

Project: **Progressive Design-Build Services
for North/West Battery Park City
Resiliency Project**

Date: **October 15, 2021**

RE: **Addendum No. 03**
of Pages: 6 **(including this page)**

This Addendum No. 03 is hereby issued pursuant to the Battery Park City Authority (BPCA's) Request for Qualifications (RFQ) to provide Progressive Design-Build Services for the North/West Battery Park City Resiliency Project.

1. The following 2 categories are included in this Addendum No. 03:
 - A. The responses to questions received by BPCA in connection with the RFQ. (Pages 2-5 of this Addendum)
 - B. No revisions to the RFQ are made by this Addendum No. 03.

By signing the line below, I am acknowledging that all pages of this Addendum No. 03 have been received, reviewed, and understood, and will be incorporated into the SOQ submitted. This cover page must be attached to the SOQ for consideration.

Print Name	Signature	Date
------------	-----------	------

Number of pages received: _____ <fill in>

Distributed to: All prospective Respondents

A. RESPONSES TO QUESTIONS

The following responses (the “Responses”) are provided to questions received by Battery Park City Authority (“BPCA”) in connection with its Request for Qualifications for Progressive Design-Build Services for North/West Battery Park City Resiliency Project (the “RFQ”). The Responses are provided in bold, italicized print immediately following the questions. All capitalized terms shall have the same definition as provided in the RFQ.

1. We request a two week extension of the current RFQ due date from Wednesday November 10, 2021 to Tuesday November 23, 2021. We are in the process of building a team and need the additional time to finalize agreements between the team parties and assemble the documents submit our SOQ.

Response: No. Refer to Addendum No. 02, Question No. 9. Additionally, refer to Schedule A- Submittal Requirements, A-6, A-7 (PDF pages 42-43 of 132), Section No. 2-1 Legal Structure. Respondent’s legal entity need not be fully formed prior to submission of an SOQ. The SOQ Due Date remains November 10, 2021.

2. Refer to Schedule A – Submittal Requirements, A-17 (PDF page 53 of 132), Section No. 6-1 Project Approach: Management:

“Within the Respondent’s approach, include the proposed location for the performance of the pre-construction, construction and post-construction services.”

Please clarify “location”. Is this the physical office location of the Construction Manager?"

Response: Correct, the location refers to the physical site(s) from where the PDB Key Personnel will implement the Project.

3. Refer to Schedule A – Submittal Requirements, A-4 (PDF page 40 of 132), Section No. 1-6 Insurance Requirements:

Does each key entity need to show insurance coverage? And if so, is there a certain limit to each scope function?

Response: BPCA is only looking for evidence of the ability of the entity that would eventually execute the PDB Contract (the Design-Builder) to meet the insurance requirements set forth in Schedule F of the RFQ. Such evidence at the RFQ stage may be satisfied with an insurance provider letter of intent making reference to Schedule F’s requirements. To the extent the Design-Builder will rely on a another Key Entity’s insurance to meet a requirement set forth in Schedule F (such as professional liability insurance), additional evidence of the ability of such Key Entity to provide sufficient insurance should be included in the SOQ.

4. Refer to Schedule A – Submittal Requirements, A-9 (PDF page 45 of 132), Section No. 3-3 Safety Questionnaire:

Do we need to provide safety information for designers to address the safety question?

Response: Yes. Each of the Key Entities must provide responses to safety information in Qualification Form D.

5. Refer to Schedule A – Submittal Requirements, A-9 (PDF page 45 of 132), Section No. 3-4 Current Work vs. Capacity:

Do both designers in addition to the contractors need to answer the current work vs. capacity question?

Response: Each of the Key Entities must provide responses to Package 3 – Past Experience, Section No. 3-4 (Current Work vs. Capacity) to highlight the entity’s ability to effectively staff and complete the Phase 1 Services and the Phase 2 Work.

6. Refer to Schedule D - Diversity Requirements, D-1 (PDF page 108 of 132):

Is the Diversity Requirement measured by project value?

Response: Consistent with the New York State Executive Law Articles 15-A, 17-B and implementing regulations, MWBE and SDVOB participation goals set for the PDB Contract will be measured against the overall PDB Contract value, including as may be amended by an Early Work Package Amendment or GMP Amendment. As stated in the RFQ, BPCA is considering potential scope exclusions from the applicability of the participation goals. If implemented, that portion of the PDB Contract value attributable to those scope items will be subtracted from the PDB contract value with respect to the calculation of MWBE and SDVOB participation goals.

7. Refer to Section 2 - Project Specific Information, Table 2-3 Project Milestone Schedule (PDF page 11 of 132):

Does the Owner’s Engineer or BPCA anticipate any changes requiring ULURP and if so, where is this approval anticipated in the schedule?

Response: It has not yet been determined if the ULURP process is required for this project. If ULURP approvals are required, the timeline would coincide with the FEIS.

8. Refer to Section 2 - Project Specific Information, Table 2-3 Project Milestone Schedule (PDF page 11 of 132):

Regarding the EIS, the schedule indicates draft EIS October 2021 and Final May 2023. Does the May 2023 Final EIS date represent submission of the final EIS or date of an anticipated negative declaration?

Response: The May 2023 date represents the issuance of the Final EIS.

9. Refer to Section 2 - Project Specific Information, Table 2-3 Project Milestone Schedule (PDF page 11 of 132):

Does the OE or BPCA anticipate public hearings in the given Environmental Review schedule?

Response: There are two public hearings in the schedule related to environmental review - a DEIS Scoping Meeting (scheduled for February 2022) and a DEIS public hearing (currently scheduled for February 2023).

10. Refer to Schedule E - Preliminary Project Technical Criteria Information, E-1 (PDF page 116 of 132), Resiliency, Sustainability, and Risk Reduction Targets:

Does the 5-yr rainfall event specified consist a 24-hr rainfall depth with the appropriate SCS rainfall distribution to determine design intensity? It would be immensely helpful for the BPCA to provide the specific reference to be used for the NOAA 5-yr rainfall event so that appropriate conceptual designs are developed and apples to apples comparisons of various submittals can be made. Lastly, the statement is made that stormwater BMPs will be required, with the goals of capturing the 90th percentile of 24 hour rainfall events and treating 100% of the captured volume. Which return period 24-hr hour rainfall events must meet this criterion? How does this interplay with the NOAA 2050 5-yr rainfall event mentioned previously in the RFP?

Response: It is a 24-hr hourly 5-yr NOAA 2nd-quartile 50th-percentile rainstorm. Stormwater BMPs follow their own rainfall design criteria (90th percentile event as defined in BPCA's Green Guidelines and NYSDEC SWDM).

11. Refer to Schedule E - Preliminary Project Technical Criteria Information, E-1 (PDF page 116 of 132), Resiliency, Sustainability, and Risk Reduction Targets:

Adding to Question above, what are BPCA's expectations for providing stormwater/drainage infrastructure for rainfall events greater than the 5-yr event? Will local ordinances control the design criteria?

Response: The interior drainage evaluations will not target rainfall design storms for larger return periods concurrent with a 100-yr surge. The performance of the drainage system will be assessed against a 100-yr coastal surge paired with a 24-hr hourly 5-yr NOAA 2nd-quartile 50th-percentile rainstorm.

12. Will there be a CM or PMC consultant contract for this project?

Response: No, refer to Section 4.1 of RFQ for the list of BPCA Advisory Team that will perform services to assist the owner throughout this project.

13. [Referring to Addendum No. 02 Note # 1 & 2] We submitted an NDA as the Respondent. If we decide to now pursue this as a Joint Venture, is it ok that our JV partner hasn't submitted an NDA? And if it is, do we have permission to share the Confidential documents with them?

Response: Pursuant to Section 2 of the NDA, a Respondent “may disclose the Confidential Information or portions thereof to [the Respondent’s officers, employees, partners, representatives, advisors, subcontractors, vendors, agents, attorneys, and associates] who need to know such information for the purpose of analysis or preparing an SOQ.” As a result, a Respondent may share the Confidential Information governed by the NDA with its JV partner without submitting an additional NDA to BPCA. Respondents are reminded, however, that the NDA requires the Respondent to inform any recipient of the Confidential Information of the confidential nature of such information and to secure the agreement of any recipient who receives such information to similar confidentiality obligations. In particular, any such recipient will be required to return or destroy such Confidential Information upon notice by BPCA in accordance with the NDA.

[Remainder of Page Intentionally Left Blank]

B. REVISIONS TO RFQ

The following revisions are provided to clarify the Request for Qualifications for Progressive Design-Build Services for North/West Battery Park City Resiliency Project. The revisions are provided in bold, italicized print immediately following the section which has been revised. All capitalized terms shall have the same definition as provided in the RFQ.

No revisions to the RFQ are made by this Addendum No. 03.

[Remainder of Page Intentionally Left Blank]