Question #1: Page 3, Section 2.3.2 D/M/W Enterprise Participation, paragraph 4: For the Ops Contract C031108, it states that the combined 20% goal relates to the “labor” portion of the project budget. Was this correctly stated?
Answer: NYSDOT’s policy regarding its MWBE goals changed after publication of the Republic Airport RFP. The RFP shall now state that the combined 20% MWBE goal relates to total contract cost (or total budget).

Question #2: Page 3, Section 2.3.2 D/M/W Enterprise Participation, paragraph 4: For contract C031121 Capital paragraph 2 states there is an 18% DBE goal, while paragraph 4 states a combined 18% M/WBE goal. Please clarify.
Answer: Paragraph 4 of RFP Section 2.3.2 (Page 3) should state: “For Contract #C031121 (Cap), the 18% DBE goal relates to the total dollar value of the project budget.”

Question #3: Page 8, Section 3.3 Scope of Services, Item 4 paragraph e: To what extent will the Department be looking for the consultant to “enforce” agreements? Will the Department look for the consultant specifically to provide additional services, i.e., legal enforcement of such agreements on the Department’s behalf for both Operating and Capital contracts?
Answer: The Consultant will inform the tenant and the Department when a tenant is not in compliance with the terms and conditions contained in an agreement. In addition, the Consultant shall take measures to address the non-compliance and keep records of the measures taken. The Consultant shall consult with the Department on measures to be taken to address the non-compliance. Any legal action shall be taken by the Department.

Question #4: Page 20, Section 4.3.2 Contract Section, paragraph 2: The cost section sets forth the proposed labor rates for the Ops Contract and a proposed management fee for Capital. Is it the Department’s desire to have a fixed management fee for both Operating and Capital contracts? Are other methods acceptable to the Department for Capital that may be different from a fixed management fee? If so, what are these methods? See also same reference on page 53.
Answer: No, it is not the Department’s intention to have a fixed management fee for both Operating and Capital contracts. It is the Department’s expressed intention to have labor rates in the Ops Contract and a fixed, all inclusive management fee for the Capital contract.

Question #5: Page 20, Section 4.3.1.1 Proposed Hourly Rate Schedule, paragraph 1: NYSDOT holiday and overtime policies are mentioned. Is it the desire of the Department to have the
consultant and/or sub consultant(s) or proposed staff, recognize and adopt these holidays and policies? Could you please clarify the purpose of this statement?

**Answer:** Yes, it is the Department intention to have all on-site consultant personnel abide by the stated holiday and overtime payment policy.

**Question #6:** Page 20, Section 4.3.1.1 Proposed Hourly Rate Schedule, paragraph 1: Please define “fixed labor fee”.

**Answer:** Fixed labor fee is defined as the profit realized by a firm when providing the requested services. It is NYSDOT’s policy not to pay more than a 10% fee.

**Question #7:** Page 20, Section 4.3.1.1 Proposed Hourly Rate Schedule, paragraph 1: Present one table for all proposed staff (prime and subcontractors). If subcontractor(s) are not providing staff at the airport but providing a service at a fixed fee, does the Department want to see these sub consultants represented on the hourly wage rate schedule?

**Answer:** Yes, to be deemed responsive, for the Ops contract (C031108), the RFP’s instructions are for proposers to present hourly wage rate information for all entities (both prime and all subs).

**Question #8:** Page 22, Section 4.3.3 DBE Participation, paragraph 2: States, “if the proposal does not meet the 4% goal for DBE in the Ops Contract and or if the proposal does not meet the 18% DBE goal for capital”, however there is no mention of a 4% DBE goal for the Ops Contract in Section 2.3.2. Please confirm if there is a DBE goal for the Ops Contract.

**Answer:** The RFP’s mention of a 4% DBE goal for C031108 is in error. The RFP should state that: The combined MWBE goal for C031108 is 20%, and the DBE goal for C031121 is 18%.

**Question #9:** Page 26, Section 5.2.1 DBE Review, paragraph 1: States “If the DBE goal is 4% for Operations and/or if the proposed DBE participation is less than 18% for Capital then Attachment 10 is required.” Please clarify the DBE requirements with respect to Sections 2.3.2 and 4.3.3.

**Answer:** RFP Section 5.2.1 paragraph 1 should state: “If the proposed MWBE participation is less than the combined 20% goal established for C031108 (Operations) and/or if the proposed DBE participation is less than the 18% goal established for C031121, then the firm’s evidence of a Good Faith Effort (Attachment 10, DBE Subconsultant Participation Solicitation Log) to achieve both goals will be reviewed, along with the firm’s letter of explanation (DBE Goal Attainment Explanation Letter) as to why it was unable to meet the goal(s).

**Question #10:** Page 31, Section 6.2 Mandatory Site Visit and Pre-proposal Conference, paragraph 2: Questions on the RFP are due by November 8, then goes on to say, after conclusion of the conference no more questions can be asked. Please clarify what is the last date for questions.

**Answer:** The last date for questions is November 21, 2012 at 5:00 PM EST. The November 8th date has been revised to November 9th and is the due date for questions in advance of the Pre-Proposal Conference (to give NYSDOT time to prepare responses, which might be presented during the conference).

**Question #11:** Page 38, Attachment 2: Is this attachment required for the prime and/or all subcontractor(s)? See also Section 4.4.2.

**Answer:** RFP Attachment 2 is only required for the prime consultant (the entity the resulting contracts will be with).
**Question #12:** Page 44, Attachment 4: Are Form A and B required for both Operating and Capital Contracts? There is a note: that says “For Contract #C031108 Only – Second Set Required For C031121”. Please clarify the note.

**Answer:** Form A and Form B are not required proposal submissions. They are for the selected Contractor. For the selected Contractor, Form A is due when contract signatures are requested and two completed copies of Form A are due: one for C031108 and another for C031121. Form B is due until after work has begun; Form B is due by May 15th of each year for which services were provided between April 1st and March 31st.

**Question #13:** Page 47, Attachment 6: Our firm and sub consultant has provided equivalent management, business development and capital services to NYSDOT. Can NYSDOT complete the form as a reference, if so whom should it be provided to for completion?

**Answer:** Yes, if the referenced work was performed under another NYSDOT contract, then that work is eligible as a reference.

**Question #14:** Page 50, Attachment 7A: If subcontractor(s) are not providing staff at the airport but providing a service at a fixed fee, does the Department want to see these sub consultants represented on the Attachment 7A?

**Answer:** See the Answer to Question #7.

**Question #15:** Page 50, Attachment 7B: If subcontractor(s) are not providing staff at the airport but providing a service at a fixed fee, does the Department want to see these sub consultants represented on the Attachment 7B?

**Answer:** Yes, to be deemed responsive, a proposal must present subconsultants information via RFP Attachment 7B.

**Question #16:** Page 54, Attachment 8A: Does this apply to only Operating and not Capital? Whose category is assigned to Grade?

**Answer:** Attachment 8A pertains only to Operating contract #C031108. The Department is unsure as to where those Grades came from and directs interested firms to ignore this information.

**Question #17:** Page 57, Attachment 9: There is a reference to percentage of salary. Please clarify for subcontractors who provide a fixed fee service and do not provide staff at the airport. How is this accounted for?

**Answer:** For Contract #C031108 (Ops), the 20% combined MWBE goal relates to the total dollar value of the project budget. For Contract #C031121 (Cap), the 18% DBE goal relates to the total dollar value of the project budget.

**Question #18:** Page 83 Airport Engineer, Skills and Qualifications (2): Bachelor of Science Degree is Engineering is referenced. Would the Department accept “an equivalent degree” to meet the criteria?

**Answer:** The Department will accept an equivalent degree or Professional Engineering License at its discretion. The Department may also require a Professional Engineering License in the State of New York as a job requirement.

**Question #19:** Operating Agreement: What will be the process and timing for reconciliation of the annual overhead additive of the fully burdened labor cost?

**Answer:** The RFP requires that firms propose an overhead rate that will be fixed for the base term of the Ops agreement. The payment articles in the RFP's two draft contracts contained incorrect information and both are being clarified via release of RFP Modification #1. C031108 Ops shall have a Specific Hourly Rate payment method while C031121 Cap shall have a fixed management fee percentage.
Question #20: Operating Agreement: Who will be responsible for the cost of any annual compliance?
Answer: Since the resulting Ops contract shall be specific hourly and not cost plus, the term ‘annual compliance’ does not apply (that’s a cost plus term).

Question #21: Operating Agreement: Will there be a cap or a floor on the amount of reconciliation due to either the Contractor or State?
Answer: No, since the resulting Ops contract shall be specific hourly and not cost plus, therefore the terms ‘cap’ or ‘floor’ or ‘reconciliation’ do not apply.

Question 22: Pursuant to the RFP, Section 3.3 – Scope of Services, Subsection 3.3.1.7 – Operational Engineering Services, it would appear that these services are to be performed under the Operating Agreement. At the present time, these services are being performed under the Capital Project Management Services (Section 3.3.3). Is it the State’s intent to have the Airport Engineer now provide these services under the Operating Contract instead of Capital Project Management?
Answer: Engineering services are required for both capital and non-capital (operations) work. Services for non-capital work (non-project specific FAA work, tenant alteration applications, review of tenant’s plans, etc.) should appear in the Operations Contract. Services for capital work (FAA funded or State funded projects) should be included in the Capital Contract. The consultant team chosen for these contracts is automatically pre-approved to perform engineering services required under the contracts. It may be a job requirement that the selected Contractor be required to provide proof of being licensed to practice engineering in New York State.

Question #23: In regard to Capital Project Management Services (Section 3.3.3), is the Consultant allowed to perform architectural and/or engineering services for the preparation of construction drawings, specifications and contract documents?
Answer: Yes: See Answer to Question #22.

Question #24: In reviewing the language in the Sample - Operating Contract (Attachment 1A) it does not reflect the requirements of the RFP with respect to management fee calculations and salary and benefit reimbursement. Please reference Article 2.1 and Article 8 Provision for Payment. Please provide clarification.
Answer: The Ops contract does not provide for a management fee calculation: it provides payment on a fully loaded, specific hourly rate by title basis (plus reasonable reimbursement for DNSC). Under the Ops contract C031108, a firm is allowed a fixed fee, which shall be presented as a percentage of salary and shall not exceed 10%. The fixed fee is a multiplier additive used to calculate the complete, fully-loaded Specific Hourly Rate (see RFP Attachment 8A 2of2).

Question #25: In reviewing the language in the Draft Capital Program Contract (Attachment 1B) it does not reflect the requirements of the RFP with respect to fixed fee calculations and reimbursement. Please provide clarification.
Answer: The Cap contract requires a fixed, all-inclusive management fee, and has been clarified to make this clearer.