Question 70.

ITP - According to the “Draft Asbestos Assessment and Design Report (Bridge)” provided on the Design-Build section of the NYSDOT website, it states on page –ii- under bullet number 2 of the Assumptions and Presumptions During the Investigations that, “All paints were assumed to be lead containing and were not sampled to determine lead content”. The report also states on page 32 under Section 4.1 Conclusions, “In addition, as previously discussed, sampling of paint was not conducted unless it appeared to be textured. All paints are assumed to be lead containing”. However, under the Community Outreach section of the NYSDOT website, in the Meeting Minutes for IAAC Meeting No. 2 (June 2004) on page 2 it states, “NYSDOT recently completed a project to remove lead paint from the bridge, the DEIS studies will confirm that it has been completely removed”. Also, under the Stakeholders Advisory Committee (SAC) Meeting Agendas and Minutes for Meeting No. 18 (6-17-2004) on page 5 it states, “the lead paint was removed during a recent repainting project, lead, along with asbestos and other hazardous materials, might be present at other locations”.

Please clarify whether or not the Design-Builder should assume that the paint on the existing Kosciuszko Bridge contains lead and if so that the cost of lead abatement (as required for steel removals) of the existing bridge should be included in the proposal.

Answer: The existing Kosciuszko Bridge was sand blasted and painted approximately 10 years ago. The contract proposal has been uploaded to the website. The nature of the work performed is assumed to have left residual amounts of lead paint on the structure and the provisions of section 202-3.05 of the Standard Specifications regarding paint removal will be strictly enforced. In addition, there will be no exceptions to the requirement for paint removal prior to steel cutting operations.

Question 71.

NYSDOT’s responses to questions #18 and #76 of the “Kosciuszko Bridge Project Final RFQ Questions and Responses; Responses to Questions” arbitrarily restrict second tier subcontracting participation to only 4 instances where the primary subcontract exceeds $50 million dollars. The Code of Federal Regulations Title 49 CFR part 26 with which bidders must comply per contract, does not prohibit second tier subcontracting.

NYSDOT’s interpretation is contrary to 49 CFR part 26 and creates an obstacle to the purpose of the DBE program; fostering small business participation and to attaining maximum participation. It should be noted that removing the restriction on second tier subcontracting does not in any way limit the requirement that the DBE perform a commercially useful function. Will NYSDOT lift the restriction on second tier subcontracting to conform to 49 CFR part 26? If not, please clarify the basis for the determination.

Answer: Second tier subcontracting will be permitted without the above noted restriction.
Kosciuszko Bridge Replacement Project – Phase 1
Contract D900011
Draft RFP Questions and Answers 70 thru 74

Question 72.

Pavement Ride Quality and Noise Mitigation – RFP, Part 3, section 19, paragraph 3.4-Ride Quality and Noise Mitigation. It would seem the requirement to perform and provide CQO profilograph data as indicated in NYSDOT Standards is objectionable for this project due to the fact that any traffic maintenance scheme employed will require abbreviated concrete pavement placement in the longitudinal direction and irregular paving areas. In the Standard Specification section 502-3.16, a 0.1 mile long section travel lane (528 feet long)is to be utilized by the Engineer to establish the Profile Index(PI). This condition will not occur with enough frequency on the project to establish an indicative PI and utilizing shorter groups will not be accurate and a fair method of determining quality. The overall quality of ride can still be determined by the Engineer with necessary corrections by the contractor. Please consider using PCCP Non-Profilographed specification.

Answer: The Department wants the final pavement to meet the profilograph/ride quality specification requirement. While shorter placements will make it more difficult to meet the requirement during placement, the Design-Build contractor needs to determine the best way to achieve it, either through good/innovative practices during placement or actions taken after placement (ex. diamond grinding).

Question 73.

Contract Documents Part 4 Utility Requirements – Section 4.6.13 states “the design builder is responsible for all relocation costs and the contract price includes the price for such work”. The preliminary utility work agreement between National Grid and the NYSDOT indicates that National Grid will be reimbursed for some of their work. Will this reimbursement be paid for by the Design-Build or the NYSDOT?

Answer: The Design Builder will not be required to pay the Utility Company. NYSDOT will pay the Utility Company directly for the element of work that the Utility Company is responsible for completing as denoted in the Preliminary Utility Work Agreement.

Question 74.

Primavera P6 Department Network Use – ITP, Appendix B, Part B.5.2.1 requires, “All work to prepare the Initial Project Schedule be performed using Primavera P6 software provided by the Department on network servers, and accessed through the Internet with Department [sic] provided user accounts.”

Considering the pace of this procurement and that Proposer’s will be working iteratively to develop their schedules, we suggest Proposers submit only their final Initial Project Schedule in
Kosciuszko Bridge Replacement Project – Phase 1  
Contract D900011  
Draft RFP Questions and Answers 70 thru 74

P6 format and not develop it over the Department’s network. We understand Project schedules will be developed over the Department’s network post-award.

It is our understanding Proposer’s efficiency in developing their schedule over the Department’s network is not part of the Qualitative scoring process. Also, considering the Department has shortlisted four highly-qualified Proposers, equally capable of this exercise post-award, we suggest omitting said requirement for sake of efficiency as the apparent benefit to the Department and Stakeholders in Proposer’s developing schedule on Department’s network is not apparent.

Answer: You must build your Proposal Schedule (Initial Baseline Schedule) on DOT’s server. Importing your Proposal schedule is not acceptable.