

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

Date: **October 28, 2021**

RE: **Addendum No. 05**
of Pages: 5 **(including this page)**

This Addendum No. 05 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. Respondents shall note the following:

1. BPCA has received a number of queries regarding specific provisions of Schedule C (PDB Contract Terms) and Schedule F (Insurance Requirements). As indicated in RFQ Section 2.5, Respondents are encouraged to provide comments concerning such terms and conditions with their SOQs, and BPCA will consider such comments in finalizing the draft PDB Contract to be issued with the RFP. However, BPCA will not be revising Schedule C as part of the RFQ process and will not be providing specific responses to these comments at this time.
2. The following 2 categories are included in this Addendum No. 05:
 - A. The responses to questions received by BPCA in connection with the RFQ. (Pages 2-4 of this Addendum)
 - B. Certain revisions to the RFQ to provide more clarity. (Page 5 of this Addendum)

By signing the line below, I am acknowledging that all pages of this Addendum No. 05 have been received, reviewed, and understood, and will be considered in preparing the SOQ. 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. Refer to Schedule A – Submittal Requirements; Section 1-1 Transmittal Letter (Qualification Form A) includes a placeholder to acknowledge each addenda. Each addenda that has been issued by BPCA to date says to also sign the cover page of the addenda and attach to the SOQ for consideration. Can BPCA please confirm if we are to include the signed addenda in Package 1? Also, are the addenda to be signed only by the prime respondent or all key entities?
Response: Yes, signed Addenda (cover sheets only) should be submitted as part of Package 1. Please see Section B of this Addendum for the relevant revision. Addenda need only be signed by a representative of the Respondent, as described in the 2nd paragraph in Section 1-1 (Transmittal Letter (Qualification Form A)) of Schedule A (Submittal Requirements) of the RFQ.
2. Can BPCA please confirm if we are to fill out and submit the Mandatory Forms (located above the procurement opportunities) on this page of the BPCA website - <https://bpca.ny.gov/apply/rfp-opp/>? It appears that the “Vendor Responsibility Questionnaire” includes several forms that are similar to forms included in the RFQ. There are also forms contained on pages 11-12 related to M/WBE Utilization and pages 13-14 related to SDVOB Utilization that require “total percent of contract holder %” to be filled out for each sub-contractor. We suspect these forms are intended to be part of the RFP phase and not the RFQ phase. Can you please confirm?
Response: Respondents are not required to complete the “Mandatory Forms” on BPCA’s website at this time. Those forms are required only in connection with solicitations by RFP. All required forms are included in the RFQ.
3. The Mandatory Forms file provided by BPCA includes a Statement of Non-Collusion form. This form is not listed in the RFQ Package 1 response format. Please confirm this form is required, and if so, should this be inserted as a new section 1-9?
Response: Respondents will be deemed to have agreed to the non-collusion statement contained in Section 3.10 of the RFQ by their submission of an SOQ. The Statement of Non-Collusion form, or a substantially similar form, will be completed by shortlisted Respondents in connection with the RFP stage of this solicitation. Respondents are not required to submit the form in connection with the RFQ.

4. The Mandatory Forms file provided by BPCA includes MWBE Utilization Plan forms pages 11-12, and SDVOSB Utilization Plan forms pages 13-14. Please confirm these forms are for information purposes only and are to be submitted in the proposal phase.

Response: *Refer to response to question # 2. Qualification Forms E-1 and E-2, as set forth in Schedule B (Qualification Forms), are required to be submitted with an SOQ. As indicated in Qualification Form E-2 and in Schedule D (Diversity Requirements), utilization plans will be required in the RFP phase of this solicitation.*

5. Schedule A – Submittal Requirements, A-12 (PDF page 48 of 132), Section No. 4-1.6 Construction Manager: Please confirm that the Construction Manager is a person and not a company. If indeed an individual, what is the difference between the Construction Manager and the Project Manager who is listed on PDF page 47 of 132, Section No. 4-1.2? Also, within the Construction Manager's role description/Contents, paragraph two reads, "BPCA expects the Construction Manager to be licensed to provide construction management services in the State..." We are unaware of a license to provide construction management services in the State. Please clarify.

Response: *Please refer to response to question #1, in Addendum No. 04. The Construction Manager is intended to be an individual responsible for Project construction, as described in Section 4-1.6. The Project Manager is the primary liaison for the Design-Builder with respect to all aspects of the Contract Services, as described in Section 4-1.2.*

6. RFQ Section 2.1 Will the winning proposer be restricted from participating in the Ballfields Project and the South BPC Project? Can BPCA confirm if there are any additional conflicted parties related to these two parallel projects, if so, please name conflicted parties?

Response: *The successful Proposer will not be restricted from participating in the South BPC Resiliency Project or the Ballfields Project, unless otherwise restricted pursuant to BPCA's conflicts of interest policy (accessible by link in Section 4.2 of the RFQ). As discussed in Section 4.1 of the RFQ, members of the Advisory Team will be ineligible for participation in any capacity with any Respondent team in connection this procurement or the Project. The South BPC Resiliency Project and Ballfields Project are not included in this prohibition.*

7. RFQ Section 2.2. Please clarify what "connecting" with the BPC Project refers to? Which project will be completed first? How does BPCA envision that the "consistency" on matters of performance standards and operations and maintenance criteria will be accomplished.

Response: *Please refer to the response to question #3, in Addendum No. 04. The evaluation of consistency accomplishment will be detailed in the RFP for shortlisted Proposers.*

8. RFQ Section 8.2. Please clarify the reason for this provision.

Response: *To provide preliminary information regarding the evaluation of Proposals submitted at the RFP phase of this solicitation.*

9. RFQ Section 2.7[6]. Per Section 2.6, the estimated price range is \$500M to \$575M and there is no anticipation of federal funding. Are the numbers appearing in Section 2.7[6] projections or budgetary constraints?

Response: *The range provided is a preliminary, ROM budgetary estimate.*

10. RFQ Section 4.6. Section 4.6 says that BPCA is evaluating whether the Project will be subject to a PLA. Please amend this to state that under State statute for Design-Build that this project will require a PLA. Bidding teams formed, have formed on the basis of a PLA being part of the contract.

Response: *BPCA is continuing to evaluate this issue. Teaming relationships and composition are solely the responsibility of the Respondent.*

11. Schedule D: Has BPCA decided on any scope exclusions to the applicability of MWBE/SDVOB participation goals?

Response: *If applicable, this information will be provided in the RFP to the shortlisted Proposers.*

12. Project Approach: Management. It is stated that Section 6-1 shall not exceed 5 pages. Will the BPCA allow the top 10 risk log with mitigation strategies required in Section 6-1 to be placed on a separate page and increase the page count to 6 pages? It will be helpful to the teams so that the management approach for the important topics listed can be more thoroughly and effectively described to the BPCA with the risk log added at the end on a separate page.

Response: *No.*

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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.

Package 1- Responsiveness Forms, Section No. 1-1 Transmittal Letter (Qualification Form A) (page A-2 of the RFQ), shall be revised to include the following sentence at the end of the second paragraph:

“Additionally, Respondents shall annex to the transmittal letter as an appendix a signed copy of the cover page of each Addendum issued to the RFQ.”

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