Question 159.

Reference is made to Part 3 – Section 21.4, paragraph I - Payment to Railroad:

- What are the LIRR flagmen hourly pay rates?
- Are there any LIRR Administration costs associated with coordination of flagmen or the review and approval process for the construction activities?

Answer: NY & Atlantic Railway will be providing flagmen and track outages and the LIRR will be providing inspectors during installation of the sewer line beneath the tracks. The Design-Builder will be responsible for payment of these costs. The rates will be provided by Addendum. The LIRR and NY & Atlantic Railway costs associated with the review of design plans prepared by the Design-Builder will be paid by the Department.

Question 160.

Demolition via Explosives – Part 2, DB 107-7.15 states, “Demolition Work shall not be performed by the use of explosives unless approved by the Department’s Project Manager.”

Based on the Department’s extensive history with the Project, local agencies, proximity to neighborhoods to the north, and stakeholders – does the Department have any reason to believe the use of explosives in Demolition Work is one which the Department’s Project Manager would approve?

Answer: It is the intent of the Department to allow the use of explosives where the Design-Builder can obtain approval from all of the federal, state and local agencies having jurisdiction over the use of explosives in New York City. The Department will require that any demolition plans, including those that involve the use of explosives, shall meet the requirements of the RFP including the AWP and Construction Protection Plan, and shall be submitted to the Department for their review.

Question 161.

Key Personnell Reporting Structure – ITP, Appendix F, Definitions – The descriptions of Key Personnell as defined in Appendix F of the ITP suggest the Geotechnical Instrumentations Engineer and the Lead Demolition Engineer work under the direction of the Design Manager. We believe most Design-Builder’s would see these and positions more efficient reporting to the Design-Builder as opposed to the Designer as these positions are more of a construction function than design function. Please confirm it is not the Department’s expectation to see said two positions reporting to the Design Manager in Proposer’s organizational charts. We would
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suggest removing such prescriptions to allow Proposer’s the latitude to determine an organizational structure which is most efficient to their organizational structure.  
**Answer:** Since the Geotechnical Instrumentation Engineer is responsible for the design of the instrumentation plan and the Lead Demolition Engineer is responsible for the design of the demolition, the Department believes these two Key Personnel should report to the Design Manager.

**Question 162.**  
*Key Personnel* – Resident Engineer – Part 2, DB 112.2.1 – The term Resident Engineer is typically used in Bid-Build projects, the term Quality Control Manager would appear more appropriate and inline industry terms. That point aside, we note the responsibilities of the Resident Engineer included in part F) of the DB agreement include “Review the overall safety of the Work Sties to ensure that they are safe for the works, the inspection staff and the public”. While safety is without questions everyone’s responsibility, it is a bit unusual this specific requirement be placed under the Resident Engineer. Most Design-Builders will have Site Safety Manager and Safety engineer’s tasked with these responsibilities. Please clarify the intent.  
**Answer:** The Safety Manager is responsible for implementing and tracking safety measures for the Project and for ensuring that the Project is progressed safely and in accordance with the Design-Builders Safety Plan, the Contract requirements and the Safety Requirements of the Project. The Desing-Builders Resident Engineer is responsible for ensuring that the Safety Manager is fulfilling these responsibilities and that all operations and personnel comply with prescribed regulations, laws, safety plans and the Design Builders requirements through the construction inspection personnel who report to the Resident Engineer.

**Question 163.**  
Scope of Work – Phelps Dodge Laurel Hill Monitoring Program – Part 6, Directive Drawings – Page 5 of this document requires that, “… groundwater monitoring will continue on a quarterly basis for at least 5 years…”

A. Please confirm any monitoring after final acceptance will be done by “others” and not in Design-Builders scope.  
**Answer:** The Design-Builder shall be responsible for maintaining the monitoring and for continuing the readings from two months after award of the contract until Project Completion. This was issued by Addendum.

B. Please revise Part 6 Directive Plan and Part 3 section3.2.1 to clarify Design-Builders monitoring program will end prior to Final Acceptance.  
**Answer:** This change was made in Part 3 of the RFP and issued by Addendum.
C. Please clarify the Department’s intent with the 5 year monitoring program and what the course of action would be if a change in conditions was discovered through the groundwater monitoring system during the 5 year period monitoring period. It is imperative the liability be known to Design-Builders.  

Answer: There is an ongoing monitoring program at the Laurel Hill Site that is part of the Consent Decree between Phelps Dodge and the New York State DEC. This monitoring program has been in place for a number of years and is intended to monitor the performance of the sheet pile wall and groundwater pumping system that is in place. The current monitoring samples the groundwater inside and outside of the sheet pile wall along the creek side of the property to ensure that the sheet pile wall and groundwater system are functioning as intended. As part of the development of this project, the Department and Phelps Dodge have developed a program of an enhanced monitoring system that is part of the Contract Requirements. Currently this additional monitoring system is being installed and it is intended that once it is installed readings will be taken periodically of both the existing and enhanced monitoring system and posted on the project site by the Department until two months after award at which point the successful Design-Build team will take over maintaining and posting readings from the monitoring system. It is intended that prior to the Design-Build team occupying the Phelps Dodge site, these readings will become the baseline for all readings going forward. It is intended that the determination of the baseline will be a joint effort by the Department and Phelps Dodge and the Design-Builder. The purpose of the baseline will be to determine if the monitoring readings deviate beyond the baseline and if they demonstrate that any of the Design-Builder’s activities on the site have damaged the functioning of the sheet pile wall and groundwater pumping system, in which event the Design-Builder shall halt work on the site until the damage can be repaired. The Design-Builder is not responsible for any problems with the system beyond what is stated here and in the similar language in the RFP.

With regard to the duration of the monitoring, the question cites a 5 year period. Page 5 of the monitoring program that states “Groundwater monitoring will continue on a quarterly basis for at least 5 years after all construction and construction related dewatering activities are completed in the vicinity of the Site.” The duration of the monitoring for which the Design-Builder is responsible is from two months after the award of contract until the Project Completion, and that date is to be determined by the Design-Builder’s schedule. After the completion of the Design-Builder’s contract, the Design-Builder is no longer responsible for the monitoring system nor for any damages or failure of the monitoring system including the sheet pile cutoff wall. This will be issued by Addendum.
Question 164.
Environmental Compliance Plan – In the “Final RFP Questions and Answers 1 thru 25”, under Question 18, a proposer asked:
“Should proposers format the Initial Environmental Compliance Plan within the Technical Proposal to mimic the format of the Environmental Compliance Plan (ECP) given in Part 3 – Project Requirements, 3.2.6.1 Environmental Compliance Plan?”

The Departments response was “Yes”.

Section 3.2.6.1 however, as a Project Requirement, indicates that the:
“Design-Builder shall further develop the Initial Environmental Compliance Plan submitted with its proposal” and continues to describe what the fully developed version of the ECP should include before construction starts. Therefore, it seems the Initial ECP submitted with the proposal should instead be more closely formatted to follow the description provided under “Instructions to Proposers, Appendix B, Section B3.6, Environmental Compliance Plan”.

Please clarify the Department’s formatting requirement for the Initial ECP.
Answer: The Design-Builder shall provide an Initial Environmental Compliance Plan that meets the requirements of the Instructions to Proposers, Appendix B, Section B3.6 and that follows the format of the Environmental Compliance Plan given in Part 3, Project Requirements. The Initial Plan does need to contain the same level of detail that the final Environmental Compliance Plan will require from the selected Design-Builder after award of the Contract.

Question 165.
Addendum #3 dated October 2, 2013 deleted the prohibition on the use of steel stay-in-place (SIP) forms, (refer to Part 3, Section 11.3.1.4 B). However, Q&A #109 posted to the NYSDOT’s website after Addendum #3 was issued, reaffirms that “Stay in place forms are not permitted”.

Please clarify the apparent conflict. Are steel stay-in-place permitted?
Answer: Per Addendum #3, stay in place forms are permitted. The Answer to Question 109 will be revised.

Question 166.
In reference to Section B2.0 and B4.1 (Resumes) The ITP specifies inclusion of resumes in both sections of the proposal. This would result in duplication of resumes. Can the resumes be included in one location with reference from another section?
Answer: As detailed in Table B of Appendix B, Resumes of Key Personnel shall be submitted in Volume 2, Section 1. Resumes of all personnel identified in the various Organizational Charts submitted in Volume 2, Section 3, except for the Key Personnel, shall be submitted in Volume 2, Section 3.

Question 167.
In reference to Volumes; 2, 2A (Base Project) and 2B (Base Project + Option) - Section 2 Technical Solutions: Should these narratives be duplicates in each section or refer back to Volume 2?

Answer: See Instruction to Proposers Appendix, B, Table B, B1 and B2 for the required sections to be included in Volumes 2, 2A and 2B.

Question 168.
The answer to question # 109 conflicts with Part 3 section 11.3.1.4B addendum #3. Addendum # 3 allows for stay in place metal forms, the answer to question #109 indicates it is not allowed. Please clarify.

Answer: Per Addendum #3, stay in place forms are permitted. The Answer to Question 109 will be revised.

Question 169.
The Draft Work Permit Request does not specify that traffic agents are required on this project. Please verify that traffic agents will not be required on this project. If they are required please provide details on what locations and/or scenarios proposers should account for traffic agents relative to their construction sequence.

Answer: The Design-Builder shall assume seven (7) Traffic Enforcement Agents for each ramp closure and four (4) Traffic Enforcement Agents for each local street closure. This will be issued by Addendum.

Question 170.
The vertical reference datum for the Project is not indicated on the Directive Plans for the bridge or in Part 3 Project Requirements. The sheet notes on the Proposed Capping Plans for the former Phelps Dodge site (which are part of the Directive Plans) indicate that elevations shown are in NAVD 88 vertical datum. Please confirm if NAVD 88 is the vertical datum for the
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Project, and whether the electronic topographic and survey files for the Project also are referenced to NAVD 88.

**Answer:** NAVD 88 is the vertical datum for the Project. All electronic topographic and survey files prepared for the Project reference NAVD 88.

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**Question 171.**
On Directive Drawing DP-03 mean high water (MHW) in Newtown Creek is shown as EL. 0.0. According to the approved Coast Guard Bridge Permit, MHW is EL. +1.45 in NAVD 88. Which is correct?

**Answer:** Mean High Water is Elevation 1.45 in NAVD 88. DP-03 will be revised by Addendum.

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**Question 172.**
Part 3 Project Requirements Section 3.2.1 H), which addresses the cap on the former Phelps dodge site, states: “The cap shall be installed by the Design-Builder before construction on and adjacent to the area to be capped can begin. “ Three pier foundations will be constructed within the limits of Parcel OU2. Please confirm if it is NYSDOT’s intention that the entire parcel is to be capped, then the cap will be removed at the three foundation locations to construct the piers and foundations, and then the cap will be restored up to the new piers.

**Answer:** Per NYSDEC requirements the entire Parcel OU2 shall be capped before any construction activities begin on this parcel. The cap will then be removed at the foundation locations by the Design Builder at the time that the piers and foundations are constructed and then immediately following the construction of the pier shaft the cap will be restored up to the new pier shaft by the Design-Builder

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**Question 173.**
Please refer to "Table II - Summary of Assumed Asbestos Containing Materials" of the Draft Asbestos Assessment and Design Report (Bridges). There are numerous building locations that show ACM to be present "within masonry walls" and "in concrete floor slab". Please advise if this material is all to be removed as ACM in each respective building, or if the material can be removed as C&D with the remainder of the structure.

**Answer:** The materials in the masonry walls and concrete floor slabs were not sampled in the locations indicated in Table II of the Draft Asbestos Assessment and Design report (Buildings). The Design-Builder must remove this material as ACM or complete additional sampling at these locations to establish whether or not ACM is present. If ACM material is present than the material must be removed as ACM.
**Question 174.**

In reference to Section B3.0 Technical Solutions, separate write-ups are required for The Final RFP establishes December 4, 2013 as the “Proposal Due Date”. To date, approximately 50% of the proposal time period has elapsed; however, the release of the final design criteria pertaining to this project’s security requirements remains outstanding. In addition, questions remain on the dissemination protocols to be used in forwarding this information to the various Team members.

Experience on past similar projects has demonstrated that the security considerations are critical to the final design. As a result, we cannot complete our design until the security requirements are finalized, and any questions and potential ambiguities are resolved. This has delayed our engineering efforts, quantity take-offs, subcontractor evaluations, pricing, and proposal development.

In light of the above, we request a 4-week postponement to the “Proposal Due Date” with similar postponements to the open procurement activities noted in the Proposal Schedule given in Section 1.6.1 of the ITP.

**Answer:** The Proposal due date will not be postponed. The final security requirements will be provided to Proposers by the end of October.