

Project: Phase 7 Pile Remediation – Marine Construction Services

Date: July 29, 2020

RE: Addendum #3

of Pages: 8

The following revisions/additions are hereby made to specified sections of the Request for Proposals for the Phase 7 Pile Remediation – Marine Construction Services Project (the “Project”):

1. **Replacement of Exhibit D – Cost Proposal:** BPCA’s Exhibit D of the RFP is replaced and superseded by the Cost Proposal form attached to this Addendum #3.
2. **Replacement of Exhibit E – Schedule of Values:** BPCA’s Exhibit E of the RFP is replaced and superseded by the Schedule of Values form attached to this Addendum #3.

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 Phase 7 Pile Remediation – Marine Construction 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 you clarify the MBE / WBE / SDVOB participations goals stated in the meeting. It was mentioned at 15% MBE, 15% DBE and 6% SDVOB Exhibit B, page B-1, 18 of 206 states: “This solicitation has been granted a waiver of MWBE goals. There will be no MWBE goals assigned to the contract issued pursuant to this solicitation and the requirements for complying with MWBE goals do not apply to this solicitation.” If there is a wavier / 0% goal, Do the MWBE forms still need to be filled out and submitted? Will documentation of a good Faith effort be required?
Response: As indicated in Exhibit B of the RFP, pursuant to Articles 15A and 17B of the New York Executive Law, this Project has been assessed for goals and has been determined to be excluded from M/WBE and SDVOB participation goals due to the highly specialized scope of work to be performed and a lack of sub-contracting opportunities at this time. Forms related to the specific M/WBE and SDVOB goals do not need to be completed. However, Proposers must fill out the Diversity Practices Questionnaire (included as part of Exhibit B to the RFP).
2. Please provide clarification of the Wagner Park Pile Count. The [Pre-Proposal Conference presentation] slide showed 424 piles total with 265 Epoxy and 153 Cement. 265+153=418 Total.
Response: The Wagner Park Project Area (referred to in the RFP’s Exhibit A - Scope of Work as “Project Area I”) contains 424 piles in total. Encasements are being performed on 418 of those 424 piles.
3. In the RFP, page 28 of the pdf, Exhibit C - BPCA STANDARD FORM OF CONTRACT contains the CONSULTANT AGREEMENT, not the CONSTRUCTION AGREEMENT used on prior construction projects. Is this project going to be contracted under the terms of the included CONSULTANT AGREEMENT?

Response: The Consultant Agreement was inadvertently included as BPCA's Standard Form of Contract in Exhibit C of the RFP. The Construction Agreement, the correct Standard Form of Contract for this Project, is provided in Addendum #2, Exhibit C (revised) of this RFP.

4. On the previous phases there were some restrictions indicated on where and how the barge could be spudded and what accommodations could be made for the employees accessing the barge using a gangway from the Esplanade. Please let us know if there are any restrictions on spudding or gangway access for Phase 7.

Response: Please see Exhibit A, Section III (c) of the RFP, which specifies BPCA's criteria for anchoring or spudding. Because noise has at times been a source of complaints by local residents during prior pile remediation projects, anchoring methods designed to minimize localized noise and disturbance will be viewed by BPCA favorably when evaluating the Proposers' approach to the Project. Esplanade disturbance or obstruction is to be minimized; therefore, any proposed gangway access from the Esplanade to the construction barge(s) must be limited, temporary and approved in advance by BPCA.

5. Can you confirm that the draft contract included with the bid documents is the correct contract and not one intended for a CM/Consultant?

Response: Please see response to Question #3 of this Addendum.

6. We request a 1 week extension to the bid due date.

Response: The proposal due date has been extended to August 4, 2020.

7. During the pre-bid conference call, we believe we heard that there was a 30% MWBE goal, and anything less than this goal would require a waiver to be approved. It was discussed that the potential denial of this waiver, should it be necessary, would disqualify a bidder. In the RFP, Exhibit B it states that this solicitation has been granted a waiver of MWBE goals. It also states "For purposes of this solicitation, BPCA hereby establishes an overall goal for total MWBE participation of 0% percent based on the current availability of MWBEs. Since no MWBE goals are established for this solicitation, the following language for complying with MWBE goals is not applicable". The announcement of the RFP indicated a 15% MBE and 15% WBE goal. Please clarify the required percentages for the MWBE goals.

Response: Please see response to Question #1 of this Addendum.

8. Is there an SVDOB requirement of 6%? The pre-bid call and the Exhibit B documents appear to agree on this, but please clarify.

Response: Please see response to Question #1 of this Addendum.

9. Detail A4 on S-502 shows a 3-sided Encasement Alternate Detail for use when the pile encasement occurs near the timber faced back wall. In order to ensure comparable bid submissions from all bidders, could you provide an amount of pile repairs that we should assume will follow this detail along the timber faced back wall?

Response: Proposer should assume all of the plumb piles at the inboard row are 3-sided repairs. These repair types should be verified prior to purchasing materials per General Notes.

10. Would a similar 3-sided encasement alternate detail (Detail A4, S-502) also apply to the top portion of piles that may be too close to the Concrete Seawall as well? It appears on the drawings that the Bent A piles in all 3 parks may come very close to the concrete seawall. If so, in order to ensure

comparable bid submissions from all bidders, could you provide an amount of pile repairs that we should assume will follow this detail along the concrete seawall?

Response: *None of the Bent A piles should be assumed to be assumed to be 3-sided repairs. If unique cases are noted in the field, the Construction Manager will notify Engineer.*

11. Detail A1 on S-502 shows an alternate repair detail for a Type E or Type S2 pile encasement repair should a rock obstruction be encountered. In order to ensure comparable bid submissions from all bidders, please provide an estimate for how many rock obstructions should be assumed for the Type E and Type S2 repairs, and the size of rock we should assume. For example, we could assume a given percent of Type E repairs shall be obstructed by a given rock size so that pricing provided is representative of the same scope of work from all bidders.

Response: *Please see the revised Exhibit D annexed to this addendum. Proposers are to provide a unit cost for Type E/S2 repairs per the description set forth in the revised Cost Proposal form. This would be a unique situation in the field that the Construction Manager would verify, and no Type E/S2 repairs are anticipated to be required.*

12. How will the contractor be compensated for completed lengths of pile repairs if the actual lengths are longer than the lengths shown in the contract drawings since this bid is lump sum pricing?

Response: *The repair lengths should be measured after the pile is prepped and ready to be poured and should be confirmed with Construction Manager and BPCA. While the repair lengths shown in the construction drawings are not expected to exceed the length identified, in the event that they materially differ, as confirmed and determined by BPCA and its consultants, the Proposer may submit a claim for Extra Work pursuant to BPCA's contractual procedures.*

13. Please provide the acceptable working days and working hours for this contract. Specification section 00005-9, section 1.20 states that "Access to the site and acceptable working hours are limited and shall be coordinated with the Owner and Construction manager.

Response: *Standard working hours are Monday through Friday, 7am to 5pm. There will be no weekend work allowed. Extended work hours after the above-referenced daily stop time may be allowed with advance approval by BPCA.*

14. What are the owner's representative and additional costs of inspections by the engineer that should be included should the work schedule necessitate work during Saturdays, Sundays, Holidays, or later than normal working hours? Section 1.09.C of 0005-6 indicates they should be included, please provide.

Response: *The following rates would apply for labor using a three (3) person dive crew:*

- *Monday through Friday (in excess of each hour worked on regular workdays):\$562.54/hr.*
- *Saturdays (over a span of eight (8) over hours): \$4,500.31*
- *Sundays and Holidays (over a span of 8 hours): \$5,270.91*

The crew rates for the last above items can also be prorated for each hour worked that is less than eight (8) hours.

However, please note that those rates are subject to change in the event that the Construction Manager is replaced during the course of the Project.

15. Please advise the ferry schedule and if the ferry service from Brookfield Place will be operating on a modified schedule during our work hours, especially for work at Rockefeller Park.

Response: *No, the ferry schedule will be not be modified to accommodate the Project schedule.*

16. Note 17 on G-004 states that the gross vehicle weight and axle alignment of heavy machinery will need to be reviewed by the owner prior to allowing equipment to access the park, so we would like to know what the maximum acceptable vehicle weight is.

Response: To the greatest extent feasible, the Work is to be staged from barges rather than from the Esplanade. If the need for a vehicle arises, the vehicle type and weight will be analyzed by the BPCA and the Engineer and subject to BPCA's approval.

17. Specification Section 00005-6 Article 1.09.H indicates that no material or equipment shall be stored on the project site, however other articles in this same specification and the contract drawings seem to indicate that material storage can be coordinated with the Owner so long as the overall objective is minimal disruption to the daily operation of the park. Please clarify if material and equipment may be stored on the 3 sites permanently in fenced in areas. Please also clarify whether deliveries may be taken to and accepted on the 3 project sites.

Response: Since it is expected that the Work will be staged from barges, no space has been allocated or identified on the Esplanade for the storage of equipment or materials, and it is unlikely that any significant space could be allocated for such purpose. Any specific needs for limited, temporary storage of equipment or materials on the Esplanade would be subject to advance approval by BPCA, in its sole discretion.

18. Detail B4 on S-501 shows a dimension of 1" minimum, please clarify what this dimension is intended to represent. Is this the distance between the new reinforcement and the existing pile face?

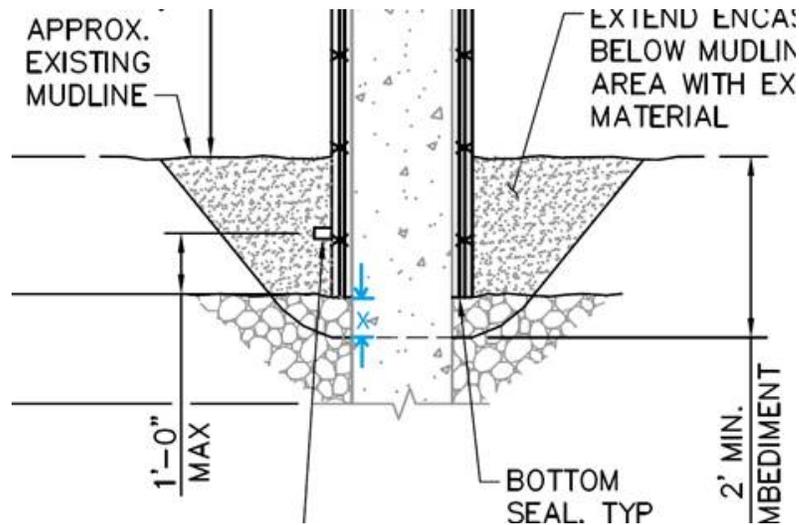
Response: This 1" dimension is the minimum spacing between bars and the existing pile.

19. Detail B2 on S-501 shows the repair length as measured from the top of the encasement to the existing mudline. Should this repair length match the convention of the other repairs and measure the entire repair, including what is embedded in the mudline instead?

Response: The repair lengths in the schedules are from top of encasement to mudline. All repairs shall include the embedment shown on the details.

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20. Detail B2 on S-501 shows a dimension leader longer than it shows the pile encasement. Should the area shown as “X” in the detail below be included in the repair? That’s to say, should the repair extend down into the area labeled “X”? Is it the design intent for the encasement to be embedded the full 2’?



Note: Above image was submitted by a prospective Proposer, neither BPCA nor its Engineer has modified any drawings.

Response: A minimum 2’ embedment needs to be achieved for soft bottom repairs. In the illustrative drawing above, which was modified by a prospective Proposer, Dimension X in the detail of the above drawing should be included in the repair.

21. On S-605, piles 48I and 50H indicate that they have a repair length of 0, but still specify a repair type. Should these also be “N/A” as the other piles with a 0 LF repair length?

Response: These two piles were accessible for inspection, but likely will not be for repair. The contractor should anticipate working with the Construction Manager and Engineer to install a protective encasement. Assume for bid that this will be a pile tape.

22. Are there any noise restrictions such as a decibel limit in any of the 3 work areas that we must conform to?

Response: Proposers should adhere to the rules established in the New York City Noise Code. Any measures proposed by a Proposer to further reduce noise levels associated with the Work will be evaluated as a component of the Proposer’s approach to the Work.

23. In detail A1 on S-502, a #6 bar is shown through the grout bags, but no embedment or number of rods is specified. Please advise what the required quantity and embedment length should be.

Response: Proposer should treat this repair as an alternate. This detail was prepared in the event there are obstructions, however it is not expected to be utilized during this phase of work. If a need for this detail arises, the Construction Manager or Engineer will evaluate the cost against the cost of installing the typical detail with removal (and replacement per the DEC permit) of the obstruction.

Proposers are to provide a unit cost for detail A-1 per the description set forth in the revised Cost Proposal form (Exhibit D), attached to this Addendum. Proposers should assume a minimum of

one bar per side or as needed to secure the bags for grouting. Proposers should also assume the bar extends 2-ft into sediment.

24. The Contract documents state that the work is to be done in 2 phases in accordance with the in-water construction season and go on to define that season as September 2020 – Nov 30, 2020 for Phase 1 and May 2021 – Nov 30, of 2021 for Phase 2. However, Section D of the USACE permit defines the in-water construction period as allowable as early as March 15, 2021. Is there another reason that in water work in Phase 2 is not allowed until May? Can we consider in our schedules that in-water work is permissible as of March 15, 2021 instead?

Response: Work prior to May 1st may be permissible so long as it is falls within applicable permitting guidelines for both the USACE and the NYS Department of Environmental Conservation and is approved by BPCA prior to the commencement of any such work.

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

[NO FURTHER TEXT ON THIS PAGE]

EXHIBIT D (as revised 7/29/20)

COST PROPOSAL

(Proposer to submit executed Cost Proposal on its letterhead)

Date:

Battery Park City Authority (“BPCA”)
200 Liberty - 24th Floor
New York, New York 10281

Attention: Mr. Michael LaMancusa, Contract Administrator

Dear Mr. LaMancusa:

The undersigned (the “Proposer”) hereby proposes to provide all work necessary to perform the **Phase 7 Pile Remediation – Marine Construction Services Project**. The Proposer agrees to commence the Work immediately upon execution of the Contract, in accordance with its terms, and complete the Project for the lump sum written below.

A. Cost Proposal

A total lump-sum amount of \$_____ (_____ Dollars and ____ Cents) to perform all of the work described in, and associated with, the Scope of Work in Exhibit A of the RFP.

B. Itemized Proposal and Labor Rates

1. The Proposer has submitted with its cost proposal an itemized cost for the Work according to the attached Schedule of Values, in the form of Exhibit E, to BPCA’s Request for Proposal for the Project.
2. The Proposer has submitted with its Cost Proposal, labor rates in the form of Exhibit F to BPCA’s Request for Proposal for the Project, for all trades, including all costs except overhead and profit. Prices shown include base hourly rate, overtime rate, insurance, and benefits.
3. The Proposer has submitted a unit cost price for an alternate repair detail for a Type E or Type S2 pile encasement repair, as specified in the Construction Documents, should a rock obstruction be encountered. The unit price shall include all costs associated with a repair Type E or Type S2 alternate detail. This repair type requires advance written authorization from BPCA and its Engineer at each location for which it is proposed to be utilized. **This unit cost is not to be included in the Proposer’s total lump-sum cost proposal.**
4. The Proposer has submitted a unit cost price for detail A1 on S-502, where #6 bar is shown through the grout bags. The unit price should include all costs associated with this repair. This repair type requires advance written authorization from BPCA and its Engineer at each location for which it is proposed to be utilized. **This unit cost is not to be included in the Proposer’s total lump-sum cost proposal.**

Proposer:

By: _____

Title: _____

EXHIBIT E

SCHEDULE OF VALUES

General Conditions	\$ _____
Bonds	\$ _____
Insurance	\$ _____

Location 1: Wagner Park Esplanade

Mobilization/Demobilization	\$ _____
Pile Remediation / Repair	\$ _____

Location 2: Rector Place Esplanade

Mobilization/Demobilization	\$ _____
Pile Remediation / Repair	\$ _____

Location 3: Rockefeller Park Esplanade

Mobilization/Demobilization	\$ _____
Pile Remediation / Repair	\$ _____

TOTAL	\$ _____
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Unit Cost per Type E Alternate Repair	\$ _____
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Unit Cost per Type S2 Alternate Repair	\$ _____
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Unit Cost per #6 Bar for A1 detail on S-502	\$ _____
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