Question #84:
If the Construction Inspection Firm has a subcontractor that will assist on Construction Inspection Services do they have to be listed in the Form B or L-1 as Other or with the CI Professional Engineering Firm?

Response:
The subcontractor to Construction Inspection Firm shall be listed on Form B and Form L-1 with the prime Construction Inspection Firm, and shall be identified on the Forms as a “subcontractor”.

Question #85:
Will NYSDOT allow for a separate Appendix to include the information requested on page 32, Section 4.4.2.8 Past Performance, under letters b and c, under Requirements and Information to be submitted? This information tends to be lengthy in nature and is nearly impossible to include within the 5-page narrative limit.

Response:
A separate Appendix is not allowed.

Question #86:
Form S, Page 5 states: Each firm must all submit a letter from their current workers compensation insurance carrier stating the expiration date of the policy and the current EMR rate. The letter is to be included in Volume 1, Section 3 of the SOQ. Page B-2 of Appendix B, Section 3 does not include this letter as one of the items to be submitted with the Vendor Responsibility Questionnaire, but page B-3 requests Form S and the copy of the EMR letter to be included under Volume 2, Section 8. Please clarify if the original letter goes in Vol. 1 and a copy Vol.2.

Response:
The EMR letter from the insurance carrier must only be submitted in Volume 2, Section 8.

Question #87:
In addition, Form S states that Table 2, Items 1-8 must be completed by all firms listed in the SOQ unless the firm is a Designer where they shall complete Forms S Table 2, Items 9 and 10; however Page 33 of the RFQ states to submit Form S (Appendix C), Safety Questionnaire, for each Firm meeting criterion listed in Section 1.16 B); whereas 1.16B does not state this said criteria. Please provide clarification as to which firms should fill out Form S.

Response:
The instructions contained in the Form are correct. The RFQ language on Page 33 will be revised accordingly.

Question #88:
Section 4.4.2.8.B.3 on Page 33 directs each firm on the Proposer’s to submit letters from their worker's compensation insurance carrier. Please clarify we are to provide letters from only the Principal Participants.

**Response:**

All members of the Design-Build Team (Constructor, Designer, Construction Inspection Professional Engineering Firm and Materials Testing Firm or Laboratory) are required to provide the EMR letter.

**Question #89:**

Please clarify if the Design Firm is or is not considered to be a Principal Participant.

Per Page 27, Section 4.4.2.5 Organization and Key Personnel of the RFQ, Letter B, #1, it is stated: "Organization chart and communication structure among the Principal Participants (the Construction Firm, the Design Firm, the Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory), and Key Personnel"

Page D-4 defines the Principal Participant as any of the following entities: “A) The Proposer; B) If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the joint venture or LLC; and/or C) Any Equity Participant.”

**Response:**

The Design Firm, or any other member of the Design-Build Team except the Construction Inspection Professional Engineering Firm and the Materials Testing Firm(s) or Laboratory (Laboratories), is considered a “Principal Participant” if it meets the definition of a Principal Participant in Appendix D. Section 4.4.2.5(B)(1) of the RFQ will be changed to clarify.

**Question #90:**

The font that is coded within the forms for is sometimes smaller than 10pt and sometimes larger than 10pt. Please confirm that is acceptable to use 10 point font for completing all sections of forms as long as the forms themselves are not modified.

**Response:**

The minimum acceptable font size is 10 point.

**Question #91:**

Please clarify if the Statement of Joint and Several Liability is to be provided in Section 4 per Section 4.2 or In Section 5 per Appendix B?

**Response:**

The Department understands that the Proposer is referring to RFQ, General Instructions, Section 4.4.2.1 (not Section 4.2). The Statement of Joint and Several Liability shall be provided in Section 4 of the SOQ. The RFQ, General Instructions, will be revised accordingly.
Question #92:
Please clarify if the dates on Form B should be changed to 2013, 2014 and 2015?

Response:
We confirm that the dates on Form B should be 2013, 2014 and 2015.

Question #93:
Quality Manager experience on page 30 of RFQ says “The Quality Manager shall have experience based on ISO 9001, and…” Can this requirement be substituted for experienced quality personnel that is a PE registered in New York? It is our experience that professional engineers generally do not have ISO 9001 experience but know precisely the requirements of the position and the Department. It is our opinion that the NYSDOT is limiting their opportunity for experienced quality personnel with the ISO requirement.

Response:
No.

Question #94:
Could the Department please clarify where the Form NOI can be found for submitting the Notice of Intent?

Response:
Form NOI will be provided in a future Addendum.

Question #95:
The only privately owned property where RCRA Hazardous Waste thresholds were exceeded is Lot 2814-18, where sample B-23(0-5’) had a TCLP lead level of 6.6 ppm, which is above the RCRA threshold for lead of 5.0 ppm. Has any additional sampling been conducted in the area of B-23 to delineate the extent of hazardous soil in this area?

Response:
Additional sampling has not been conducted in the vicinity of B-23.

Question #96:
Two acquisition sites with the potential to contain hazardous materials were not accessible for visual inspection or sampling, Lot 2812-26 occupied by Gotcha Auto Salvage and Lot 2808-25 occupied by LU Transport. Has any additional environmental sampling been conducted on these two properties to evaluate environmental conditions based on historic and current use?

Response:
Additional sampling has not been conducted on these properties.
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Question #97:
The interior of Lot 2811-14 was not accessible for sampling due to congested business operations. Sampling along the perimeter of Lot 2811-14 in 2005 and 2009 did not identify hazardous soil conditions, and a 2009 visual interior inspection did not observe significant hazardous material use or storage. However, sampling was recommended on Lot 2811-14 to identify soil conditions. Has any additional environmental sampling been conducted on this parcel?

Response:
Additional sampling has not been conducted on this property.

Question #98:
Form B, please indicate if you are looking for our previous backlog for the past two years, and the current year (2011, 2012 and 2013) as shown on the form, or if you want the upcoming three years (2013, 2014 and 2015).

Response:
We confirm that the dates on Form B should be 2013, 2014 and 2015.

Question #99:
Please indicate which OSHA certifications the Safety Manager should have.

Response:
Reference to Safety Manager has been deleted from the RFQ. Requirements for the Project Safety Manager will be included in the Draft RFP.

Question #100:
Can the requirement to have a CPA certify the financial analysis ratios be waived, since the ratios will be coming from the financial statements already audited for fiscal years 2009, 2010, and 2011?

Response:
No, a CPA must certify the accuracy of the financial analysis ratios as stated in the RFQ.

Question #101:
Construction Contractors are required to submit a CCA-2 form, sent directly to Albany. What proof is required for the submission of the CCA-2 forms if any? Would a copy of the signed FedEx receipt be sufficient?

Response:
For Design-Build projects such as the Kosciuszko Bridge Project, as stated in the RFQ Section 4.4.2.4 and Appendix B, the Vendor Responsibility Questionnaires, including the
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CCA-2 form, must either be (a) included as a hard copy in the SOQ Volume 1, Section 3, or (b) submitted via the Office of the State Comptroller VendRep web site at http://www.osc.state.ny.us/vendrep/index.htm and a copy of the electronic receipt included in the SOQ, Volume 1, Section 3.

Question #102:
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. The final RFQ did not change the requirement in section 4.4.2.5 B) 2) i).

Response:
Please see response to question #45. The final RFP will be revised by Addendum 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 #103:
Does a Project Specific Limited Permit for Professional Engineers to practice engineering in the State of New York (which allows the holder to sign and seal documents) meet the requirements in the RFQ for Key Personnel to “be licensed as a Professional Engineer in the State of New York”. Refer to attached extract.

Response:
A Project Specific Limited Permit for Professional Engineers will be acceptable if it has been issued by the New York State Education Department.

Question #104:
Can the Proposer use 11x17-sized paper in their SOQ for the organization chart only?

Response:
Yes.