



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 #4**

December 30, 2011

This page is intentionally blank.

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

**ANSWERS TO QUESTIONS FROM PROPOSERS
RESPONSES TO QUESTIONS NUMBER: RFQ SET#4
DATE OF ISSUE BY AGENCIES: December 30, 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 #4 Q1	1) Please explain "Buy America" and how it relates to this project? 2) Will the RFP specify a specific percentage of MATERIAL supply that must be procured from local New York based businesses?	Buy America is discussed in Section 1.19 of the RFQ and additional details of the Buy America requirements will be presented in the RFP. We do not currently envision in-state supply requirements.
RFQ SET #4 Q2	DBE Participation Goal – will the project contain both DBE and MWBE goals?	With reference to Section 7.2 of the RFQ, details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q3	DMWBE goals – this project involves a great deal marine specialty work and will be self-performed by the selected team. The DMWBE goals need to be set with recognition that there is limited capacity both within heavy construction and marine specialty work.	Comment noted.
RFQ SET #4 Q4	When completing Form DBE how should firms reflect projects with M/WBE goals and requirements but not DBE? Please clarify.	Form DBE relates to DBE goals only.
RFQ SET #4 Q5	Will there be any requirement for the prime firm to utilize DBE firms during the design portion, or will they be able to meet all goals using construction firms only?	With reference to Section 7.2 of the RFQ, details of the DBE participation goal will be presented in the RFP.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q6	Section 7.2 - The DBE goals for this project must be fairly calculated based upon the local availability and capacity of small disadvantaged businesses certified to perform the types of work included in this project. If MBE or WBE participation is to be recorded in addition to DBE goals, those requirements must be clearly spelled out in the RFP - MWBE availability and capacity must also be taken into consideration due to the size and scope of this project.	Comment noted.
RFQ SET #4 Q7	Appendix C: Form DBE - the information requested is too subjective. A description of how DBE utilization was achieved on several past projects of similar scope will provide better evaluation of a proposer's policy and procedures. A reference contact for each project can be solicited.	Comment noted.
RFQ SET #4 Q8	Will there be a Small Business Goal? Or a component from Small Business in the M/W/DBE goals?	With reference to Section 7.2 of the RFQ, details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q9	DBE/MBE Goals: For design firms, are the goals to be met pro-rated separately for design and construction, depending on fee break-up for each section?	Details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q10	In setting the DMWBE goals, have you considered the impact of the new State personal net worth limitations on MWBE capacity?	Details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q11	Will there be individual minority goals for Contractors and Consultants?	Details of the DBE participation goal and any other participation objectives will be presented in the RFP.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q12	Section 4.4.2.2 - Financial - the State's method of financing the project will have a great impact on the proposers' ability to form the appropriate team and provide the appropriate financial component. The State should identify their method of financing/payment before the RFP is solicited.	Comment noted.
RFQ SET #4 Q13	When will the design-builders know if funding is in place for the project?	Proposers should assume all necessary funding will be in place to meet the Project schedule outlined in the RFQ.
RFQ SET #4 Q14	With no money from private equity firms and no P3 deal, where is the \$5.2bn [coming] from to pay for this?	The Project will be publicly funded.
RFQ SET #4 Q15	1) What is the expected cost of the project? 2) How will it be funded?	1) The estimated total cost is approximately \$5.2 B, which includes design, construction, QA/QC, and ROW. 2) The Project will be publicly funded.
RFQ SET #4 Q16	Do you think the risk is high for Contractor to price a job worth 5 billion in 5 months (especially when given pile results are only 2 months)?	We anticipate that different Proposers will assign differing risk levels to these issues, depending on various factors and the evaluation criteria in the RFQ and RFP.
RFQ SET #4 Q17	What incentives will be included for early completion and/or excellence of project performance?	If any incentive schemes or similar are included in the Project, details of these would be presented in the RFP.
RFQ SET #4 Q18	Is there, or is there going to be, any union concession on this project?	Refer to Section 1.4 of the RFQ.
RFQ SET #4 Q19	Will there be a separate solicitation for either a program management component or for [a] resident engineering inspection?	The Agencies are considering these ideas.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q20	1) Will there be a "third party" inspection RFP issued for the project, or will the Design/Build team perform all Quality Control aspects of the project? 2) Will there be a program management RFP issued to help the state manage the project?	The Agencies are considering these ideas.
RFQ SET #4 Q21	Do the Agencies have any plans to release an RFP to procure a firm for Owner's Representative / Program Management services for this project? If not, please explain.	The Agencies are considering these ideas.
RFQ SET #4 Q22	Section 1.18 - Payment of a stipend to proposers is a means to assure that the best teams are formed and the best ideas put forward. This project will require a large up-front effort and that effort must be acknowledged.	Comment noted.
RFQ SET #4 Q23	What range of stipend is being considered?	The Agencies will be offering a stipend. Details will be provided in the RFP.
RFQ SET #4 Q24	Is it anticipated that there will be visual documentation on the project from design through construction?	If the Agencies adopt any video-based documentary record, the procurement of such services would be separate from the scope of the RFQ and RFP for the Project.
RFQ SET #4 Q25	Will DOT EBOS system be used on this project?	The civil rights reporting system, Equitable Business Opportunities Solution (EBO), may be utilized for this project. The Request for Proposals (RFP) will include details of the civil rights reporting requirements.
RFQ SET #4 Q26	1) Will the DB team's quality program need to be ISO 9001 registered, or just compliant? 2) If the latter, who will be determining compliance?	This issue has been clarified by Addendum.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q27	<p>The definition for Major Participant includes "Specialty Subcontractor", which is defined very broadly to include "those consultants or subcontractors identified to perform Work critical to the success of the Project" which could effectively include all consultants, suppliers and subcontractors identified by the Proposer. This broad definition will require all members of the Proposer's team to submit Form B-Backlog, Form R- Past Revenue, Form PP – Past Performance, and Vendor Responsibility Questionnaires, as part of the SOQ. Given that many smaller specialty consultants, suppliers and specialty contractors will likely be included by Proposers at the RFQ stage, the requested information is not aligned with the more customary definition of Major Participant. It is therefore recommended that the definition of Major Participant be more narrowly defined and not include "Specialty Subcontractor" since the Major Participant definition already includes the following key firms: Principle Participant, lead bridge subcontractor, lead highway subcontractor, lead bridge engineering firm and lead highway engineering firm. Furthermore, it is recognized that all firms would be required to submit Vendor Responsibility Questionnaires prior to performing work.</p>	<p>Elements of the issues raised have been clarified by Addendum.</p>
RFQ SET #4 Q28	<p>It is assumed that any Major Participant on a proposer's team should complete forms 139j and 139k. Please confirm who should complete and where this form should be included in a proposer's SOQ.</p>	<p>This issue has been clarified by Addendum.</p>

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q29	When will the agencies decide if they will establish and maintain their own quality assurance and/or an independent quality control and/or quality assurance organization to oversee and/or perform quality audits of the Design-Builders management, design and construction activities, the Design-Builder's Quality Control procedures, Verification Sampling and Testing and the quality of the final product? Will the owner's QA representative be procured via a separate solicitation or through a contract vehicle that is already in place?	This issue has been clarified by Addendum. A program management component is being evaluated.
RFQ SET #4 Q30	Requires a letter from insurance broker or company confirming that the proposer is able to obtain Professional Liability (\$50,000,000). Does this need to be a project-specific Professional Liability policy? And related to the Professional Liability policy, how long does the policy need to be in place after substantial completion?	The RFQ is not prescriptive in these regards.
RFQ SET #4 Q31	Is the attendee list available for the SOQ meeting held last week? <i>[Note: Several variants of this question were received]</i>	The list of signed-in attendees at the Pre-SOQ informational meeting (on Dec 14, 2011 in White Plains) is available on the Procurement Website.
RFQ SET #4 Q32	As a DBE/MBE firm, we request that separate goals for Professional and Construction Services be set for this project. This will provide opportunities for greater participation.	Comment noted.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q33	We recommend a 'Partnering Program /Agreement' be set in place between the 'Design/ Build Team' and the 'Client Team'. All major decisions in design and construction shall be made collectively and all parties shall take full responsibility. This partnering will provide opportunities for greater innovation and overall success of the project.	Comment noted.
RFQ SET #4 Q34	Because information will bound, can you remove the requirement to that EACH Section 1 and Sections 3 – 8 in EACH binder in ALL 15 copies should be individually stapled? This would make production very laborious.	Please follow the requirements of RFQ Appendix B.
RFQ SET #4 Q35	Because information to be submitted in Section 2 (financial) and the Appendices is voluminous and varied in format can you remove the requirement to have these sections consecutively numbered?	Please follow the requirements of RFQ Appendix B.
RFQ SET #4 Q36	As we hasten to compile the required documentation, we are concerned that, due to the time constraints that come with the holiday season, we may not be able to meet the January 10, 2012 due date. Based on our strong desire to submit an SOQ package for this project, we are respectfully requesting a two-week extension of the January 10, 2012 SOQ due date	The SOQ Due Date was established taking due account of the holiday season.
RFQ SET #4 Q37	SOQ puts a limit of 15 project descriptions per proposer and a minimum of 2 descriptions per partner. Given the size of the project some of the JVs composed by a high number of partners may require more than 15 project descriptions. Can this requirement be relaxed	This issue has been clarified by Addendum.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q38	I was left off of the attendance list. I signed up in advance, and checked in to the welcome table, and picked up my name tag.	<p>The list of the attendees at the Pre-SOQ informational meeting (Dec 14 2011, White Plains) that is available on the Procurement Website includes all participants who signed the sign-in sheet at the venue.</p> <p>We will however modify the list issued on the Procurement Website to include other attendees as subsequently notified.</p>
RFQ SET #4 Q39	[I] understand that there will be a Pile Installation Demonstration Test for this project. As a Specialized Foundation Contractor, we would be interested in looking at the documents for the test and possibly bidding the work. My question is this. Where can I find the advertisement for the test?	The contract for the Tappan Zee Hudson River Crossing Pile Installation Program (TZHRC PIDP) will be advertized via the usual NYSDOT channels.
RFQ SET #4 Q40	Since the project is federally funded and the federal government has SBE subcontract goals as well as DBE goals, will the owners include federally certified SBE firms in their subcontracting goal program" for this project?	With reference to Section 7.2 of the RFQ, details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q41	Please confirm your intent to shortlist up to five qualified firms, rather than a smaller shortlist.	This issue has been clarified by Addendum.
RFQ SET #4 Q42	Do you have an anticipated goal for D/M/WBE participation?	With reference to Section 7.2 of the RFQ, details of the DBE participation goal and any other participation objectives will be presented in the RFP.
RFQ SET #4 Q43	Will the M/WBE work code be applicable if that firm is also a DBE?	Details of the DBE participation goal and any other participation objectives will be presented in the RFP, which will determine the work codes required.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q44	Will you be issuing a Geotechnical Baseline Report (GBR)?	There is currently no intention to provide a Geotechnical Baseline Report. (We assume that the questioner is using the term GBR as defined/described in, for example, the ASCE guide "Geotechnical Baseline Reports for Underground Construction" edited by RJ Essex.)
RFQ SET #4 Q45	Will the firm performing pile testing program contract be precluded from participating on a team for the RFP?	No.
RFQ SET #4 Q46	Regarding individuals' "relevant project experience" Section B) 2) d), is it acceptable for "owners' current contact information" be required only for the past 10 years (which would be the same time frame as the References required at the end of each resume)? Personnel may have relevant project experience that goes back many years and contacts may no longer be available.	A reasonable attempt to provide up-to-date contact information for owners should be made. Where the individual contacts have moved on to other organizations, a 10 year cut-off would be reasonable.
RFQ SET #4 Q47	Extensive outreach and research have been done to find an individual in the industry that meets the requirements for Demolition Engineer. Finding this individual has been extremely difficult which can be attributed to the requirement of 15 years of experience dedicated to engineering for bridge demolition. Engineers with 15 years of engineering experience, which includes experience leading the design for major bridge demolitions are available. We request that the requirement be modified to something similar to what is suggested above.	This issue has been clarified by Addendum.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q48	<p>At the Pre-SOQ Informational Meeting on 12/14/11 the agencies acknowledged that obtaining the ROD after proposals are submitted, or even during the proposal development period, is a significant risk to proposers. The agencies indicated there might be project information released around the time of the DEIS providing proposers with an update regarding pending environmental commitments. Considering this matter, it is of course best to advance a performance based environmental document to maximizes the potential for innovation and minimize risk of untimely prescriptive commitments during the design period. Where this might not be fully achievable, and where commitments are pending that will affect the proposers' designs, it is requested to adopt a process to engage proposers in one-on-one confidential meetings so that all parties can understand the risks of pending commitments and identify mitigating measures, or at the very least risk sharing measures can be identified.</p>	Comment noted.
RFQ SET #4 Q49	<p>From the Pre-SOQ Informational Meeting on 12/14/11 the agencies are seeking to prequalify no more than 5 firms. This is an unreasonable number. To justify expenditure of this pursuit to proposers it is expected that the agencies show their commitment to prequalified teams by shortlisting to no more than 3 teams on a pursuit of this magnitude. Paying stipends for additional teams will also be extremely costly to the agencies and taxpayers while the benefit to the project for those efforts are reduced on teams placing 4th or 5th. In a situation like this the industry will often choose to shortlist itself when the agencies are not committed to teams willing to spend monies well beyond what the stipend will reimburse.</p>	Comment noted.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q50	Form E-1 includes a row labeled 'Experience (years)'. If claiming a project with a 4-year duration that included Bridge, Highway and Demolition scopes would proposers place a '4' in each column or breakdown the duration of each scope into the number of years spent completing each scope. Projects typically have seasonal restrictions which start and stop work; demolition is typically something better measured in months which in general will lead to assumptions and inaccuracies and diminish the benefit. Please clarify the input proposers are to place in the categorized columns.	This issue has been clarified by Addendum.
RFQ SET #4 Q51	Instructions for assembly of financial volume which includes Section 2 have one inconsistency. Page B-1 includes instructions for financial volume that suggests inclusion of only financial statements. Please confirm that all of the requested contents of Section 2 listed in the table on page B-3 are to be bound separately into the financial volume.	This issue has been clarified by Addendum.
RFQ SET #4 Q52	Page 5 includes a definition for "Quality Control Manager". Please confirm this is the same individual defined in Section 4.4.2.3.l on page 22 as the "Quality Manager."	This issue has been clarified by Addendum.

New York State Department of Transportation: New York State Thruway Authority

QUESTION REFERENCE	QUESTION FROM PROPOSER	AGENCIES' RESPONSE
RFQ SET #4 Q53	Appendix A, Section 3.0 A) indicates that reference information pertinent to the project will be provided in advance of the RFP. However, having this information during the RFQ process is important because this will help in developing the Project Understanding section indicated in RFQ Section 3.3.2. Since it has not been stated which firms have conflicts of interest, it is possible that some teams may have this information and other teams may not. Therefore, can the reference information pertinent to the project be provided prior to the submission of qualifications?	The question combines two issues: (1) background information about the Project; and (2) conflicts of interest: (1) Any information on the Tappan Zee bridge made available during the RFQ period in an online dataroom would be background information only and would not be necessary or essential to the preparation of an SOQ. (2) This issue has been clarified by Addendum.
RFQ SET #4 Q54	The prerequisites for the Lead Demolition Engineer position include a PE license in the State of New York. As our understanding of this position is that it is largely a field supervision and management role, and that many of the best demolition engineers are not licensed PE's, would the Agencies consider eliminating the requirement that this person be a registered professional engineer?	This issue has been clarified by Addendum.
RFQ SET #4 Q55	If our firm did not attend the informational meeting on Dec 14, can we still submit for the Tappan Zee Hudson River RFQ	Yes, certainly.
RFQ SET #4 Q56	Form PP: Due to the intense amount of work required to gather this data, can the response for Table 2 Litigation, Claims, Dispute Proceedings and Arbitration be limited to claims in excess of \$500,000?	No change will be made.
RFQ SET #4 Q57	Form DBE: Due to the intense amount of work required to gather this data for the Designer, can the list of projects for Record of DBE Performance be limited to those projects where the fee is in excess of \$500,000?	No change will be made.

<END>