Revisions Note: Revisions have been made to the answers for Questions #4, #18, #29, #35, #40, and #44

Question #1:
Will it be a requirement of the project that the design quality program include an Independent Check of the design, and if so, is this Independent Check to be performed by a firm that is independent of Principal Participants, Major Participants and/or the design firm?

Response:
No, it requires that within the Design-Build (DB) organization an independent check would take place and that there is a Quality Control Plan which describes the quality control process that the Quality Manager ensures is fully complied with and documented. The DB team prepares the Quality Control Plan that must follow an outline provided during the RFP stage. The Quality Control Plan has to be approved by the Department. The Quality Control plan will describe the checking methodology of the design and other aspects of the Design-Build process.

Question #2:
Please clarify the definition of Major Participants. Currently Section 4.4.2.5 - Organization and Key Personnel, defines Principal Participants to include the Construction Firm, the Design Firm, the Construction Inspection Professional Engineering Firm, and the Materials Testing Firm or Laboratory. On Page 31 of the RFQ, the requirement to describe the past performance of Major Participants is stated, but Major Participant is not defined.

Response:
All references to ‘Major Participants’ shall be changed to ‘Principal Participants’ in the Final RFQ.

Question #3:
Section 1.9 – Quality Assurance/Quality Control specifies that the Design-Build team include an independent Professional Engineering firm to perform Construction Inspection. Please elaborate on the particulars of “independence” relative to the individual firms that will make up the overall Design-Build team, i.e. Principal Participants, Major Participants, etc.

Response:
Independence means the firm that provides the construction inspection is not associated with the Contractor and is not associated with the Design firm. Even though they may team together the Construction Inspection firm must be separate from the others. In most cases the DB Team hires a professional engineering firm that provides an inspection team and they cannot be part of the equity portion of the team.

Question #4:
Please elaborate on the specific role of the Construction Inspection Professional Engineering Firm and the Materials Testing Firm, as it relates to the Resident Engineering services not only for QC/QA specifics, but also for the overall site activities during project execution such as traffic control, environmental compliance, utilities, safety, etc.
Response:
The Construction Inspection firm should provide construction inspection services to the Design-Builder as if they were working for the Department. If this were Design-Bid-Build, the Construction Inspection firm would ensure that the plans and specifications were being followed as designed. They would ensure that the specifications were being adhered to, that the compaction of the lifts of earthwork were in compliance with the specifications and that the slump of concrete were in the specifications limits, etc. They would ensure that the contractor is building the project within the specifications and they would identify problems. They would also act as a field review component during construction as plans are being developed to ensure that what the designer is providing will actually work from a constructability standpoint. They should identify to the Design-Build team errors that will cost them time and eventually money. At the same time the Department will do Quality Assurance to make sure the Construction Inspection firm and Lab Testing Firm are doing their jobs. Quality Assurance means we will randomly check different things at any time to ensure compliance and if something is out of specification or not in accordance with the plans or shop drawings, the Department will stop work or prevent further advancement in that area until the error is corrected. The Lab Testing firm does all the testing that Department would normally do such as breaks for strength of concrete, nuclear density testing for asphalt paving, material testing, etc. Once again the Department will do Quality Assurance Testing to make sure the testing firm is fulfilling their responsibilities. Both of these firms are to follow the Quality Control plan put forth by the DB team and approved by the Department. The staff of the Construction Inspection Firm reports to the Resident Engineer and the Materials Testing Firm or Laboratory reports to the Construction Inspection firm.

Question #5:
According to section 2.0 of Appendix A, the Design-Builder will provide support to the project-related public information activities. Will NYSDOT lead this effort or does NYSDOT have a Community Outreach consultant under contract? Is the Design-Builder expected to include a Community Outreach consultant on the team?

Response:
The Department has a Community Outreach consultant under contract and this consultant will continue to lead the public information activities. However, the Design-Builder will be required to include a Community Outreach liaison on their team to provide support to the Community Outreach Effort whenever it is required.

Question #6:
The recommended structure types are listed on page A-3. Is the main span the only structure type that is required?

Response:
Yes. The Main Span is the only structure type required. Design-Build proposers shall propose structure types for the remaining segments of the bridge.
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Question #7:
Are the preliminary 40% design plans (i.e. civil, drainage, etc.) listed under section 3.0, page A-6, available for review? Only the “preliminary structure plans” are listed on the website.

Response:
25% preliminary plans have been posted on the Department's Project web site. The 40% design plans are in progress and will be made available once they are complete, but will be posted no later than the date the Draft RFP is issued.

Question #8:
Will the preliminary 40% design plans be available in dgn or pdf format?

Response:
The 40% design plans will be made available in both dgn and pdf formats.

Question #9:
Are the DEC Draft Permit Conditions available for review?

Response:
The Department has not received the NYSDEC draft permit stipulations yet, but expects to have them for inclusion with the Draft RFP.

Question #10:
On page B-1 of the RFQ, it states that “Volume 1 will contain the cover letter, Form AOR and the following two sections and Appendix.” Should that state “the following four sections”?

Response:
Yes. The Final RFQ will be corrected.

Question #11:
On page B-2 of the RFQ, it states that “Volume 2 shall be packaged with five separate sections.” Should that state “with four separate sections”?

Response:
Yes. The Final RFQ will be corrected.

Question #12:
Can a firm be shown as a Designer on one Design-Build team and a Construction Inspection Firm on another Design-Build team?
Response:
Yes. Firms are advised of the rules regarding the Rules of Contact (RFQ Section 1.11 (B)) and the prohibition of subcontractors acting as conduits between Design-Build teams.

Question #13:
Will the Design-Builder be responsible for the preliminary structure plans or a complete set of preliminary 40% design plans for the new westbound structure?

Response:
The Design-Builder will be required to develop the design of the new WB Main Span and Approaches to the degree necessary to fully ensure that it is compatible and consistent with the proposed design of the new EB structure and that it is constructable with the EB structure in place. The plans shall include but not be limited to the geometric, aesthetic and structural features including clearances. Further requirements will be defined in the draft RFP.

Question #14:
Can DOT advance the survey mapping info to teams now so we may assess the need for additional mapping to support our pre-award design?

Response:
The survey mapping will be posted no later than January 25, 2013.

Question #15:
Do we already have 40% drawings or are there more to be issued?

Response:
The Preliminary Structural Plans have been posted to the Department’s Project web site. The full 40% plans, which will include civil, structural, utility, drainage and work zone traffic control plans, are in progress and will be made available once they are complete, but will be posted no later than Draft RFP.

Question #16:
Will Builders Risk Insurance be a requirement? We want it to be. The advantage to NYSDOT is that all teams will have the same coverage in the event of a catastrophic event (e.g. earthquake or hurricane).

Response:
Yes, Builders Risk Insurance will be required. The value of the required Insurance will be stipulated in the Draft RFP.
Question #17:
Will a cable stay bridge be a definite requirement? Can NYSDOT send out a notice when they update the website?

Response:
A Cable-Stayed structure will be required for the new Main Span. Directive drawings defining the requirements will be made available with the Draft RFP. Notices will not be issued regarding updates to the website. As stated at the Pre-RFQ Public Informational Meeting, teams are encouraged to check the website for updates frequently.

Question #18:
Will the Design Builder receive DBE credit for 2nd tier (subcontract) DBE’s?

Response:
No, DBE credit will not apply to second tier contractors (subcontractors of subcontractors).

Question #19:
Shortlisting of 3 bidders is the most efficient method to procuring the project. For the proposers, these pursuits are very expensive and the stipends do not cover the cost to procure. For the Department, the effort to meet, respond, and evaluate the proposals is labor intensive and requires a significant amount of resources. Currently, the industry is in a very competitive bidding environment. The Department will not gain from adding teams to the bid list in this environment, especially considering shortlisted teams have to pass a capacity and backlog test in the shortlist phase.

Response:
The Department will shortlist no fewer than three Proposer Teams and no more than five Proposer Teams. The actual list of shortlist firms will be based on the ratings given to the SOQs. At this time, the Department does not know how many firms will be shortlisted; it could be three, four, or five Firms.

Question #20:
The expectation is that the contractor will not be the generator of hazardous materials (soils and existing structures), other than those that the Design Builder brings to the site. The expectation is that we will see favorable environmental language in the RFP.

Response:
Although the Design-Builder will not be the generator of hazardous materials (soils and existing structures), other than those materials that the Design-Builder brings to the site, the Design-Builder will be required to conform to all the Project requirements including obtaining all relevant permits with regard to handling and disposal of hazardous materials.
Question #21:
Who are your financial advisors and legal advisors?

**Response:**
Those responsibilities are being handled within the Department.

Question #22:
Will you be issuing a Draft RFP early (with the Final SOQ), which will include scoring / evaluation criteria that will be used for the shortlisted teams?

**Response:**
No, the Draft RFP will be issued shortly after receipt of the SOQs and will include the criteria to be used for the evaluation of the Proposals.

Question #23:
Construction Inspection Professional Engineering Firm, throughout the documents this entity reports to the DB Quality Manager. However, in Appendix D, Definitions, this entity is to report to the Department. Please clarify the line of reporting for this entity.

**Response:**
The Construction Inspection Professional Engineering Firm will report to the Design-Builder’s Quality Manager and shall coordinate with the Department’s Construction Quality Assurance Engineer. This will be further clarified in the Final RFQ.

Question #24:
Will the Department require a project specific Professional Liability Policy? If so, what are the expected limits? Presumably this will be purchased by the designer for the benefit of the contractor and department and the contractor will not have to purchase a separate policy for the department.

**Response:**
Yes, project specific professional liability insurance will be required and the value will be defined in the Draft RFP.

Question #25:
We understand the Department is performing QA. Typically the Design-Builder has QC and QA responsibilities, controlling the schedule, quality process, and dispute resolution while still having the burden of proof for complying with specifications and criteria. How will discrepancies between the QC and QA test results be reconciled? How does the Department plan to meet the Design Builder’s variances in construction schedule for testing and inspection? Will the Department bear the cost of QA including changes and delays to the contractor? How does the Department plan to integrate with the Quality team on work planning, pre-activity meetings, safety program, schedule meetings, proposed changes to the work methods?
Response:
Design-Build contracts vary and are often different among different agencies. If there are discrepancies between QC and QA testing it is anticipated that there would be discussions and perhaps retesting to resolve the discrepancies. The Department will bear the cost of the QA and if the QA does not show any discrepancies with the contract requirements there will be no delays to the Design-Builder. The Department intends to have sufficient QA staff to be able to attend any design or construction meetings and discussions. This will be clarified in the Draft RFP.

Question #26:
We understand the Department is responsible for design QA. Does this include an independent check of the main bridge? If so, what components of the main bridge will be independently checked? Will this include an independent seismic analysis? How will discrepancies in the results between the independent check and design EOR be resolved? Will the IC report be sealed by a licensed engineer? Will the IC firm name the Design Builder as additional insured on their Professional Liability Policy?

Response:
The Department will conduct an independent check of the bridge design, including the main span. The check will be to confirm conformance to the project criteria, including seismic, and may include all components of the bridge. The Department may utilize the consultant firm currently under contract or hire an independent consultant firm to review the main span design. The review will follow normal Departmental design review procedures. The Design-Builder’s engineer will be the Engineer of Record. Further clarification will be provided in the Draft RFP.

Question #27:
Will the Department consider including an option to bid phase 2 for the Department to exercise a change to the agreement in the future and/or bid results allow for expediting the delivery of phase 2? This saves cost to the Department and Design Builder by including a price for phase 2 now. It also allows for a more efficient delivery to the travelling public.

Response:
At this time the Department is not considering an option to bid phase 2 of this Project.

Question #28:
Can Design-Builder’s Construction Inspection team be a joint venture?

Response:
Yes.

Question #29:
Have enough soil borings been completed to provide Proposers with sufficient soil information to complete their Proposals.
Response:
A Preliminary Geotechnical Report is available on the Project web site. This Report was developed based on the boring program completed in 2009. An additional boring program, consisting of approximately 50 additional borings, was completed in August 2012. There is also an April 2006 Geotechnical Report that was prepared for the project during the EIS phase. The 2012 boring logs and the Geotechnical Data Report based on the 2012 boring logs will be made available with the Draft RFP. The April 2006 Geotechnical Report will be made available no later than January 25, 2013. The selected Design-Builder’s Engineer of Record is responsible for having additional subsurface investigations performed as they deem necessary and required to prepare the final design.

Question #30:
Will the handling and disposal of contaminated and hazardous materials be part of the lump sum contract or will the Department consider costs based on cubic yards in order to limit risk to the Design-Builder?

Response:
Handling and disposal of contaminated and hazardous materials will be part of the lump sum contract. The presence and extent of contaminated materials within the project site is well documented in the Draft Contaminated Materials Investigation Findings Report available on the Department’s Project website and is considered sufficient for Proposers to estimate the effort associated with handling and disposal of contaminated and hazardous materials. It is noted that the volume of materials to be handled is contingent upon the Design-Builders plans.

Question #31:
Can a CI firm be part of more than one Design-Build team or must they be exclusive?

Response:
A Construction Inspection firm, or other subcontractor, can be part of more than one Design-Build team provided that each shortlisted Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information between the teams as specified in Article 1.11(B), Rules of Contact.

Question #32:
Can a single firm provide both Construction Inspection and Materials Testing services as part of a Design-Build team?

Response:
Yes.
Question #33:
Does the DBE goal apply to each specific component (Design, CI, etc) of the Design-Build Team, or the overall project?

Response:
No, the DBE goal applies to the overall project.

Question #34:
Can an Extradosed bridge design be used for the main span?

Response:
No. A Cable-Stayed structure will be required for the new Main Span. Directive drawings defining the requirements will be provided in the RFP.

Question #35:
Can the main span be a Faux Cable-Stayed design?

Response:
Refer to the Key Personnel requirements and the required qualifications of the firms along with the required Forms to be submitted.

Question #36:
Can steel be used for the viaduct sections?

Response:
Yes, as long as it contains anti-corrosion features such as using weathering, metalized or galvanized steel. However, if uncoated weathering steel is proposed, the fascias and girder ends must be coated. In addition, the technical proposal must demonstrate the required design life.

Question #37:
With respect to utility relocations, does the contractor have to just set-up the conduit or actually pull the cable?

Response:
To be confirmed with individual utility owners. More detail will be provided in the Preliminary Utility Work Agreements, which shall be furnished in the RFP.

Question #38:
Will there be a contract to provide field QA services?

Response:
Yes.
Question #39:
Can firms submit proposals for both the Design-Build contract and the QA contract?

Response:
Firms can submit proposals for both contracts. Any firm that is shortlisted on the Design-Build contract will automatically be removed from consideration on the QA contract.

Question #40:
Can you please clarify if the Resident Engineer should be a member of the team or a member of the independent Construction Inspection Firm?

Response:
The Resident Engineer may be a member of the Independent Construction Inspection Firm, or may be an individual or a member of another subcontracting firm, but shall not be an employee of either the Design firm or the Constructor.

Question #41:
Should Form L-1 be included in Volume 1, Legal (see RFQ Page 23, 4.4.2.1.B) or in Volume 2, Organization and Key Personnel (see Appendix B, page 3)?

Response:
Form L-1 should be included in Volume 2, Section 5 of the SOQ. The Final RFQ will be corrected.

Question #42:
RFQ Pages 23-24 refer to Appendix A. However an Appendix is not listed in the table on page B-2 of Appendix B. Will a revised table be issued?

Response:
No, the reference to ‘Appendix A’ will be changed to ‘Section 4’ in the Final RFQ.

Question #43:
If the Vendor Responsibility Questionnaire is submitted online using the New York State VendRep System would a receipt of the submission suffice? If not, as the form contains confidential information, can the questionnaire be submitted in separate sealed envelopes that are securely fastened in Volume 1?

Response:
The VRQ can be submitted on-line using the OSC VendRep system, and include a receipt of submission in the SOQ. Language in the Final RFQ will be revised to reflect this.
Question #44:
Should a subcontractor complete the Construction CCA-2 form or the standard For-Profit VRQ?

Response:
If the subcontractor is a constructor, then the CCA-2 as stated in the RFQ, Section 4.4.2.4. Otherwise, the subcontractor shall complete the standard For-Profit VRQ.

Question #45:
With respect to key personnel resume requirements on page 27 of the RFQ. If former long term public agency (e.g. NYSDOT or NYCDOT) employee(s) are proposed in key positions the requirement that "References shall be owners or clients... ... and shall not be current or past employers of the individual" This will be difficult and may not be possible to comply with, since their public agency work did not involve projects for external clients. Please clarify this requirement so that it does not preclude qualified candidates for key positions who are former public agency employees.

Response:
Most public agencies have bars against employees working on that agency's projects for one or more years after leaving the agency. It would be expected that in that time period of “debarment” or in the subsequent time after the “debarment” that the individual should be in a position to get a reference. If the Reference is for a former NYS Department of Transportation employee and if the contact supplying the reference is involved in the project procurement process an alternate contact will be requested and required in 24 hours. The final RFQ shall be modified to remove the phrase “and shall not be current or past employers of the individual" and replaced with “and shall not be current employers of the individual”.

Question #46
RFQ Page 24 references: "F) Procurement Lobby disclosures for the Proposer or, if the Proposer has not yet been formed, for each of its proposed members, in the two forms provided at: https://www.Department.ny.gov/main/business-center/consultants/non-architecturalengineering/active-solicitations which shall be presented in Section 4 of the SOQ."

The disclosures are not included in the table on page B-2 of Appendix B. Should the disclosures be included in Appendix A along with the legal documents?

Response:
As indicated in the RFQ, Section 4.4.2.1(F), the Procurement Lobbying Law Forms shall be included in Volume 1, Section 4 of the SOQ.

Question #47:
Please clarify, who is considered a "Major Participants".
Response:

All references to ‘Major Participants’ shall be changed to ‘Principal Participants’ in the Final RFQ.

Question #48:

In the RFQ Page 23 Item 4.4.2.1.d.2 Item 2 requires a notarized Power of Attorney from each Principal Participant indicating the Proposer's designated Point of Contact to sign documents for and on behalf of the Proposer's organization.

Usually a Point of Contact is a managerial person that is the liaison between the Authority and the Proposer. They will expedite and obtain information requested by the Authority and coordinate the submission of information from the Proposer. They do not sign documents for the Proposer.

Having the Point of Contact be the person to only expedite all requests would improve the time frame for submissions and have a more effective and efficient system in place. Companies usually only allow officers to sign official proposal documents, and don't normally involve themselves in obtaining information and usually past the task to someone that can quickly pull together information and get the job done in a timely manner.

The Authority's intention could be satisfied with an additional Power of Attorney required, in which the representative of the Principal Participant sign and designate an individual (officer of the Company) from the lead member of the Proposer's team who will sign documents on behalf of the Proposer's organization. These representative(s) already have the power to bind the Principal Participant's with the Power of Attorneys provided in Item 1.

With this change, the Authority would benefit and still keep the perimeters that give an individual Authority to sign documents on behalf of the Proposer's organization. This circumstance has been used by countless Proposers and found to be satisfactory to metropolitan area Authorities. Most officers are not readily available as a Contact Person would be and that is crucial to the timeline the Authority has proposed.

Response:

The Point of Contact Person shall have the authority to communicate on behalf of the Proposer’s organization, i.e. sign letters or documents. The Point of Contact person does not need to have the authority to execute contracts for the Design-Build Team.

Note:

The Final RFQ will be posted to the Department’s Project web site on January 23, 2013.