

Project: West Battery Park City Resiliency
Project – Design Services

Date: April 20, 2020

RE: Addendum #3
of Pages: 11

The following responses (the “Responses”) are provided to questions received by Battery Park City Authority (“BPCA”) in connection with its Request for Proposals (the “RFP”) for the West Battery Park City Resiliency Project: Design Services (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. Regarding insurance, pages 10 and 11 of the RFP are separate requirements for the "proposer" and the subconsultant. However, it was stated that BPCA "does not have special [insurance] considerations for subs," and that subs and primes must follow the same insurance requirements. Could you please clarify?
Response: *Please refer to Section VIII. B and C of the RFP for insurance requirements for the selected Proposer and all Subconsultants.*

2. My team has a question regarding the overall MWBE participation goals. Would the participation goals stated in the RFP be considered fulfilled if the total ratio of 30% MWBE is achieved using a lesser than 15% participation by either MWBEs or WBEs?
Response: *Proposers may suggest a different goal distribution for the Project so long as: 1) the total MWBE participation is 30%; and, 2) documentation is provided supporting why the distribution between MBEs and WBEs needs to be different than what is stated in the RFP.*

3. On the pre-proposal call, a presentation from 2-3 years ago that had visual cues to the West Resiliency Alignment was mentioned. Can this presentation be made available?
Response: *The 2017 presentation has been provided as Exhibit G of Addendum #2 of the RFP.*

4. Do team resumes count toward the 50 page limit?
Response: *Please refer to Section V.A of the RFP, which states that the fifty (50) page limit is exclusive of the Cover Letter, Cost Proposal and Required Attachments. Project Team members' resumes are Required Attachments and therefore excluded from the fifty (50) page limit for Proposals.*

5. In light of the COVID19 act from the government ordering non-essential businesses to work from home, can we submit this RFP response electronically only, inclusive of cost proposal (instead of hard copies)?
Response: *Yes, all Proposals and related documentation must be submitted by e-mail. Please refer to Addendum #2 of the RFP for further information on Proposal e-submission guidelines.*

6. Can the notarization required on the forms be waived? In light of the COVID19 act from the government to work home, notary is not possible as it needs to be signed in person in front of the notary.

Response: *Please refer to Addendum #2 of the RFP for further information on notarization requirements.*

7. Can BPCA define the design submission milestones? RFP states both 90% and 95%.

Response: *As stated in Section IV of Exhibit A - Scope of Work of the RFP, design submissions are required at the 75% and 95% milestones of the Project. Further, the Section IV, Phase 2, Section H of the Scope of Work included as Exhibit A to the RFP is revised as follows: Cost estimates for the Selected Design Concept are required at the 30% and 75% design levels instead of the 30% and 90% design levels.*

8. Are resumes included in the 50-page limit?

Response: *Please see response to Question #4, above.*

9. Does the 30% combined MWBE goal have to be an even split of 15% MBE and 15% WBE or can it vary?

Response: *Please see response to Question #2, above.*

10. How is a subconsultant with a dual certification (i.e. MBE and SDVOB) applied towards the percentage goals?

Response: *The New York State MWBE Program and SDVOB Program are legally separate. The MWBE program allows firms to be credited for either MBE or WBE participation (but not both at the same time). However, credit will be given to both programs where a firm is MBE or WBE and is also a certified SDVOB.*

11. Is there a BPCA required cost proposal form template to be included in the cost proposal?

Response: *There is no Cost Proposal Form template provided as part of the RFP. When formulating their Cost Proposals, Proposers should refer to the requirements set forth in Items #1-5 of Section VIII of the RFP.*

12. Please provide a site plan to scale identifying the project area for the West BPC Project Area in relation to the North and South projects to assist in estimating the project fee.

Response: *A Project site map has been provided as Exhibit A-1 to Addendum #2 of the RFP that identifies the rough limits of the West BPC Project Site.*

13. Given that New York City is experiencing a pandemic crisis expected to be peaking in April, for the safety of our staff, BPCA staff and messengers can Proposers not provide 7 paper copies of the Proposal and instead provide only a single digital PDF format of the proposal by secure large file transfer, or overnight mailing a flash drive or CD.

Response: *Please see response to Question #5, above.*

14. Given the number of subcontractors required and Addendum 1 expected on April 15th, can the proposal due date be extended to Friday May 8 and interview dates be rescheduled accordingly since the project is not planned to start until July 2020?

Response: The due date for Proposals and the pre-award interview dates were both extended by Addendum #1 of the RFP.

15. Would BPCA consider requests for a waiver of the “per project basis” aggregate requirements for the Proposer and subcontractors under the General Liability policy (Section VII, B)?

Response: No, there will be no waiver or modification of the “per project basis” requirement related to Commercial General Liability insurance set forth in the RFP. As set forth in Section VII, B, 2) of the RFP, the “per project basis” requirement only applies to the primary Commercial General Liability insurance policy should a combination of primary and Umbrella/Excess liability policies be utilized to secure the required total limits of coverage.

16. As an alternative to replace a per project aggregate insurance, can the Proposer/Subcontractors provide you with higher General Liability limits of \$7,000,000/\$2,000,000 per occurrence and \$8,000,000/\$3,000,000 (per policy) products completed/aggregate?

Response: As stated in the response to Question #14, we will not be modifying the required insurance limits and requirements set forth in the RFP. See response to Question #14, above. Based on the wording of the question, to the extent that a proposer has a Commercial General Liability policy with limits of \$7,000,000 per occurrence and \$8,000,000 in the aggregate and an Umbrella/Excess liability policy with limits of \$2,000,000 per occurrence and \$3,000,000 in the aggregate, it would appear to meet the requirements set forth in the RFP.

17. If BPCA will not waive the per project aggregate insurance coverage, may we include a contingency fee allocation for addressing the possible annual cost increases of maintaining this per project aggregate insurance for the term of the contract estimated at 44 months plus 3 years after work is completed?

Response: Current and projected project costs for all insurance may be built into a Proposer’s Cost Proposal, which does not allow for contingency fees.

18. If BPCA will not waive the per project aggregate insurance coverage, please clarify if BPCA intends this insurance need to be purchased by a subcontractor for three years after the subcontractor’s work is completed or three years after the Proposer’s work is completed?

Response: The Proposer is required to maintain Products / Completed Operations coverage for no less than 3 years after the Project is completed. Each subcontractor or subconsultant is required to maintain Products / Completed Operations coverage for three (3) years after the subcontractor’s or subconsultant’s work is completed.

19. Will BPCA allow for any negotiation with the Proposer of the EXHIBIT C BPCA's Standard Form of Contract and can proposed changes to the contract be provided with the proposal?
Response: *As stated in Section VI, A, 16) of the RFP, Proposers should identify any and all exceptions taken to BPCA's Standard Form of Contract, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, "Appendix: Objections to BPCA Form of Contract." There is no guarantee that BPCA will honor such exceptions. No exceptions to the Contract will be considered by BPCA after submission of the Proposals. BPCA maintains the right to reject Proposals based on non-conformance with the Standard Form of Contract.*
20. Are deductibles of \$250,000 acceptable?
Response: *The insurance requirements set forth in the RFP do not place any limitations on deductibles for any policy.*
21. Please clarify that since we are not providing IT software services that Technology Errors and Omissions insurance does not apply to Proposers and subcontractors.
Response: *All insurance requirements are set forth in the RFP in Section VII- B and C. Technology Errors and Omissions insurance is not required by this RFP.*
22. Is Valuable Papers Insurance applicable to this work for all subcontractors and if so, is \$1 million coverage acceptable?
Response: *All insurance requirements are set forth in the RFP in Section VII- B and C. Valuable Papers Insurance is not required by this RFP.*
23. What Umbrella Liability insurance amount is required for the Proposer and the Subcontractors?
Response: *All insurance requirements are set forth in the RFP in Section VII- B and C.*
24. Is Comprehensive Crime/Employee Dishonesty Insurance applicable to the Proposer and subcontractors for this work, and if so, is \$1 million coverage acceptable?
Response: *All insurance requirements are set forth in the RFP in Section VII- B and C. Comprehensive Crime/Employee Dishonesty Insurance is not required by RFP.*
25. The self-insured retention amount is undefined. Is a maximum self-insured retention of 250,000 acceptable?
Response: *The insurance requirements set forth in the RFP do not place any limitations on self-insured retention policies.*
26. Are insurance policy endorsements from the Proposer and subcontractors acceptable to provide BPCA instead of providing BPCA the insurance policies?
Response: *It would be at BPCA's discretion to require only the endorsements instead of full insurance policies.*
27. Is providing BPCA annual insurance certificate renewals an acceptable method for providing BPCA proof of payments for our insurance policies?

Response: The requirements for providing ongoing evidence of insurance compliance are listed in Section 10 of BPCA’s Standard Form of Contract.

28. Can the notice of any insurance cancellation to BPCA be the contractual responsibility of the Proposer instead of the insurance carriers per the standard certificate of insurance notice terms and as is the custom in our industry with all our other clients?

Response: Requirements associated with cancellation of insurance are outlined in Section VII of the RFP. BPCA is not modifying those requirements.

29. Can a limitation of liability proportional to the total project fee and insurance required by BPCA by the Proposer be included in a separate limitation of remedy section of the contract to replace Section 10 Insurance item (i) on Page 9 of the standard contract?

Response: Please see response to Question #19, above.

30. May the Proposer add a Force Majeure clause to the contract to cover delays to the work due to pandemics and other conditions beyond our control?

Response: Please see response to Question #19, above.

31. Can you share a drawing showing the boundaries of the relieving platform?

Response: A drawing showing relieving platform boundaries is attached to this Addendum as Exhibit A.

32. What is the budget for the project?

Response: An exact Project budget has not been established.

33. Does BPCA have geotechnical information for West or would a completely new investigation be needed?

Response: While certain historical geotechnical data about the West BPC Project Site exists and will be provided to the selected Proposer, it is not comprehensive, and it is recommended that any historical data provided to the selected Proposer be used to supplement, not supplant, a new investigation.

34. Would it be acceptable for the 30% MBE/WBE goals to be allocated unevenly (for example, 18% MBE and 12% WBE), rather than 15% MBE and 15% WBE?

Response: Please see response to Question #2, above.

35. Which agency is used for filing structures—DOB or OGS or another?

Response: Any structural permitting would be filed and secured through the NYC Department of Buildings.

36. Given the circumstances with COVID-19, can the proposal be submitted electronically?

Response: Please see response to Question #5, above.

37. Given the circumstances with COVID-19 and a possible electronic submission, how should the Cost Proposal be submitted?

Response: Please see response to Question #5, above.

38. Given the circumstances with COVID-19 and a possible electronic submission, does the statement for VI.C.1.a. need to be notarized? Can the proposal contain a digitally signed statement, with a physical signed copy to be notarized upon selection?

Response: Please see response to Question #6, above.

39. Does a proof of insurance need to be provided with the proposal, or is this requested upon selection?

Response: Proof of insurance will be required before and throughout performance of the Project.

40. The RFP states that the Design Flood Elevation (DFE) must be consistent with the adjacent BPC Resiliency Projects to the north and south and to the LMCR Project. For the purpose of this proposal, can we assume the DFE to be +16.5' NAVD 88 as per the North BPC Report?

Response: The Project's DFE must be adequate for a 100-year storm event in the year 2050, which is consistent with the North BPC Resiliency Project, the South BPC Resiliency Project and the Lower Manhattan Coastal Resiliency Project. While earlier design efforts initially designated a +16.5' NAVD 88 expected DFE for the these waterfront resiliency projects, it has since been discovered that the designation of a DFE sufficient to protect against the target storm event will vary from point to point and will depend upon detailed analysis and coastal modeling of the area surrounding the West BPC Project Site to be performed by the selected Proposer.

41. How does this project interface with the adjacent Ballfield/Community Center Resiliency Project to the east?

Response: There is no direct interface between this Project and the Ballfield/Community Center Project to the east. The Ballfield/Community Center Resiliency Project will provide site-specific interim flood protection against flood inundation emanating from the eastern perimeter of BPC pending completion of the North BPC Resiliency Project and the South BPC Resiliency Project. In contrast with the North BPC Resiliency Project and the South BPC Resiliency Project, it is not expected that the Ballfield/Community Center Resiliency Project would ever be directly linked to this Project.

42. Are there any other available documents regarding the ongoing BPCA projects (other than those on BPCA website)? Specifically:

- a. Any site investigation and risk assessment documentation – (geotechnical, survey and Preliminary Concept documentation)
- b. Any design development documentation – (conceptual level documents - 30% / 75% design drawings)

Response: Any relevant investigatory, design development or other project-specific documentation with potential bearing upon or value to the Project will be shared with the selected Proposer upon execution of the Contract.

43. Given the ongoing COVID issues, will BPCA be considering an extension of the April 30 RFP deadline?

Response: Please see response to Question #14, above

44. Is there a template or format for the cost proposal?

Response: Please see response to Question #11, above.

45. Will the submission be entirely electronic? If so, how shall the proposers submit the proposal and cost proposal?

Response: Please see response to Question #5, above.

46. Several forms require notarization. Would this requirement be waived for electronic submissions considering it could be difficult to find a notary public with many businesses closed?

Response: Please see response to Question #6, above.

47. Will BPCA share the type and extent of the modeling done for the South and North sections, and intentions on whether or not this existing model will be shared/used for the West project?

Response: Modeling results for the North and South BPC Resiliency Projects will be made available to the selected Proposer upon execution of the Contract. It has yet to be determined whether the same model would/should be used for this Project, and the selected Proposer should be prepared to perform its own coastal model.

48. Please clarify if there is a specific scope for Architectural services.

Response: Given that the overall design approach and barrier alignment have yet to be determined, there is currently no specifically identified scope for architectural services. However, it is anticipated that, as the Project progresses, there is likely to be a need for certain architectural design elements and/or treatments.

49. Please clarify the following paragraph on Page 12 under Insurance Requirements for all Subconsultants: 'Subcontractors will also be required to obtain all other insurance listed in Section (2) unless otherwise approved in writing by BPCA prior to commencement of any Subcontractor's work.'

Response: In addition to the specific insurance requirements outlined for subconsultants, these subconsultants must have coverage that is equal to what is required for Prime consultants unless otherwise approved in writing by BPCA prior to commencement of any subconsultant's work.

50. Will a benefit cost analysis be expected as part of the design scope? If not a formal FEMA BCA, does the BPCA see the value or need in financial analysis of alternatives (capital/maintenance costs) versus flood damage at multiple storm model scenarios?

Response: The selected Proposer will not be expected to perform a formal benefit-cost analysis; however, considerations of Project cost and long-term maintenance costs should be incorporated into its design approach. As specified in Section IV, Phase 2 - H of the RFP Scope of Work, the selected Proposer will also be expected to perform a value engineering review following the thirty percent (30%) cost estimate as a means of overall Project cost control.

51. The RFP states that the “selected Proposer will create a coastal model and an interior drainage model”. Is it reasonable to assume that the model(s) utilized for the Lower Manhattan Coastal Resiliency, North Battery Park City, and South Battery Park City projects will be provided to the selected proposer for use on this project?
Response: Please see response to Question #47, above.
52. What coastal and interior drainage modeling programs are being used for the North Battery Park City and South Battery Park City resiliency projects?
Response: Please see response to Question #47, above.
53. What is the current expectation for the budget range for design? For construction?
Response: Please see response to Question #32, above.
54. Are the north and south alignments to be certified independently of the west alignment?
Response: The North and South BPC Resiliency Projects will each be pursuing their own FEMA certifications, independent of the West BPC Resiliency Project.
55. What level of commitment/outreach has been demonstrated to stakeholders in the West BPC project area?
Response: Stakeholders within Battery Park City have been made aware of the Project and its objectives through general BPCA resiliency discussions, presentations, Board meetings and website materials, in addition to community meetings regarding the South and North BPC Resiliency Projects.
56. In recognition of the working and transportation restrictions posed by the Covid-19 pandemic, we are requesting this submission be adjusted to digital ONLY, removing the requirement for a printed and delivered submission.
Response: Please see response to Question #5, above.
57. In recognition of the social distancing and isolation procedures mandated by the Covid-19 pandemic, we are requesting that notarized/ink signatures no longer be required on NYS Standard Vendor Responsibility Questionnaire, SFL 139 Form 1, and the Diversity Questionnaire.
Response: Please see response to Question #6, above.
58. Are as-built drawings and inspection reports for the existing esplanade available for the purposes of determining its load rating?
Response: Please see response to Question #42, above. Additional investigation and analysis regarding the relieving platform’s load rating is currently underway and will be shared with the selected Proposer upon completion.
59. When will the CM for the West Resiliency project anticipated to be on board and available to work with the selected Design Team?
Response: It is anticipated that a Construction Manager for the Project will be brought on board in early 2021.

60. During the pre-proposal meeting, it was mentioned that the flood protection may tie into or utilize existing infrastructure. Are the as-built and/or design drawings for the existing infrastructure and parks within Battery Park City available for review?

Response: Please see response to Question #42, above.

61. If a firm missed the Pre-Proposal webinar could a copy of any presentation or further information that was given at that time be posted?

Response: The Pre-Proposal Meeting presentation has been provided as Exhibit F of Addendum #2 of the RFP.

62. Do we need to register for further RFP information?

Response: No additional registration is required in order to obtain information regarding this RFP. All information about the RFP can be found on our website at www.bpca.ny.gov/apply/rfp-opp under 2020 Procurement Opportunities.

63. Are there any site plans, prior reports, and investigative results that could be reviewed prior to the submission? If so how can we obtain them?

Response: Please see response to Question #42, above.

64. Have any addenda been issued for this project?

Response: Any addenda issued as part of this RFP can be found on our website www.bpca.ny.gov/apply/rfp-opp under 2020 Procurement Opportunities.

By signing the line below, I am acknowledging that all pages of this Addendum #3 have been received, reviewed, and understood, and will be incorporated into the Proposal submitted. This document must be attached to the Proposal for consideration.

Print Name

Signature

Date

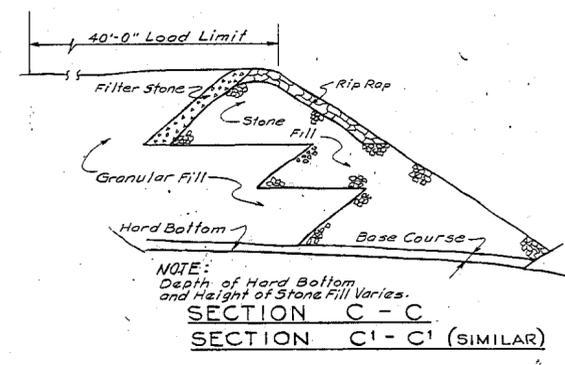
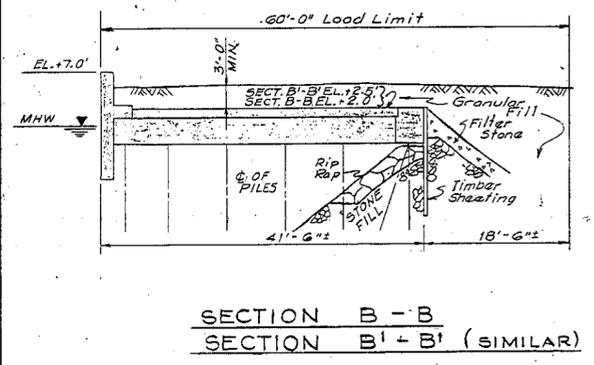
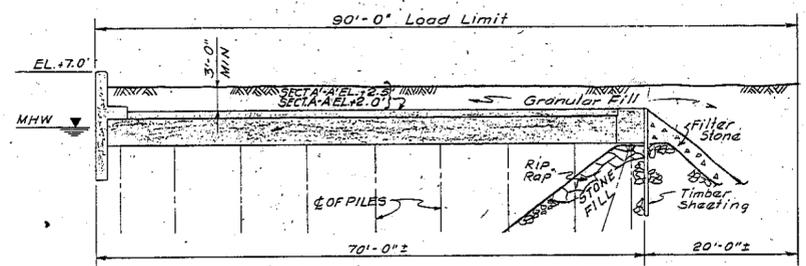
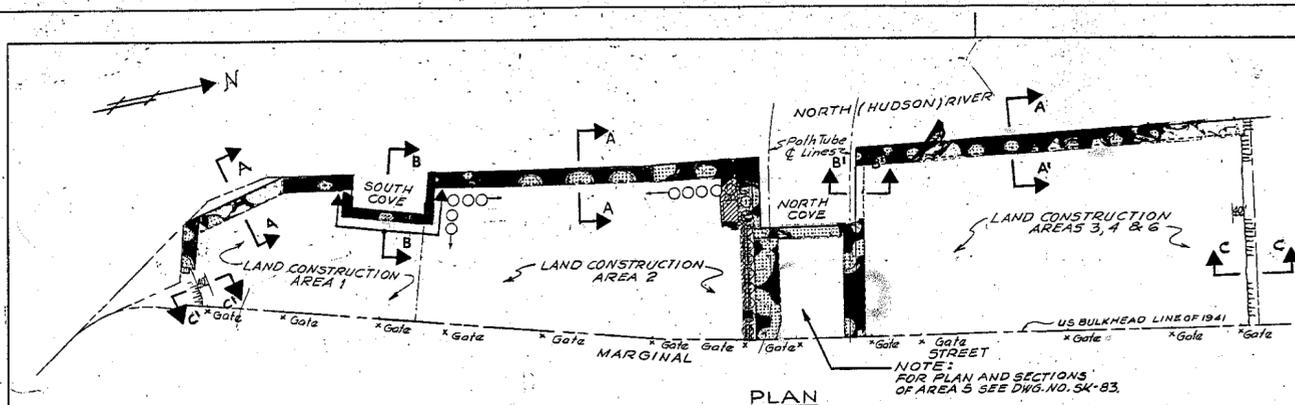
Number of pages received: _____ <fill in>

Distributed to: All prospective Proposers

EXHIBIT A

**West Battery Park City Resiliency Design Services Project:
Project Site Map**

[NO FURTHER TEXT ON THIS PAGE]



- LOADING LIMITATIONS**
- I BULKHEAD AREAS**
- A. AREAS SHOWN THUS ARE LIMITED TO THE FOLLOWING VERTICAL LOADS:
1. MAXIMUM UNIFORM DISTRIBUTED LOAD ABOVE TOP OF PLATFORM OF 750 POUNDS PER SQUARE FOOT WHICH INCLUDES FILL AND LIVELOAD. (SEE SECTIONS A AND B). (EXCEPT FOR 50 FT. WIDE SPAN OVER N.J. PATH TUBES SEE SK-83)
 2. A SINGLE TRUCK, NOT EXCEEDING THE STANDARD HS20-44 LOAD, IN ACCORDANCE WITH AASHTO SPECIFICATIONS. (16 TONS MAXIMUM ON A SINGLE OR PAIR OF TANDEN AXLES FOR TRUCK, TRACTOR OR TRAILER AT SPECIFIED SPACING.)
 3. NO CRANE OR SIMILAR CONCENTRATED LOADS PERMITTED WITHOUT PRIOR APPROVAL.
 4. ABOVE LIMITATIONS APPLY FOR AN ADDITIONAL DISTANCE OF 20 FT. INSHORE OF INSHORE EDGE OF PERIMETER PLATFORM.
 5. NO HORIZONTAL LOADS FROM MOORING VESSELS, OR THE EQUIVALENT, ARE PERMITTED.
- II PERIMETER STONE FILLED ENHANCEMENTS**
- A. SAME LIMITATIONS AS UNDER ITEMS 1-A-1, A-2 AND A-3 (SEE SECTION C-1)
- III AREA SHOWN THUS PORT AUTHORITY OF NEW YORK AND NEW JERSEY EASEMENT AREA.**
- A. NO LOADS ARE PERMITTED IN AREAS OF PORT AUTHORITY EASEMENT WITHOUT WRITTEN, PRIOR APPROVAL OF BATTERY PARK CITY AUTHORITY
- IV INTERIOR FILL AREAS**
- A. FOR UNIFORM LOADS IN EXCESS OF 1 TON PER SQUARE FOOT, PRIOR APPROVAL BY BATTERY PARK CITY AUTHORITY IS REQUIRED. THERE IS NO RESTRICTION OF AXLE OR WHEEL LOADS.
- V ALLOWABLE LOADS - AREA 5 NORTH AND SOUTH ROADWAYS**
- A. TRUCK LOAD, HS20-44 IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS (AASHTO) 1965 WITH 5 FT. OF FILL OVER DEPRESSIONED DECK.

REV. NO.	DATE	DESCRIPTION
1	7-2-81	ADDED LOAD LIMITS FOR 50' SPAN OVER N.J. PATH TUBES

BATTERY PARK CITY AUTHORITY

NEW YORK N.Y.

MUESER · RUTLEDGE · JOHNSTON & DESIMONE
CONSULTING ENGINEERS
415 MADISON AVE., NEW YORK N. Y. 10017

SCALE	MADE BY C.C.	DATE 5-23-78	FILE NO.
NONE	CHKD BY R.C.	DATE 8-7-78	3749-VIII

LOAD LIMITATION AREAS 1,2,3,4 & 6 SK-82