

Project: Consulting Engineer Services for
Battery Park City Resiliency
Flood Resiliency Projects

Date: December 8 2020

RE: Addendum #2
of Pages: 5

The following responses (the “Responses”) are provided to questions received by Battery Park City Authority (“BPCA”) in connection with its Request for Proposals for the Consulting Engineer Services for Battery Park City Flood Resiliency Projects (the “RFP”). 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.

Please note, this is the first part of a two part Q&A Addendum to the RFP. Part 2 of the Q&A Addendum will be posted on Thursday, December 10th.

1. Can the Pre-Proposal presentation and list of attendees from the Pre-Proposal meeting be shared?
Response: A copy of the pre-Proposal presentation and list of virtual attendees was provided as Attachment 1 and Attachment 2 of Addendum #1 of the RFP which was posted on November 19, 2020.
2. What is required of the CE consultant in terms of the West project which has no design initiated yet? If there is some kind of preliminary design that has been completed, then what level would be required for the Design Builder RFP?
Response: As stated in the RFP, the Consulting Engineer is responsible for developing a Project Definition and program requirements for the West BPC Project portion of the Combined North and West PDB Project. No design has been completed for the West BPC Project.
3. Will this engagement require coordination with the other BPCA projects that are already awarded?
Response: Yes, coordination will be required with other BPCA projects, including the South BPC Project.
4. Please provide the names of any firms that are precluded from submitting on this RFP.
Response: There are currently no firms that are precluded from submitting proposals for the Consulting Engineer Services RFP.
5. It is also our understanding that any consultant working as either a prime or sub-consultant on the Consulting Engineer RFP are also precluded from working on the Design Build RFP. If a consultant joins a team for the Consulting Engineer RFP, will a decision be made in advance of the Design Build RFP so that consultants not awarded this contract can pursue the Design Build RFP?
Response: Those firms not selected as part of the Consulting Engineer Services RFP procurement will be notified by BPCA prior to the issuance of the PDB Contract RFP.

6. Who will be the lead agency for the SEQRA review process?
Response: BPCA will serve as the lead agency for the SEQRA review.
7. Is it the expectation that the SEQRA environmental review process will be completed (approved by the lead agency) prior to the start of the Design-Build Process?
Response: An EIS need not (and likely will not) be complete prior to the selection of the Design-Builder. However, Proposers should assume for purposes of their Cost Proposals that an EIS and appropriate determinations will need to be completed for the Combined North and West PDB Project before the Design-Builder will be authorized to proceed with construction.
8. What defines “Key Personnel”?
Response: “Key personnel” are the primary Proposer team members who would be responsible for the oversight and execution of the CE Services. Though Proposers have some flexibility with respect to the design of their organization and management structure, including the designation of key personnel, each proposer must designate a CE Services Director as the primary individual responsible for the execution of the CE Services (see e.g. RFP Attachment A, (Anticipated Scope of Services), Task 0 ¶B). Proposers are reminded that, as stated in the RFP (Section 5.2.5) and the Consulting Engineer Services Agreement (Section 3.6(B)), there will be specific requirements with respect to the availability and replacement of key personnel during the engagement with BPCA.
9. Is there a BPCA Form for the Staffing Plan?
Response: Proposers are required to provide BPCA with their own staffing plan forms and structures as part of their Technical Proposals. There is no specific form required for the staffing plan.
10. Will the subconsultants be required to provide the same limits of insurance coverage as the prime consultant? Many MWBE and SDVOBE subs do not presently carry the \$10M Professional Liability coverage.
Response: Section 5.3 of Appendix 5 to the draft Consulting Engineer Services Agreement requires only the Consulting Engineer to carry the \$10 million professional liability insurance. However, any subconsultants performing professional services must carry a minimum of \$1,000,000 in professional liability insurance. Adjustments will be made to the Consulting Engineer Services Agreement to reflect this requirement.
11. Will an M/WBE subconsultant with minor support role and no decision making authority under the Consulting Engineer services contract be precluded from participating as an M/WBE subconsultant, in the future procurement for the Combined North and West PDB Project?
Response: Any firm that participates in the execution of the CE Services, whether as a prime or subconsultant, is precluded from participating in the future design-build procurement for the Combined North and West PDB Project.

12. Can the proposer fulfil the overall goal of MWBE participation on this contract by utilizing different MBE and WBEs as long as the total reaches 30% (e.g. 25% MBE and 5% WBE), or the 15% goal for each MBE and WBE has to be followed?

Response: *Proposers may suggest a different goal distribution for the CE Services 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.*

13. The RFP states "The outreach and engagement plan should allow for: #6: Active web-based interface opportunities". Please provide clarification on what the BPCA is referring to in terms of "web-based interface". Does this mean a web based virtual meeting platform OR a project specific/designated web page?

Response: *As stated in the RFP, the proposed engagement plan should allow for adaptability for various forms of engagement across a wide range of stakeholders. This can include either a web-based virtual meeting and/or comment platform and/or a project-specific webpage. Proposers can also provide other means and methods for engagement within their Proposals, outside of those listed in the RFP.*

14. Is an EIS already completed for the North Resiliency Project?

Response: *No, an EIS has not been completed for the North Resiliency Project although some initial environmental assessment work has been performed.*

15. What baseline data is available (e.g., survey, bathymetry, traffic and/or pedestrian counts)?

Response: *Proposers were given the opportunity to access a selection of data and design materials from the North BPC Project through the process set forth in the RFP. The selected Proposer will be provided with the balance of the available data after execution of the Consulting Engineer Services Agreement.*

16. Is there a maximum file size for the proposal submission PDF document and can the proposal be submitted using external file transfer link?

Response: *There is no maximum file limit for PDF submissions. The Proposal may also be submitted via external file transfer link.*

17. Reference Section 3.1 A- The last paragraph of this Section states that the Consulting Engineer shall create a conceptual design for the West BPC Project. Given that this project will be implemented through a Progressive Design Build approach, what is the rationale behind the Consulting Engineer doing the conceptual design beyond getting the West portion to a similar level as the North? Is it to advance the environmental review process and begin to get community and stakeholder buy-in? To what level of completion should the Consulting Engineer be expected to take the West's conceptual design prior to notice to proceed being issued to the progressive design build team?

Response: *Please refer to Tasks 1(D) and 2(A) of Attachment A (Anticipated Scope of Services) of the RFP. The Consulting Engineer will need to prepare a conceptual design as part of the Project Definition in order to (1) enable the advancement of the environmental review process and other permitting efforts; (2) begin the community engagement process; and (3) establish an appropriate technical basis for the PDB Contract procurement. BPCA will expect the Consulting Engineer to*

recommend the level of completion necessary to achieve these objectives. See also the response to Question #27.

18. On Page A-6 in the Task 2B Scope of Work, please confirm if the Consulting Engineer will be responsible to perform geotechnical investigation, topographic, utility and sewer surveys that will be used for develop concept design by Consulting Engineer and later will be used by the selected Progressive Design Builder. Does BPCA anticipate the Consulting Engineer performing additional geotechnical investigation, topographic, utility and sewer surveys if requested by the Progressive Design Builder during the execution of Task 5 or will this be the direct responsibility of the Progressive Design Builder?

Response: The Consulting Engineer will be responsible for performing any geotechnical investigation, topographic, utility and sewer surveys necessary to develop the Project Definition. BPCA does not anticipate the Consulting Engineer providing additional geotechnical investigation, topographic, utility or sewer surveys once the Design-Builder is under contract. The Design-Builder will be expected to do any such additional work that is necessary as part of its Phase 1 services.

19. On Page A-7 in the Task 3A Scope of Work, states that the Consulting Engineer shall be the primary contractor responsible for “managing the environmental review process” for the combined North and West PDB Project in coordination with BPCA and its environmental legal counsel. Does that mean the Consulting Engineer team will be conducting the environmental review or managing the oversight of the environmental review? If the answer is managing the oversight of the environmental review, what party will be assigned direct responsibility for conducting the environmental review?

Response: The Consulting Engineer will be expected conduct the environmental review on behalf of and in coordination with BPCA.

20. Please confirm that all legal services especially associated with property rights-of-way agreements will be provided by BPCA or the legal counsel retained by BPCA. With reference to Task 0, Paragraph I on page A-4, what role do you see the Consulting Engineer playing with regards to property rights-of-way agreements? Is the Consulting Engineer providing technical support to BPCA and your legal counsel?

Response: BPCA, or legal counsel retained by BPCA, will provide all legal services associated with the property rights-of-way. BPCA’s expectation is that the Consulting Engineer will provide technical support services in connection with this effort.

21. Is sub-consultant to a prime firm selected to be on the Consulting Engineer Team conflicted out to be part of the Progressive Design Build team?

Response: Please see response to Question #11.

22. Does BPCA expect to procure a Construction Manager for Phase 2 of the PDB Contract?

Response: BPCA does not expect to procure a separate construction manager for Phase 2 of the PDB Contract. Any services that would be provided by a construction manager are expected to be provided by either the Design-Builder or the Consulting Engineer, as appropriate.

23. If awarded with the Consulting Engineer Contract, would a firm be precluded from working on the South BPC Project if the opportunity were to arise and if services did not overlap?

Response: A firm would not be precluded from working on the South BPC Project solely by virtue of being awarded or working as a sub-consultant under the Consulting Engineer Services Agreement. However, the specific circumstances would need to be evaluated in accordance with BPCA's Procurement Guidelines.

24. If a firm proposes on this CE Services Contract and is not awarded, are they precluded from proposing on the PDB Contract?

Response: A firm that responds to this RFP for CE Services and is not selected will not be precluded from the PDB Contract procurement based on its participation in this RFP process.

25. Is there a list of precluded firms based on involvement in the other BPC Resiliency Projects?

Response: Please see the response to Question #4.

26. What is the expected format of the Conceptual Project Definition Development under Task 1: Initial Start-Up Activities?

Response: There is no specified format for the Project Definition documentation. The Consulting Engineer will set forth the process for development of the Project Definition in the project management plan, and the submittal requirements will be subject to review and approval by BPCA as specified in Task 2(A) of Attachment A (Anticipated Scope of Services) of the RFP. The Consulting Engineer will be required to develop documentation in accordance with the Standard of Care specified in the Consulting Engineer Services Agreement.

27. Is the Conceptual Project Definition Development under Task 1: Initial Start-Up Activities meant to be equivalent to a 30% design with drawings and specifications to be used by the design-builder as bridging documents?

Response: No. Please see the responses to Question #18 and Question #27

28. Is it acceptable to have a total of 30% MWBE compliance with variance in the 15% MBE and 15% WBE subtotals?

Response: Please see response to Question #12.

By signing the line below, I am acknowledging that all pages of this Addendum #2 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