

Project: South Battery Park City Resiliency Project: Construction Management Services **Date: January 16, 2020**

RE: Addendum #2
of Pages: 10

The following responses (the “Responses”) are provided to questions received by Battery Park City Authority (“BPCA”) by the close of business on January 7, 2020, in connection with its Request for Proposals (the “RFP”) for the South Battery Park City Resiliency Construction Management Services Project (the “Project”). The Responses are provided in bold, italicized print immediately following the questions. All capitalized terms shall have the same definition as provided in the RFP.

- 1) Can today’s presentation and sign-in sheets be posted to the BPCA Website w/o 12/23?

BPCA issued both the Pre-Proposal Meeting presentation and the Meeting sign-in sheets as part of Addendum #1 to this RFP. These documents are also available for viewing on BPCA’s website at <https://bpca.ny.gov/wp-content/uploads/2019/12/South-BPC-CM-RFP-Addendum-1-1.pdf>.

- 2) During preconstruction, how many estimates will be required and at what level of document development?

The original language of Section III. a of the RFP’s Scope of Work / Exhibit A is hereby replaced and superseded by the following language:

III. Pre-Construction Tasks

During the pre-construction phase of the Project, the selected Proposer shall:

- a) Provide guidance to BPCA and the design team on:***
- i. Project phasing,***
 - ii. Project segmenting, and***
 - iii. Development of innovative work approaches that would allow for the condensing of the overall construction duration to the greatest extent possible.***
- b) Perform Project design review immediately following execution of the Contract, and provide comments, feedback and suggestions to BPCA and the Design Team for response or potential incorporation into continuing design efforts.***
- c) Perform cost estimates, design reviews, and constructability reviews at 50% and 90% design completion, along with value engineering recommendations.***
- d) Assist BPCA and the design team with permit and bid package development for all contractors.***

- e) **Provide support and assistance to BPCA with respect to the PLA, including:**
- i. **Assistance to BPCA in establishing policies and practices related to the PLA.**
 - ii. **Evaluation and review of areas of concern regarding PLA compliance, work with BPCA staff to develop solutions and resolve issues of concern;**
 - iii. **Provision of pre-bid PLA compliance education as necessary for potential Contractors;**
 - iv. **d. Addressing of Contractor inquiries on PLA hiring procedures, enforcement, reporting and payment;**

3) Will constructability reviews need to accompany the estimates?

See response to Question #2 above.

4) Can the CM invite firms from the Design Team to join the CM Team for this contract?

No, the selected Proposer's team may not include any firm identified as either a prime or sub-consultant member of the Design Team. For ease of reference a list of the Design Team and its sub consultants is attached as Exhibit A to this Addendum.

5) Can the number of pages for the proposal be increased from 10 double sided pages to 20 (max) double sided pages?

The maximum number of Proposal pages, as provided for in Section V. A ("Proposal Format") of the RFP, is hereby increased from ten (10) single-sided pages to thirty (30) single-sided pages, exclusive of the Cover Letter, Cost Proposal, and Required Attachments.

6) Will BPCA allow PowerPoint presentations as part of the interview process for shortlisted items?

Yes, BPCA will allow prospective Proposers to utilize PowerPoint presentations for Proposer interviews (if such interviews are deemed necessary by BPCA).

7) Regarding the M/WBE goal; Please confirm that any combination of M/WBE-SDVOB will be acceptable?

The percentages for M/WBE goals may be altered – for example, in the case of a Joint-Venture/Teaming Agreement – as long as the total meets or exceeds thirty percent (30%) or a Joint Venture/Teaming Agreement is sufficiently backed up with supporting documentation regarding the absolute necessity of a deviation from the stated goals. Any such departure from the M/WBE goals set forth in the RFP must also be reflected in the Proposer's M/WBE Utilization Plan (see Exhibit B), which is subject to BPCA's approval. The SDVOB goal shall remain six percent (6%), and Proposer shall make good faith efforts to meet this goal. Any additional questions regarding M/WBE

or SDVOB participation should be directed to Justin McLaughlin, BPCA's Diversity Director, reachable at Justin.McLaughlin@bpca.ny.gov.

- 8) Has BPCA considered the expedited schedule in their initial estimate?

BPCA's initial cost estimate did not take into account added costs associated with an expedited construction schedule. However, current and future cost estimating updates will include consideration of an expedited schedule.

- 9) Can BPCA identify the NTP date for CM services and the duration of preconstruction services prior to the bid phase?

The selected Proposer shall be authorized to commence the Work upon execution of a contract between BPCA and the selected Proposer. BPCA's target date for the commencement of the Work is between March 15 and March 31, 2020. The duration of pre-construction services will be dependent in part on the length of the CM phasing review included in this Project's Scope of Work and the number of construction contracts determined to be desirable and appropriate, but little if any the pre-construction work is expected to extend beyond 2020. As stated in the Summary Section of this RFP's Exhibit A – Scope of Work, in recognition of the complexity of the Project and in order to expedite the construction of the Project, it is likely that the Project will be phased and performed through up to three (3) separate construction contracts. A construction phasing plan will be established and finalized once the selected Proposer is under contract with BPCA and has provided phasing recommendations to BPCA.

- 10) I know the CM RFP for this project is out now. But was wondering if you could tell me when you expect the construction contract to be out for bid? And will the demolition work be bid separately?

Project construction, as stated elsewhere in the RFP, will likely be performed in phases and possibly through up to three (3) separate construction contracts, with an overall objective of expediting Project completion to the greatest extent feasible. Project bidding may likewise be conducted in up to three separate procurements. The selected Proposer's preparation, as an early action item, of a Project phasing plan and a comprehensive Project schedule to be approved by BPCA will determine the exact timing of bidding commencement. BPCA expects that the earliest bid package[s], which would be prepared by the Design Team to comport with the selected Proposer's phasing plan, would be issued by summer 2020. BPCA would be receptive to an early bid package assigned to demolition work if it is determined to be supportive of BPCA's Project schedule objectives.

- 11) Will the design engineer for the project (AECOM) be allowed to propose on the CM contract?

No, the Prime Consultant/Design Team for this Project is not permitted to bid on the CM Contract.

- 12) When will we be receiving the attendance list from the 12-20-19 pre-proposal meeting? Will it be emailed to us or posted on the BPCA website?

Please see response to Question #1 above.

- 13) According to the RFP documents; this is a Construction Management as Agency contract. Our firm has valuable expertise on self-performing the most complex items in the scope of works, and would like to have the opportunity to provide such services. If selected for the Construction Management as Agency, will we be precluded from self-performing those items?

The exact meaning of the question is unclear. The Project contemplates a construction manager-as-agent relationship between BPCA and the selected Proposer. The selected Proposer will be responsible for overall management of the Project's construction in accordance with the terms of the RFP's Scope of Work (Exhibit A). However, BPCA will directly hold all construction contracts, and the selected Proposer for the CM services contract will not be eligible to propose on any of the Project's construction contracts.

- 14) We would like to formally request that a copy of the Design Overview presentation shared by BPCA at the Pre-proposal meeting be posted on-line. I know that this was acknowledged during the meeting, but I just wanted to confirm that this will be made available for our review prior to the submission deadline.

Please see response to Question #1 above.

- 15) During the presentation it was noted that the area of construction would be in close proximity to the Museum of Jewish Heritage, and noise and vibration would be a major concern. Has there been any specifications generated in regards to allowable noise and vibration monitoring for this specific area of construction? Also, are there additional requirements for the other areas of proposed construction?

Although no specific noise and vibration parameters have yet been established, it is expected that such parameters will be established for inclusion in the terms of the construction contracts, along with requirements for monitoring and periodic testing of noise and vibration levels. The selected Proposer will assist BPCA and the Design Team in the establishment of appropriate noise and vibration limits for the construction contracts.

- 16) As this area is in proximity to many apartments and private citizens, as well as the general public, will there be limits on the hours of construction?

Construction will generally be expected to occur on weekdays from 7:00 AM to 5:00 PM, unless a more restrictive schedule is required by applicable law or regulation. However, requests for extended work hours that are not expected to create undue disturbance to neighborhood residents will be entertained and at times encouraged and facilitated in order to achieve schedule efficiencies.

17) Is the design team working in BIM, and will working in BIM be a requirement of the CM?

The Prime Consultant/Design Team will be preparing 2D AUTOCAD files. We leave this to the discretion of the selected General Contractor as to whether they wish to utilize BIM. The selected Proposer is encouraged to accommodate such preference.

18) Please advise if the Executive Summary is being counted toward the ten (10) single-sided page count. If so, would you consider increasing the maximum page count?

Please see response to Question #5 above. The Executive Summary is not included in this revised Proposal page count.

19) Are there any indications of Hazardous Materials in the present the current Pavilion Building, or in recent Soil Borings taken in Wagner Park?

Based upon historic construction and maintenance activities performed by BPCA, BPCA is unaware of any indication of the presence of hazardous materials in the existing Wagner Park Pavilion building or in Wagner Park. The Design Team is currently performing geotechnical investigations in Wagner Park which, to date, have yielded no reports of the presence of hazardous materials. A final geotechnical report will be available in mid-February 2020 and will be provided to the selected Proposer.

20) Would BPCA expect a Community Liaison consultant on the CMs team above and beyond the construction team to support progress outreach locally?

In support of its responsibilities associated with Project coordination and the facilitation of Project performance with the fewest possible impacts to the surrounding areas, public convenience, and the community in general, it would be beneficial for there to be a person or firm on the selected Proposer's team designated as the CM's point of contact or liaison to address community outreach and coordination matters and to work with BPCA and the Design Team on community information dissemination.

21) What is the targeted overall construction duration, from start of heavy construction to substantial completion?

BPCA's targeted overall construction duration, from start of heavy construction to substantial completion is twenty-four (24) months.

22) Please confirm the anticipated contract structure. Will the Construction Manager awarded as part of this RFP be:

a. Contracting directly with subcontractors, or will BPCA hold those contracts?

BPCA will hold all construction contracts.

b. Managing other Construction Managers who are executing the work?

BPCA anticipates awarding only one construction management contract associated with the Project. The selected Proposer will be responsible for oversight and management of the construction contractors' work as per the requirements of the Scope of Work.

23) Is there any federal funding with the project?

There is no federal funding involved in the Project.

24) Can the proposal page limit (currently set at 10-single sided pages) be extended to a minimum of 25 double-sided pages (50 pages total)? There is a lot of ground to cover in the RFP and feel that BPCA will not be adequately served under the current page limit.

Please see response to Question #5 above.

25) Please advise the updated Engineers Estimate for the project.

The cost estimate for the Project, at the stage of thirty percent (30%) design, has not yet been finalized; however, it should be noted that the current scope of the Project has increased in size and complexity from the concept that formed the basis for the preliminary budget estimate. Consequently, an increase in total Project cost is expected. Targeted value engineering recommendations will be considered.

26) Can you please provide more detail on the project funding sources, and please provide any associated requirements for the South Battery Park City Resiliency Project?

The Project is being funded through sustainability bonds issued by BPCA under its New York State statutory bonding authority. Approval of bond issuances for capital projects must also be approved by New York City Office of Management and Budget ("NYC OMB") and the New York City Comptroller's Office (the "NYC Comptroller"). The Project has received approval from NYC OMB and the NYC Comptroller for \$102 Million in bond funding. Once the updated cost estimates for the Project are finalized,

BPCA will seek additional bonding authority from NYC OMB and the NYC Comptroller for the additional funds required to complete the Project.

- 27) Please confirm what the earliest date demolition of the Pavilion can commence based on existing lease expiration or any other restrictions.

The existing license agreement for the restaurant space in the existing Pavilion is terminable by BPCA upon ninety (90) days' notice and, thus, with appropriate advance scheduling, the license agreement would not be expected to pose a significant timing constraint upon the commencement of the demolition of the Pavilion. That said, it is BPCA's intention to provide as much notice as is feasible while not impeding the progress of the Project. The licensee of the restaurant space is aware of the Project and the impending construction. Other BPCA programs involving Wagner Park and the Pavilion can be adjusted as necessary to accommodate the commencement of construction, although it would be preferable to delay any heavy construction until after July 31, 2020.

- 28) Please provide weight capacities, limits or additional design information for the following items:

- a. Relieving platforms within 30 feet of the proposed flood wall
- b. Area adjacent to and above the battery tunnel overpass
- c. Area adjacent to and above the Brooklyn- Battery Tunnel
- d. Area adjacent to and above the MTA tunnel

This information will be made available upon award of contract.

- 29) Is relocation of CitiBike station at the east end of the project during construction anticipated?

No, BPCA does not anticipate the need for a relocation of the Citi Bike station during Project construction.

- 30) Will BPCA have MOUs' established with other stakeholders (DOT, DPR, EDC, SBS)?

BPCA has established an inter-agency Project working group with all interested stakeholder entities and has begun the process of generating appropriate memoranda of understanding and other necessary legal documentation with such entities in order to memorialize various topics relevant to the Project and the parties' respective interests.

- 31) Please confirm the glass below the benches around the MJH do not pass through into the museum space and serve as a clerestory/skylight.

The glass located below the benches surrounding the Museum of Jewish Heritage (“MJH”) are aboveground only, and are not clerestories into the Museum space. The Museum building does not extend beyond the building’s visible facade.

- 32) Please confirm whether tree restitution with DPR and DPR fees are to be included as a reimbursable expense.

Tree restitution will be included as a reimbursable expense under the construction contract(s).

- 33) Does being awarded the South Battery Park City Resiliency Project preclude a CM from pursuing other potential resiliency projects such as with EDC, MTA or other agencies?

An award of the Project to the selected Proposer does not preclude the selected Proposer from pursuing contracts for other resiliency projects with BPCA. BPCA cannot speak for other New York State agencies or entities or New York City agencies and entities; however, it is not aware of any restrictions precluding the selected Proposer from pursuing other non-BPCA resiliency projects in New York City. Any potential Proposer for which this information is important should check directly with such non-BPCA entities in order to obtain a definitive response to this question.

- 34) Will the CM be required to submit multiple applications for separate stakeholders?

The meaning of this question is not entirely clear. Assuming that it is referring to Project permits required by different public entities and agencies for the Project, Proposers should assume that separate applications will be required for each stakeholder entity; however, BPCA will do its best to facilitate and expedite such processes.

- 35) Please provide CAD version of the surveys drawings.

Site investigation CAD files are in development, and will not be available until after BPCA’s award of the Project to the selected Proposer.

- 36) Please provide all available design models (i.e Revit, SketchUp or Rhino).

All design CAD files for the Project will not be available until after the Project award.

- 37) Will the Construction Manager be responsible for hiring and providing ‘Special Inspections’ for the project?

BPCA will retain the direct responsibility for all contracts for special inspections for the Project; however, it will be the selected Proposer’s responsibility to schedule, coordinate with and provide access to such special inspectors.

38) Please verify that for this project, the role of the Construction Manager is 'CM-As-Agent'?

That is correct.

39) Will the Construction Manager be responsible for hiring REI Services?

The selected Proposer shall be responsible for providing resident engineering and inspection services for the Project; however, as stated above in response to question #37, BPCA will contract directly with all special inspectors.

40) What are the funding sources for this project, and what is the value of the funding from each source?

Please see response to Question #26, above.

41) Is there any FEMA Funding or other outside funding assistance that the CM will need to track and report for BPCA?

There is no other Project funding other than BPCA bond funding.

42) **Section V of the RFP, Proposal Format and Contents:** Based on RFP Section V.A and V.B, it is our understanding that the Executive Summary and Responses to Questions are the proposal content required to be included in the 10 page limit. If so, please consider increasing the page count from the current limitation of 10 single sided pages.

Please see response to Question #5, above.

43) **Exhibit A - Scope of Work, Section III - Pre-Construction Tasks:** This section states that a cost estimate is to be prepared at 50% and 90% design. Please confirm how many contracts/packages are to be assumed to clarify the number of estimates to be included in the fee.

Proposers should assume up to three (3) packages/contracts in order to account for likely Project phasing.

44) **Exhibit A - Scope of Work, Section III - Pre-Construction Tasks:** At what stages is the CM to perform design reviews? Please confirm how many contracts/packages are to be assumed to clarify the number of design reviews to be included in the fee?

See responses to questions #2 and #43. The selected Proposer may also be expected to provide input to the Design Team, upon BPCA's request, regarding technical aspects or considerations of specific design tasks within any given design phase of the Project.

45) For the purposes of developing the construction phase fee how many packages/contracts should be assumed?

Please see response to Question #43, above.

46) With respect to key project schedule milestone dates, please advise of the following:

- Anticipated Design Schedule Deliverables for DD, CD and Final Bid Documents

The current Project Design schedule, subject to finalization, is as follows:

- ***Design Development: Mid-April 2020***
- ***Construction Documents: August 2020***
- ***Bid Documents: September 2020.***

The above schedule does not incorporate consideration of project phasing or the preparation of early bid packages. As stated in Section III. 1 of the SOW, the selected Proposer is responsible for providing guidance to BPCA and the Design Team in the early identification of potential project bid packages in order to facilitate expedited commencement of the Project's construction.

- Overall Anticipated Construction Schedule Duration

Please see response to Question #21, above.

47) Are there limitations on how much of the site area can be occupied at one time?

Limitations on site occupation during the construction period will be identified in tandem with BPCA and other stakeholders, as part of the Project phasing and construction schedule review tasks included in Section III. 7 of the RFP's Exhibit A-Scope of Work ("Pre-Construction Tasks").

By signing the line below, I am acknowledging that all pages of this Addendum #2 have been received, reviewed and understood, and the information contained herein will be incorporated into the Proposal and Cost Proposal submitted. This document must be attached to the Proposal for consideration.

Print Name

Signature

Date

Number of pages received: _____ <fill in>

Distributed to: All present and all prospective Proposers