



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 #3**

December 19, 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#3
DATE OF ISSUE BY AGENCIES: December 19, 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 #3 Q1	The RFQ requests information on DBE performance 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 with several hundred projects per participant and designer being completed each year. Given the time frame of this submission please limit this response to the projects claimed on form E-1.	In general, DBE goals would not apply to non-US based projects. Form E-1 may well include international projects. The suggestion that Form DBE be restricted only to projects listed on Form E-1 could mean that that some Proposers would not have the best opportunity to demonstrate their DBE performance.
RFQ SET #3 Q2	Is the "QC Engineer" identified in the definitions intended to be the Design-Builder's primary QC entity performing all of the required construction QC inspections and testing, or is it intended that this entity be more of an independent "third party" inspection entity performing a sampling inspection, with the Design-Builder's own contractor controlled quality personnel performing all of the required inspection and testing?	This issue will be clarified by Addendum.
RFQ SET #3 Q3	This section requires us to provide Form ST-220 and the procurement Lobby Law disclosure forms. Please identify which entities are to provide these forms and in which section or Appendix each from should be included.	This issue will be clarified by Addendum.

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RFQ SET #3 Q4	If the overall ratings and rankings of the proposers on the shortlist are not disclosed during the procurement process, how is a team going to be able to protest a shortlist decision per Section 5.4 (p. 27)? Re: procedures on p. 27 – how do the Agencies “expect that the proposers knew or should have known” that it was not included in the shortlist?	This issue will be clarified by Addendum.
RFQ SET #3 Q5	Why is NAICS code relevant? What happens to a submission that does not use the ‘correct’ NAICS code(s)?	NAICS codes enable uniformity and comparability in the development of federal statistical data and use of the codes is required by the Accountability and Transparency Act (FFATA) effective October 1, 2010. The Agencies would prefer that Proposers undertake diligent efforts to use correct NAICS codes, but this item is not a pass/fail factor.
RFQ SET #3 Q6	Protests - the protest must include information demonstrating a specific law was violated. If a protest cannot show that a specific law was violated then does that mean that the protest will not be considered? This appears to contradict P. 28 – Right of Appeal. What provision takes precedence?	This issue will be clarified by Addendum.
RFQ SET #3 Q7	Form ST220 is to be completed by the proposer. If the proposer is a joint venture and not yet a legally formed entity, please advise how proposer should complete this form or can proposers be allowed to submit this form at a date beyond the SOQ deadline?	This issue will be clarified by Addendum.
RFQ SET #3 Q8	Our firm and many others compute capacity to complete work based on number of people and amount of equipment available for a certain project. The backlog and revenue forms do not request this information. Please either modify these forms or request this information in a different section so that a team's capacity can be appropriately evaluated.	This issue will be clarified by Addendum.
RFQ SET #3 Q9	Would you consider 10 working days to allow sufficient time to incorporate the changes in our submission document?	No change will be made.

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RFQ SET #3 Q10	Would you consider 10 working days to allow sufficient time to incorporate the changes in our submission document?	No change will be made.
RFQ SET #3 Q11	Key personnel listed in the RFQ include the position "Quality Manager". The definitions include the position "Quality Control Manager". Is this intended to be the same position?	This issue will be clarified by Addendum.
RFQ SET #3 Q12	Does NYS DOT have a preferred form of Power of Attorney we should use for the documentation required to be submitted in Appendix A?	There is no preferred form.
RFQ SET #3 Q13	Based on discussions with the NYS Dept. of Taxation and Finance, we are informed that the ST-220 is filled out on a project by project basis, therefore only needs to [be] submitted upon awarded of the project. Please confirm these forms do not need to be submitted with our SOQ. If we must submit the form, where do you want it insert it in the SOQ? Can you provide us the form?	This issue will be clarified by Addendum.
RFQ SET #3 Q14	The Procurement Lobby Law Disclosure form is indicated to be submitted with the SOQ. Please provide us with the Procurement Lobby Law disclosure form referenced in this section and clarify where it should be inserted in the SOQ.	This issue will be clarified by Addendum.
RFQ SET #3 Q15	Will bonding be capped at \$500 million?	The bond amount will be determined by the Agencies at RFP stage.
RFQ SET #3 Q16	This information changes on often a daily basis. Is it acceptable to provide data as of December 31st, 2011 to facilitate completing the SOQ submission? For proposals, are you looking for projects where major participants are shortlisted and will be submitting a proposal? For bids, are you looking for the number of bids where a major participant is the apparent low bidder and the contract is pending award?	A "snapshot" on a specific date would be acceptable. The other issues will be clarified by Addendum.
RFQ SET #3 Q17	Section 2.1.2 - The evaluation criteria and price must be listed and their relative weights assigned in the RFP documents.	The RFP will comply with the requirements of the enabling legislation and other relevant statutory requirements.

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RFQ SET #3 Q18	Section 3.3.2 - RFQ Technical Evaluation Factors should apply only to the primary team participants. DBE, changes and dispute handling, safety, etc., can be evaluated via listing of the past 2 or 3 D-B projects the team members have each participated on with contact information for the primary owner of those projects - a letter of reference could be requested. Reminder: on public work, a contract is not awarded unless DBE utilization and good faith efforts are demonstrated, the non-attainment of a prescribed goal is not an indication of a "bad" contractor. Similar with changes, disputes and claims. The question is how these contract terms were handled successfully by the teams.	Comment noted.
RFQ SET #3 Q19	Section 4.4.2.5 - see comments at Section 3.3.2 above. The forms of Appendix C should be limited to the information of the primary team members. The enumeration of projects for seven years is overly detailed. A summary of how the team members handled DBE compliance, changes and safety on a few of the most recent projects of similar scope is a reasonable vehicle for ascertaining the team's likely qualifications. The subcontractors or material suppliers should not be part of the RFQ process. These entities can be vetted in the RFP and after selection.	Comments noted.
RFQ SET #3 Q20	Appendix A: Section 1.0.B(12) - Long-term maintenance - if this is desired by the State, it should be identified before the RFQ is due as it could impact the team composition.	This issue will be clarified by Addendum.
RFQ SET #3 Q21	Appendix A: Section 2.0.D - a list of stakeholders, utilities etc. should be included in the RFP.	The RFP will include information regarding third party stakeholders, as well as agreements negotiated with third parties forming the basis for work to be performed by the contractor.
RFQ SET #3 Q22	Appendix C: Form B - Backlog - the years do not seem relevant. Should they be changed to the years of the work of this contract? IE 2012, 2013, 2014...	This issue will be clarified by Addendum.

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RFQ SET #3 Q23	Appendix C: Form E-1 - request info on past few jobs - not an unlimited number or page limitation. Combine the DBE, safety, changes, liquidated damages, dispute experience for these same projects.	This issue will be clarified by Addendum.
RFQ SET #3 Q24	Appendix C: Form E-2 - only require this form at RFQ for major subcontractors for design components or perhaps for subs exclusive to the proposing team.	Comment noted
RFQ SET #3 Q25	Appendix C: Form PP - if this information is already included in the proposers VendRep there is no need to re-state it here.	Comment noted.
RFQ SET #3 Q26	It appears that a Proposal Bond and a Letter of Commitment from the surety(ies) will be required from the Proposer with the submission in response to the planned RFP.	Comment noted.
RFQ SET #3 Q27	This section requires submittal of the Vendor Responsibility Questionnaire to the Authority or Department prior to the SOQ Due Date. If a new submittal please clarify which entity you would prefer we submit to and the point of contact and contact address for the submission.	There is no preference in regards to which entity (NYSDOT or NYSTA) a new vendor responsibility questionnaire is submitted. Please refer to the relevant website about submittal details.
RFQ SET #3 Q28	Can you tell me when the RFQ for the Tappan Zee Bridge was posted on the N.Y. State Thruway Authority's website. The document has a date of Nov. 21, 2011. Is this the day it was made public?	The Request for Qualifications (RFQ) was posted on the New York State Thruway's website on November 21, 2011.
RFQ SET #3 Q29	Will there be an Addendum issued by 3rd January 2011? When? How substantial?	At least one Addendum will be issued by January 3, 2011.
RFQ SET #3 Q30	Will the RFP cover demolition of the existing structure?	Yes.
RFQ SET #3 Q31	What is your degree of confidence that preliminary engineering will be completed by the February [2011] final RFP release?	The RFP will include the relevant and appropriate level of preliminary engineering.
RFQ SET #3 Q32	(1) Who is the selection committee? (2) When will you pass out via email the sign-in list? (3) What is your philosophy behind DBE and MWBE but not SBE since so many of our Small Businesses are struggling? Jobs?	1) This information is not public. 2) The attendance list of the pre-SOQ Informational Meeting (on December 14, 2011) will be published on the Procurement Website. 3) Refer to other replies on this topic.

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RFQ SET #3 Q33	Can you please provide a list of those companies that are deemed conflicted as to not jeopardize the integrity of the procurement process? Or, allow the Form U to be reviewed prior to the Shortlisting process?	This issue will be clarified by Addendum.
RFQ SET #3 Q34	1) How many percentage of the bid drawings will be completed when we receive the bid document plans? 2) Is there any specific evaluation criteria or scoring on our technical proposal/RFP? 3) When we submit our price proposal do we have to definitely meet or exceed minority goals for DBE, MBE, and WBE? If we cannot meet the goals during the bid, is good faith effort good enough?	1) Indicative drawings of the Project will issued to the Shortlisted Proposers for information purposes only. 2) The RFQ includes information regarding anticipated evaluation criteria. Details of the evaluation criteria for the Proposals will be given in the RFP. 3) Details of the requirements of the DBE goals will be provided in the RFP.
RFQ SET #3 Q35	Your RFQ says teams must stay together from beginning to end, or they will be disqualified. This is not a reasonable expectation when international players are slapped quickly together.	The question does not accurately summarize the RFQ. Please refer to Section 1.17B) of the RFQ.
RFQ SET #3 Q36	Doesn't the NEPA process require you to advance all options until ROD? If so, then won't RFP/proposal process require both short and long span alternatives to be advanced by all shortlisted entities?	The Proposals should be developed based on the project description included in the RFP. Any change in that description required by the Record of Decision will be addressed through an addendum, a request for revised proposals, negotiations with the selected proposer, or a change order. If the environmental analysis results in a "no build" determination, the procurement will be canceled.
RFQ SET #3 Q37	What are the plans to address the traffic congestion west of Interchange 10?	Interchange 10 is outside the project limits, however, the Design-Builder will be required to prepare a Traffic Management Plan that addresses all roads affected by the Work.
RFQ SET #3 Q38	23 CFR 637 indicates that the Contractor's quality program can generate acceptance evidence if validated by the Agency's program. Will the NY DOT or the Thruway Authority be validating the DB's quality verification efforts?	The quality assurance program will comply with FHWA requirements at 23 CFR 637.207. Full details of the quality management requirements placed on the Design-Builder will be provided in the RFP. Details will also be provided in the RFP of the Agencies' role in relation to quality management.

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RFQ SET #3 Q39	We heard that "we expect to shortlist 5 teams" and also that "a maximum of 5 qualified teams" will be shortlisted. Please clarify the strategy and why. And also how 5 teams could possibly be considered a "short list" on such a large and complex project.	This issue will be clarified by Addendum.
RFQ SET #3 Q40	What will be the role of the Designer who helped respond [to] the RFQ/RFP be doing during the 60 [month] course of the bridge's construction?	Details of activities of the team members internally within the Design-Builder's team, and the timing of those activities, are the province of that team.
RFQ SET #3 Q41	Will you share the geotechnical risk with your DB contractor?	The Agencies are actively seeking to reduce ground-related project risk through a program of borehole drilling and a pile installation demonstration program. The scope of these programs and results will be provided.
RFQ SET #3 Q42	About 10 years ago you reconstructed the main span fender system. The supporting piles were founded in a sand layer about 150 to 180 ft below the water surface. Are you going to test piles driven to that sand layer, or will all test piles be driven to rock?	Yes, both soil-founded and rock-founded test piles will be investigated in the pile installation demonstration program. In the eastern section (which includes the main span), the rock head level is generally relatively shallow. In the western section, the rock head level is locally much deeper.
RFQ SET #3 Q43	Will the attendance roster for this meeting be published?	The attendance list of the pre-SOQ Informational Meeting (on December 14, 2011) will be published on the Procurement Website.
RFQ SET #3 Q44	Please release list of prime contractors who may propose (name, contact, email) so that small, DBE and WMBE may contact.	The attendance list of the pre-SOQ Informational Meeting (on December 14, 2011) will be published on the Procurement Website.
RFQ SET #3 Q45	1) Borings information won't be released until March and pile test info until April - which means that prelim design for foundations can't be finished until +/- May. How are the proposers supposed to respond to the RFP with bids in June? 2) Will contractor performing pile program work be precluded from RFP?	1) Data from the borehole investigation and the pile demonstration program will be released during the course of each investigation, not "held back" until the full survey is complete. 2) No. The firm that undertakes the pile demonstration program will not be precluded from taking part in a Proposal team for the TZHRC RFP.
RFQ SET #3 Q46	If the results of the test program are delayed, will the proposal due date be delayed?	Data from the borehole investigation and the pile demonstration program will be released during the course of each investigation, not "held back" until the full survey is complete.
RFQ SET #3 Q47	If possible, please send us contacts of some major design/build contractors, who may like to propose on this project.	The attendance list of the pre-SOQ Informational Meeting (on December 14, 2011) will be published on the Procurement Website.

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RFQ SET #3 Q48	Some of the information provided in Form L2 - Principal Participant & Designer Certification and Form PP – Past Performance is considered confidential. Is it permissible to submit these forms directly to the Agencies' Designated Representative in lieu of including them in the Proposers SOQ Document.	SOQ documentation submitted by Proposers will be treated as confidential by the SOQ Evaluation Panel.
RFQ SET #3 Q49	May I know the engineer's estimate and duration for the project?	Estimated duration: Please refer to Section 1.5 of the RFQ.
RFQ SET #3 Q50	We are asking for clarification of the independent status of the QC Engineer, i.e. the requirement that the firm be an "independent firm", not part of the Design Builder construction management organization. Clearly the intent should be that the QC Engineer be a completely independent entity from the Principal Participants, all designers, all contractors and all sub contractors.	This issue will be clarified by Addendum.
RFQ SET #3 Q51	It appears from reading the RFQ document that ISO 9001 standards are to be consulted during the preparation of the Quality Assurance plan along with the quality systems of NYSTA and NYDOT. Also, the Quality Manager should have experience with quality systems that are based on ISO 9001 as well as the quality systems of NYSTA and NYDOT. We are asking for confirmation that no part of the team needs to be ISO certified, and that no additional consideration/higher rating will be given to ISO 9001 certification.	This issue will be clarified by Addendum.
RFQ SET #3 Q52	It was pointed out that the Buy American Provisions will be enforced. Will there be any prohibition against the participation of foreign design or construction firms? If there is no prohibition against foreign firms, will there be any additional consideration or higher ratings given to teams comprised of solely US firms?	There is no prohibition of Proposals from non-US firms.

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RFQ SET #3 Q53	The RFQ states that neither the overall ratings nor the ranking of the proposers in the shortlist will be revealed. Will the SOQ scores be carried over into the best value rating of the proposals, or are all shortlisted teams entering round two with a clean slate?	This issue will be clarified by Addendum.
RFQ SET #3 Q54	[We] attended the Pre SOQ meeting on the 14 December. If there are any future meetings, [we] would like to be included	Any meetings will be advertised on the Procurement Website.

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