation requirements?

Response: *While ultimate compliance with the MWBE requirements of the Project remains the responsibility of the selected Proposer, as does the risk that a pending certification may be unsuccessful, the fees of a subconsultant with a pending certification may be counted toward the*

Project's required percentages if the subconsultant is certified prior to the expiration of the Contract.

55. As the SEQRA Lead Agency and for the sake of developing scope and cost, does BPCA think that an EIS will be required, or would preparation of environmental assessment forms be sufficient to complete the process?

Response: Please see response to question #15.

56. To confirm, will the team selected by BPCA be producing filing documents on behalf of independent property owners?

Response: *It is possible that the selected Proposer would produce such documents for Stuyvesant High School and BMCC, subject to coordination with and agreement on the part of the property owners and subject to further consideration of alternative filing options as Project design progresses.*

57. Are filing documents anticipated as individual filings for independent properties based upon block + lot and/or tax lot?

Response: *Filing process is to be determined.*

58. Is the installation of barriers to be limited to areas within existing curblines, or can roadbeds and curbs be altered in configuration? (The latter would require more extensive traffic count and civil engineering analysis).

Response: *The location of the barriers will be determined based upon recommendations by the selected Proposer regarding the most effective design strategies and alignment alternatives.*

59. Should accommodation be made for vehicle crash analysis modeling or testing of all elements (permanent and/or deployable) within the highway ROW to meet NHTSA or other requirements?

Response: *Yes.*

60. Since FEMA accreditation is likely not able to be accomplished without the add alternative scope of work included, does BPCA have a preference on where to include the fees associated with this task for the base contract?

Response: *The cost for FEMA accreditation should be included in the add/alt portion of the Cost Proposal.*

61. Can BPCA please clarify the anticipated MEP scope for this project?

Response: *It is expected that MEP elements will be required for the construction, installation, maintenance and operation of the flood barrier system and the related drainage system modifications and improvements, but it is not possible to identify the MEP scope with any greater specificity in advance of the assessments, surveys, modeling and design development associated with the Project Scope of Work.*

62. Is there anticipated interior building related MEP work?

Response: Please see response to question #37.

63. Are the anticipated deployable flood walls anticipated to be electrically powered?

Response: BPCA has not formulated any conclusion regarding the optimal means for operating/deploying any deployable elements incorporated into the Project. That decision will follow the presentation by the selected Proposer of viable alternatives and recommendations.

64. Is site lighting improvements anticipated?

Response: It is anticipated that certain site lighting improvements will be included for safety purposes and facilitation of maintenance and operation. It is not possible to specify the nature and extent of such improvements until a design approach and alignment have been identified.

65. Can BPCA provide the basis of design for how the 16.5' NAVD 88 design flood elevation was calculated and whether that calculation included a specific sea level rise projection and wave action component?

Response: Please see response to question 26. Sea level rise and wave action were included.

66. Can BPCA confirm if the primary purpose of the flood barrier is to reduce the 1-percent-annual-chance flood hazard for flood insurance purposes, or to provide an appropriate level of flood risk reduction to Battery Park City without insurance benefits?

Response: Please see the responses to questions 27 and 39. It is expected that the Project will result in flood insurance benefits to protected properties.