



New York State Department of Transportation
New York State Thruway Authority

**TAPPAN ZEE HUDSON RIVER
CROSSING PROJECT**

DESIGN-BUILD PROJECT

**RESPONSES TO PROPOSERS' QUESTIONS
REFERENCE NUMBER: RFQ SET #2**

December 12, 2011

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**TAPPAN ZEE HUDSON RIVER CROSSING
DESIGN-BUILD PROJECT
REQUEST FOR QUALIFICATIONS**

**ANSWERS TO QUESTIONS FROM PROPOSERS
RESPONSES TO QUESTIONS NUMBER: RFQ SET#2
DATE OF ISSUE BY AGENCIES: December 12, 2011**

In accordance with Section 1.12 of the RFQ for the Project, the Agencies have received the following questions from Proposers and hereby issue the following response to each question.

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #2 Q 1	Is there any update regarding the informational meeting for the RFQ for Tappan Zee Hudson River Crossing Project.	The details of the Informational meeting have been announced on the Procurement Website.
RFQ SET #2 Q 2	We have downloaded the RFQ and I have not found a place that tells me exactly what forms if any we need to be pre-qualified on to be a part of a team for this project.	There is no pre-qualification process to take part in the RFQ process and submit a Statement of Qualifications (SOQ) in response to the RFQ. The RFQ process, including the evaluation of the SOQs received from Proposers in response to the RFQ, shall be used to select the Shortlist of Proposers going forward to the RFP stage of the Project.
RFQ SET #2 Q 3	The RFQ requests a letter showing proof of specified coverage's for the project but the instructions in Section 4.0 and Appendix B do not specify a location in the SOQ for this information. Please clarify.	Letter from insurance broker or insurance company to be provided in Section 2 of the SOQ - Surety Letters and Guarantee Letter.

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #2 Q 4	The RFQ can be interpreted that prior to submission of the SOQ, proposers are to fully secure all team members including minor sub-consultants, subcontractors and D/M/WBE's. The interpretation is due to the wording which states that, "neither a Proposer on the Shortlist nor any of its team members may communicate with another shortlisted proposer or members of another shortlisted Proposer's team with regard to the Project or the Proposal." It would be more appropriate to specify additional team members to the extent know, and if that relationship is non-exclusive that team should provide a copy of a non-disclosure agreement between firms to make sure non-exclusive firms participating on multiple teams are not a conduit of passing information which could have an effect on the procurement.	The intention is not that Proposers have fully secured all team members prior to submission of the SOQ. This provision would require anyone who has joined a Shortlisted team to avoid contact with anyone who has joined another Shortlisted team. It is not intended to imply that all team members will have been ascertained prior to the SOQ date.
RFQ SET #2 Q 5	The requirement for owner's contact information in Section B) 2) d) appears to be the same information for owners or clients required in B) 2) i). Please clarify.	The owners' contact information may be the same for the individual's relevant project experience (Section B) 2) d)) and for the three references required by (Section B) 2) i)).
RFQ SET #2 Q 6	The RFQ requests teams to provide no more than 15 project descriptions utilizing form E-1. While the RFQ allows teams to utilize and add lines to the provided forms, Appendix B of the RFQ defines the page limit for form E-1 as 15 pages. Are teams limited to 15 project descriptions, with the option to add lines of text to the forms and the possibility of multiple pages per project, or are the teams limited to a maximum of 15 pages in that particular subsection?	We will accept 15 project descriptions using Form E-1s. We will issue this change in an RFQ Addendum.

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RFQ SET #2 Q 7	While we understand and encourage D/M/WBE participation, given the size of this project, there is a practical limitation regarding the capacity of D/M/WBE firms in this area to participate in this project so the normal percentage goals typically applied may not be reasonable. It is requested that the % goals be discussed with the GCA & CIC.	Comment noted.
RFQ SET #2 Q 8	We understand the two approach span types being considered are only to determine a range of impacts. We strongly recommend that the type and arrangement of the approach spans to be considered by the design-build teams allow for innovation that is consistent with the projects Goals and Objectives and that a prescriptive design not be incorporated into the RFP.	Comment noted.
RFQ SET #2 Q 9	The RFQ indicates that "(I)t is possible that a preferred structural approach may be stated in the RFP." We strongly recommend that the type and arrangement of the approach spans to be considered by the design-build teams allow for innovation that is consistent with the projects Goals and Objectives and that a prescriptive design not be incorporated into the project requirements.	Comment noted.
RFQ SET #2 Q 10	The RFQ indicates "Maintenance of the project during the Contract period" is included. This should not include the maintenance of the existing bridge and toll facilities? Please clarify.	Appendix A, Section 2.0 S) Maintenance of the Project during the Contract period relates to maintenance by the Design-Builder of the Design-Builder's work. The Thruway Authority will maintain the existing bridge and toll facilities.

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RFQ SET #2 Q 11	The RFQ indicates that a subsurface survey will be provided tighter with information concerning a piling test program. Will it be the intent of the RFP that the design-build teams can rely on this information?	It will be the intent of the RFP that the Proposers have use of the available subsurface information, but that the Proposer will be responsible for assessing whether the available information is relevant and reliable within the context of the Proposer's Proposal. The appointed Design Builder will be responsible for assessing whether further subsurface investigation is necessary in order to support and inform the Design-Builder's work. The Design-Builder will be responsible for procuring any further subsurface investigation information that the Design-Builder deems necessary for the Project. The RFP will provide information regarding the extent to which the Design-Builder may rely on data provided.
RFQ SET #2 Q 12	In addition to a subsurface survey, will side scan sonar of the subsurface area be provided? The side scan survey should include all areas under and adjacent to the existing bridge as well as all areas under and adjacent to the proposed bridge location.	We currently do not anticipate that side scan sonar survey results will be provided with the RFP.
RFQ SET #2 Q 13	Is there a size limitation to the ring-binders specified?	No. But attention is drawn to the requirements of Section 4.4.
RFQ SET #2 Q 14	The RFQ requests litigation, claims and disputes history of each principal participant and designer including any corresponding parent, affiliate and subsidiary companies. Firms involved in this pursuit are large and complex organizations that are often international. Given the time frame of this submission please limit this response to principal participant and design firms or to only include affiliated companies from which proposers are utilizing relevant experience and key personnel.	We will limit the history of litigation, claims and disputes to Principal Participant and Lead Designers plus any projects listed on Form E-1. We will issue this change in an RFQ Addendum.

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RFQ SET #2 Q 15	Questions A, C, D, E and F use the phrase "ever", indicating that there is no time limit to be applied when responding to these questions. This appears to be inconsistent with the 7 year limitation found on page 24 regarding claims, dispute proceedings, litigation and arbitration proceedings. Please clarify.	We will limit the period to 5 years. We will issue this change in an RFQ Addendum.
RFQ SET #2 Q 16	Tables 3, 4 & 5 do not cite any time limitation yet page 24 indicates that there is a 7 year limitation. Also this appears to be inconsistent with the questions on Form L-2. Please provide the time limit.	We will limit the period to 5 years. We will issue this change in an RFQ Addendum.
RFQ SET #2 Q 17	In keeping with the stated purpose and goals of the Organizational Conflicts of Interest disclosure process, which includes providing guidance to potential design-builders in establishing teams for the Project, will NYSDOT/NYSTA, upon request, conduct its review of a Proposer's Form U and provide its written determination prior to the SOQ Due Date? If a participant on the proper's team is deemed to be conflicted, it is possible that the proposer will not be short listed which will affect the other companies on the team. Please consider pre-approval for Form U or provide a list of companies that are not allowed to be members of a proposing team.	We will add a provision to the RFQ allowing anyone with questions about potential team members to submit information in advance and obtain a ruling on conflicts of interest. We will issue this change in an RFQ Addendum.
RFQ SET #2 Q 18	Our firm provides cultural resource services. We were wondering if cultural resource services (archaeological and historic research) are requested under the DESIGN-BUILD PROJECT RFQ (Contract D214134) that is currently out to bid.	Refer to the RFP for information.

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RFQ SET #2 Q 19	Please confirm that Key Personnel required to have New York State Professional Engineer or Architectural licenses can be satisfied by individuals licensed in other States, provided that there is commitment to obtain New York licensing prior to award.	Yes, this would be acceptable for the SOQ, and provision for such is given in Form L-3.
RFQ SET #2 Q 20	Section 1.10 requests a letter from an insurance broker or insurance company but does not specify where we should include it in the RFQ. Please identify in which section or Appendix it should be included.	Letter from insurance broker or insurance company to be provided in Section 2 of the SOQ - Surety Letters and Guarantee Letter.
RFQ SET #2 Q 21	This section request the Proposer to "Provide a separate summary of the background and experience of each Principal Participant, the Designer and the QC Engineer...a maximum of two pages for each firm" If the Principal Participant, Designer or QC Engineer will be a Joint Venture entity (consisting of more than 1 firm), does the RFQ allow for a two page background and experience summary from each firm participating in the respective JV?	If the Principal Participant, Designer or QC Engineer is a joint venture entity, a two-page background and experience summary is required from each firm participating in that joint venture.
RFQ SET #2 Q 22	This section identifies that Proposers can submit "company brochures" in Appendix C of the SOQ. Are the "brochures" for the Principal Participants only, or can brochures be included for other participants?	Yes, if you wish to do so. There is no prescribed content for this element of Appendix C.
RFQ SET #2 Q 23	This section on confidential markings requires a cover sheet identifying each section and page which has been marked confidential. Please identify where in the SOQ this cover sheet should be included.	The Proposer should decide where to put the cover sheet. One option would be to include it at the beginning of the SOQ.
RFQ SET #2 Q 24	"100 year lifespan before critical maintenance is required" – What will be the criteria that will be used to evaluate the teams' proposal response for this item?	The evaluation criteria for the Proposals will be included in the RFP.

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RFQ SET #2 Q 25	"minimizing impact on existing highways" – What criteria will be used to evaluate the proposal response for this item?	The outcomes and criteria will be specified in the RFP.
RFQ SET #2 Q 26	In the event that a stipend is provided to defray the teams' cost in preparing a response and the environmental process results in the selection of the 'no build' alternative, will the teams be entitled to receive the stipend? At what point would the 'no build' alternative become the decision and how will this be communicated to the teams?	Details of the stipend if any will be provided in the RFP.
RFQ SET #2 Q 27	How will the Agencies solicit contractor input regarding provisions for a PLA?	The Agencies do not anticipate soliciting contractor input.
RFQ SET #2 Q 28	It is expected that the RFP will require the teams to describe their QA/QC programs. What evaluation criteria will be used to evaluate these responses?	A Quality Management Plan will be required as part of the Management Submittals in the Proposal. The Management Submittals will be evaluated as part of the Proposal evaluation criterion 'Management Approach'. The objective of the Management Approach evaluation criterion will be given in the RFP.
RFQ SET #2 Q 29	OCIP – There is a division of opinion within the industry regarding the use of an OCIP for this project. There is concern that an OCIP would not include Jones Act or marine vessel insurance and would thus create conflicting insurance requirements. However, given the nature of this work, it will be extremely difficult for the teams to entertain proposals from prospective DBE firms that do not have safety records that match those of the prime contractor. CCIP – A contractor controlled insurance program is opposed by the industry, as it will duplicate insurance that general contractors already carry and will add significant administrative costs to the project.	Comment noted.

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RFQ SET #2 Q 30	Do the teams need to provide the Agencies with the "written certification from the Subcontractor that the Subcontractor will not act a conduit of information between the teams"?	This does not need to be supplied with the SOQ, but have it available if called for by the Agencies.
RFQ SET #2 Q 31	Please eliminate the requirement that emailed questions must be followed up with a mailed document postmarked within 24 hours of the email. This is extra work. Also, given that the designer and contractor may have very different types of questions, do not limit the submission of questions to one representative of the proposer.	Noted. As the question period is almost over, no change in the process will be applied at this stage. The Agencies will consider a different process for the RFP.
RFQ SET #2 Q 32	Eliminate the requirement that questions be submitted only on Form RFQ-C – see general introductory note above.	Questions should be submitted on Form RFQ-C. Nonetheless, responses to email-only questions have been given during the RFQ.
RFQ SET #2 Q 33	There will be a limited number of teams submitting RFQ and later, RFP, responses. Please help the teams stay within the very ambitious timeframes by developing an email distribution list and sending a group email notifying the teams when new information is posted on the website. All that is needed is a general note saying what the subject of the new information is (e.g, "answers to questions," "revised drawings no. XX" etc.) and where to find the information. This will go a long way in helping the teams – especially prospective DBE subs – stay current as the primes will be able to easily pass the information on to their prospective subcontractors.	Suggestion noted. If the suggestion is adopted at RFP, Shortlisted teams would be notified in this manner.
RFQ SET #2 Q 34	The industry associations do not represent any individual proposer, but rather all member proposers. Are the industry associations allowed to submit questions?	Yes, and they are doing so and their questions will be answered during the RFQ process.

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RFQ SET #2 Q 35	Please specify what subcontractors are required to be identified in the RFQ. As has been stated at the industry meetings, without design guidelines, it is difficult to commit to subcontractors at this stage. Please clarify the expectations for which subcontractors are expected to be identified in the RFQ.	A Proposer's organization, experience of firms, capability and capacity will all be taken into account in evaluating an SOQ.
RFQ SET #2 Q 36	What is the security clearance process that the teams must pass? Please provide the pro-forma confidential non-disclosure statement that all teams must sign to gain access to confidential information.	Details of the security clearance requirements (for accessing confidential data and for site visits etc) will be provided in the RFP to Proposers on the Shortlist.
RFQ SET #2 Q 37	There has been discussion about a data bank being set up on the website. Does the security clearance requirement also apply to access to the data on the website? What process will be required to access project website information?	The intention is to establish an electronic "data room" which will have various levels of accessibility depending on the party requiring access and the timing during the procurement process. Details of the data room will be supplied to all prospective Proposers shortly.
RFQ SET #2 Q 38	Stipend – A stipend is a necessity. This will be an expensive and time consuming project and you want the best technical proposals possible. You also want alternate technical proposals. The teams will not be able to devote resources to preparing alternate proposals without a significant stipend.	Noted. Details of stipend, if any, will be presented in the RFP.
RFQ SET #2 Q 39	DBE Compliance – There is no mention of 'good faith effort.' How will teams that do not meet their goals be evaluated? The DBE compliance information that is being required to be submitted ask for project percentage and an explanation why the percentage was not met. The compliance piece needs to be restated to ask the proposers to describe their corporate DBE compliance efforts.	The overall goal for DBE participation in this Project is yet to be determined. The requirement of the SOQs in relation to DBEs, is the requirement under Section 4.4.2.5 Past Performance B) 10) to submit Form DBE (Appendix C). Form DBE requires the Proposer to use Form DBE Table 2 to provide an explanation for any project where a DBE goal was not achieved, and the Proposer may discuss good faith efforts as part of the explanation.

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RFQ SET #2 Q 40	Buy America – Prior to issuing the RFP, the Agencies need to investigate the availability of domestic steel and make a determination if the domestic steel industry can in fact supply the steel that will be needed to build this bridge. If it can, the RFP should include the names of the steel companies that can supply the steel, and if it cannot, the Agencies need to obtain a blanket waiver of the Buy America provision for all of the proposers before the proposals are submitted. If the Agencies decide that compliance with Buy America is important, then the RFP should state definitively that Buy America waivers will not be granted.	Buy America provisions are described in Section 1.19 of the RFQ. Further details will be given in the RFP.
RFQ SET #2 Q 41	When will the draft RFP be released for industry comment?	If the schedule allows for the issuance of a draft RFP, it will be issued to Shortlisted Proposers only. Additionally, one-on-one meetings with Shortlisted Proposers are contemplated which may result in Addenda as appropriate.
RFQ SET #2 Q 42	What are the RFP evaluation criteria and the respective weight(s) of each criterion?	Full details of the Proposal evaluation criteria will be provided in the RFP.
RFQ SET #2 Q 43	Will alternate technical proposals be kept confidential or will they be shared with other teams for pricing and negotiation?	Alternative technical concepts (ATCs) properly submitted by a Proposer and all subsequent communications regarding its ATCs will be considered confidential until a Design-Builder is selected. Following selection, the Agencies may release the ATCs submitted by other teams to the selected contractor for review and possible incorporation into the Project.
RFQ SET #2 Q 44	How will the claim history be evaluated and factored into the overall rating? Why is it relevant if a claim was disallowed or reduced? How will the number of disputes be evaluated? Will the disposition of a claim in favor of the contractor be evaluated differently than a disposition of a claim in favor of an owner? Will a claim history be a determining factor in qualifying a team?	The claim history will be evaluated as part of the rated technical evaluation factor 'Past Performance' as described in the RFQ, with the objective of identifying the best design and construction firms available with demonstrated experience, expertise, capacity in, and record of producing quality work on projects similar in nature to the Project, including a record of managing contracts to minimize delays, claims, dispute proceedings, litigation and arbitration.

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RFQ SET #2 Q 45	How much time will teams be given to correct deficiencies in their submission before the Agencies declare the submission non-responsive?	The time will be determined on a case-by-case basis. The Agencies currently anticipate that Proposers will be asked to turn responses around quickly, and that no more than 5 working days will be given in total.
RFQ SET #2 Q 46	Somewhat shocking that this document would ask, "identify...English language capabilities of the persons' within the owner's organizations who are serving as references;"	Comment noted.
RFQ SET #2 Q 47	Key Personnel – Why is it mandated that the Construction Manager have a PE? Why can't the teams have the flexibility of having either the CM or the project manager have the PE? Many of the best field construction managers do not have PEs. You should allow the teams to fulfill the PE requirement in the position of their choice so that you will have the strongest team on the proposal.	We will change this via Addendum.
RFQ SET #2 Q 48	Environmental Compliance Manager is asked to have experience in "protection of endangered species." What endangered species have been identified that need protection?	Please refer to Federal and State websites for details.
RFQ SET #2 Q 49	Agencies Rights – to seek or obtain data from any source "that has the potential to improve the understanding and evaluation of the SOQs" Will the proposers be told of, and have the opportunity to confirm or rebut the information obtained from "any sources."	The Agencies may, after receipt of any such data, ask a Proposer to provide clarification.
RFQ SET #2 Q 50	To foster innovation, it would better if the RFP defined the criteria and performance needs, rather than specifics such as maintaining the 1.2% grade or for requiring separate spans, or mandating specific span lengths, as these requirements will restrict cost saving opportunities.	Wherever possible and practicable, project-specific specifications will be performance-related.

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RFQ SET #2 Q 51	The industry is opposed to including an ongoing post-construction completion maintenance requirement.	An Addendum will be issued to remove any requirement for post-construction maintenance.
RFQ SET #2 Q 52	If the project is going to have a P3 component, this decision must be made before the RFP is issued and the shortlisted teams must be given the opportunity to modify their teams. Please be aware that a P3 component will add 6 to 12 months to the overall schedule as the teams must engage the financing arm and prepare the necessary agreements.	The Agencies do not require a private financing component in the delivery of the Project.
RFQ SET #2 Q 53	The project should be one contract, not broken into pieces.	Comment noted.
RFQ SET #2 Q 54	The RFP process should include one on one meetings with the Agencies and the teams to enable them to ask questions that are specific to their proposals.	The Agencies intend there to be one-on-one meetings with Proposers during the Proposal period. Details of these meetings will be announced in the RFP.
RFQ SET #2 Q 55	The final D/b contract must include provisions to allow the selected team to claim damages for owner-caused delays	The Agencies currently anticipate using NYSDOT's existing design-build contract documents as the basis for the contract. The provisions regarding delay damages are generally consistent with the provisions in the NYSDOT Standard Specifications.
RFQ SET #2 Q 56	A dispute Resolution Board comprised of independent representatives selected by both the D/b team and the Agency needs to be appointed resolve disputes	Comment noted.
RFQ SET #2 Q 57	The Agency needs to be upfront with the community about impacts – there will be noise, there will be dirt, there will be traffic and the more restrictions that are placed on construction, the longer and more costly the project will be.	Comment noted.
RFQ SET #2 Q 58	All technical addenda during RFP must be accompanied by adjustments in RFP due date.	Whenever an Addendum is issued, the Agencies will consider whether an extension of the due date is required.

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RFQ SET #2 Q 59	DBE plan must be a 'living' document since DB team will not know many of the opportunities for DB participation until the design develops. The selected team needs the opportunity to meet the goal over the life of the project and must not be required to submit its complete DBE plan within 7 days of their selection.	Comment noted.
RFQ SET #2 Q 60	Any changes between the DEIS and FEIS must be given to the DB proposers as soon as they are known and the proposal submission schedule adjusted accordingly.	Comment noted.
RFQ SET #2 Q 61	Will the bidders be allowed to submit additional questions following the Pre-SOQ meeting scheduled for December 14th?	Yes, the deadline for RFQ questions will be extended to a date after the Pre-SOQ Informational Meeting (scheduled for December 14, 2011). The new deadline will be announced in an RFQ Addendum.
RFQ SET #2 Q 62	Given the importance of this project, the complexity of the teaming, and the timing of the holidays, we respectfully request an extension to February 10, 2012 to adequately address the SOQ requirements.	No extension to the SOQ Due Date is contemplated.
RFQ SET #2 Q 63	Current insurance requirements do not request Builders Risk Insurance or Cargo Insurance; please add these to the required insurance coverages as it provides protection for both the agencies and the proposers.	The SOQ does not include any insurance requirements; it merely asks Proposers to verify their capability of providing certain insurance.
RFQ SET #2 Q 64	What commitments / decisions have been made regarding bridge drainage? Does all bridge drainage need to be captured and treated or will we be permitted to discharge into the river?	Details will be in the RFP.

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RFQ SET #2 Q 65	From the description, the role for Construction Manager appears to be best filled by a contractor employee. Is this the intent? If so, we request that the requirement for a professional engineer be removed from that profile as this relates more to a designer position rather than a construction manager.	We will change this via Addendum.
RFQ SET #2 Q 66	We are in a joint venture of firms that have a lot of previous experience working together. When claiming a project on Form E-1 will each major participant involved in that project receive credit for participation, or can only one participant claim experience for the project? This is in regards to the requirement to show 2 relevant projects from each major participant.	A project may be identified as the basis for relevant experience for each Major Participant that played a comparable role in the previous project.
RFQ SET #2 Q 67	This project requires complex teaming and is important to the firms involved. To reduce or eliminate the risk to other team members of being disqualified for conflict of interest issues, please publish a list of firms that are precluded from participating on a proposer's team.	We will add a provision to the RFQ allowing anyone with questions about potential team members to submit information in advance and obtain a ruling on conflicts of interest. We will issue this change in an RFQ Addendum.
RFQ SET #2 Q 68	From the first round of questions and responses the pile testing program, or TZHRZ PIDP contract is separate and distinct from the Contract from this Tappan Zee Hudson River Crossing Project and from this RFQ process. Are proposer's or any individual major participant able to participate and potentially perform the pile testing program without creating a conflict of interest and excluding themselves from participation on the Tappan Zee Hudson River Crossing Project?	Yes

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RFQ SET #2 Q 69	The financial information of some of our team's Major Participants is considered confidential and will be submitted with Section 2 of the SOQ per the requirements of Sections 3.0 and 9.0 of the RFQ. May this confidential financial information be omitted from the CD requirements as listed in Section 2.0 of Appendix B? Or may these confidential files be password protected on the CD?	A password-protected file for sensitive financial information would be acceptable, with the password supplied separately. We will issue this change via an Addendum
RFQ SET #2 Q 70	As noted in the NYSDOT Design-Build Practice Report (September 2002), "Shortlisting serves to reduce industry costs in responding to requests for design-build proposals, to encourage the most qualified designers-builders to participate by increasing their chances of success, and to reduce the cost to the agency of reviewing the proposals." The Report further states: "The standard in the industry appears to be to shortlist three to five teams." While this last statement is generally accurate for typical design-build projects, for "mega-projects" of \$1 billion or more the industry standard is to limit the shortlist to the three most qualified Proposers. Specific to the Tappan Zee Hudson River Crossing Project, the benefits of limiting the shortlist to three firms include those cited above as well as a greater return on investment for the stipend that is being contemplated in section 1.18, a practice which is also an industry standard for mega-projects. Would the Agencies consider issuing an addendum to limit the number of firms to be shortlisted to three Proposers?	The RFQ will be revised by Addendum to specify that the Shortlist will not exceed five teams.
RFQ SET #2 Q 71	The prerequisites for the Construction Manager position include a PE license in the State of New York. As our understanding of this position is that it is a field supervision and management role, would the Agencies consider eliminating the requirement that this person be a registered professional engineer?	We will change this via Addendum.

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RFQ SET #2 Q 72	To meet the requirement of specific key personnel holding Professional Engineering License in New York State, is a completed Form L-3 Authorization to Provide Professional Services in New York State accompanied by a completed Professional Engineering/Land Surveying Form 5A, Application for Project Specific Permit for Applicants Not Seeking Licensure in New York State acceptable?	Yes, as stated in the RFQ.
RFQ SET #2 Q 73	Are the Agencies thinking of monthly payment estimates? On a project of this size it could be a burden to go longer than that without a payment.	Details will be provided in the RFP.
RFQ SET #2 Q 74	This section states that the "contract may provide for assessment of liquidated damages for failure to meet interim milestones, deadlines or provisions." Will the contract also include bonus incentives for beating or exceeding those same interim milestones, deadlines or provisions?	Details will be provided in the RFP.
RFQ SET #2 Q 75	You ask us to "provide with the SOQ a letter from an insurance broker or an insurance company...confirming that the Proposer is capable of obtaining the following types and limits of insurance..." however this requirement is not later discussed under section 4 requirements for SOQ submission. Should this letter be added in with the financial information in Section 2 of our SOQ?	Letter from insurance broker or insurance company to be provided in Section 2 of the SOQ - Surety Letters and Guarantee Letter.
RFQ SET #2 Q 76	Are you looking for an organization chart of the firms showing the team structure and a project organization chart showing key personnel? Are you looking for a brief narrative accompanying these charts explaining the team structure is acceptable?	The Agencies will accept organization charts and any additional supporting information that you feel will make your case.

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RFQ SET #2 Q 77	Will the option for long-term major maintenance be a part of this design-build procurement?	An Addendum will be issued to remove any requirement for post-construction maintenance.
RFQ SET #2 Q 78	Form E-1 provides barely a short paragraph in length – for a “brief description” of the relevant project, and does not provide any space for a photograph. For such an important and complex project as the new Tappan Zee Hudson River Crossing, and to touch on the numerous elements highlighted in the objectives for “Experience of Firms”, it would seem appropriate to attach a maximum one page description with a photo. Accordingly, can a maximum one-page description be attached to Form E to provide the Agencies with sufficient information on the referenced project?	We will accept 15 project descriptions using Form E-1s, and relax the 15-page limit. We will issue this change in an RFQ Addendum.
RFQ SET #2 Q 79	Please provide your definition of the following as they are subject to different interpretations and we desire to fill the forms in appropriately and completely: 1) “claim” ; 2) “disciplinary action”	For purposes of this disclosure, the term “claim” should be interpreted to include any demand made by the firm for (a) a time extension and/or (b) payment of money or damages arising from work done by or on behalf of the firm in connection with the contract, to the extent that any such demand was disputed by the owner (or prime contractor if the firm was a subcontractor). If you have specific questions about what types of matters constitute “disciplinary action,” please submit them.
RFQ SET #2 Q 80	This form asks for the “safety record on the most recent project to which the indicated key personnel were assigned”. Does this project have to be completed or can current safety information for an ongoing project be provided?	Yes ongoing projects are acceptable.

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #2 Q 81	We request clarification in the use of the terms "Consultant" versus "subconsultant" in sections 3.1 and 4.0 of Appendix E, Conflicts of Interest Requirements. Section 3.1 makes a distinction between Consultants and subconsultants, while section 4.0 uses only Consultants. Can we interpret this to mean that subconsultants that contributed works to the Tier 1 EIS are eligible to join a Proposer's team?	Any consultant that is responsible for "preparing" the EIS for the project is precluded from joining a team until after the final NEPA decision is issued. The federal design-build rule allows the project owner to release environmental subconsultants from future NEPA work and allow them to join design-build teams, as described in Section 3.1.
RFQ SET #2 Q 82	As our firm is a [MWBE/DBE] Business Enterprise that provides Environmental Consulting/Engineering services, we are looking for such partners to work with as those same potential partners would be challenged during this period to find capable firms to meet their MWBE/DBE utilization plans on a project of this size and importance. How can we determine who the potential responding teams are such that we can make them aware of the the qualifications of our firm to assist them in meeting their MWBE/DBE goals on this project?	The attendance list of the pre-SOQ Informational Meeting (on December 14, 2011) will be published on the Procurement Website.
RFQ SET #2 Q 83	Section 1.4 - While conducting the due diligence study, please include all sectors of the industry. AGC's nationwide position is that a government entity should not mandate a PLA on any public works project. An option would be to allow the proposer to negotiate their own agreements; or submit a with, or without, PLA proposal alternate.	Comment noted.
RFQ SET #2 Q 84	Section 1.10 - Consideration of the impact of the insurance limits on the lower-tier subs and suppliers ability to provide coverage. OCIP programs may provide some facilitation for small firms but it does not necessarily provide the Owner with the most economical coverage.	Comment noted.

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QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #2 Q 85	Section 1.12 - Questions and responses should all be posted for all proposers' benefit. Questions from related entities, not just proposing teams, should be allowed.	The questions and responses will be posted.
RFQ SET #2 Q 86	Section 1.19 - Buy America provisions and the relative availability of materials that can meet the standards required by this procurement must be carefully analyzed. Waivers should be provided as appropriate and included in the RFP scope.	Buy America provisions are described in Section 1.19 of the RFQ. Further details will be given in the RFP.
RFQ SET #2 Q 87	Section 4.4.2.3.C.k - the Project Manager should demonstrate experience and be NYS PE optional.	Comment noted.

<END>