

October 21, 2015

ADDENDUM NO. 3

PROJECT: HWCRQ04MI, HWCRQ04S, HWCRQ4M, HWCRQ04L, Requirements Contracts for Resident Engineering Inspection Services for Micro, Small, Medium and Large Infrastructure Projects, Citywide

PIN: 8502016RQ0014P-43P

THE ADDENDUM IS ISSUED FOR THE PURPOSE OF AMENDING THE REQUIREMENTS OF THE REQUEST FOR PROPOSALS AND IS HEREBY MADE A PART OF SAID REQUEST FOR PROPOSALS TO THE SAME EXTENT AS THOUGH IT WERE ORIGINALLY THEREIN.

EXTENSION OF PROPOSAL SUBMISSION DEADLINE

- **The Proposal submission deadline has been extended to Friday, November 13, 2015 at 4:00 PM.**

REQUEST FOR PROPOSALS

- **Section II. D. Joint Ventures and Other Consultant Relationships has been revised.** Delete RFP-5 and replace with Revised RFP-5 appended to this addendum.
- **Section IV. B. 2. Experience of Firm and Key Personnel has been revised.** Delete RFP-10 and replace with Revised RFP-10 and Revised RFP-10a appended to this addendum.
- **Section IV. D. Proposal Package Contents (“Checklist”) has been revised. “Certificate of Authorization to provide Engineering Services in New York State issued by the New York State Education Department” has been removed from the checklist.** Delete RFP-12 and replace with Revised RFP-12 appended to this addendum.
- **Attachment 1: Statement of Understanding and Certification has been revised.** Delete RFP-18 and replace with Revised RFP-18 appended to this addendum. Prospective proposers must use the revised Attachment 1 for submission. Failure to use the correct form may deem the proposal non-responsive.



QUESTIONS AND ANSWERS

- Questions and Answers from the prospective proposals are attached to this addendum.

Contact: Jue Zhang, zhangju@ddc.nyc.gov
Phone No.: 718-391-1096

By signing in the space provided below, the Proposer acknowledges receipt of this Addendum.

THIS ADDENDUM MUST BE SIGNED BY THE PROPOSER FOR THE CONTRACT AND ATTACHED TO THE TECHNICAL PROPOSAL.

Veronica Nnabugwu
Deputy Agency Chief Contracting Officer

Name of Firm

By _____
(Signature of Partner or Corporate Officer)

Title _____

awarded firms are required to respond to every solicitation for a Project. If the firm determines that it is not able to propose for any particular solicitation, a written explanation must be provided, which is subject to acceptance by the Commissioner. The firms shall not be entitled to compensation for costs in connection with the preparation of Proposals for specific Projects.

D. Joint Ventures and Other Consultant Relationships

There is no minimum requirement for the proportion of work to be performed by either of the two joint venture partners. Joint ventures must carry the required insurance, either as policies written specifically for the joint venture entity, or by using their existing single entity policies with endorsements written for the joint venture activity.

DDC does not recognize the corporate configuration wherein one company is "in association with" another. Relationships between two or more firms shall be either as joint venture partners or as prime consultant/subconsultant. In the event that a proposal is received wherein two or more firms are described as being "in association with" each other, DDC will treat the relationship as one of prime consultant/subconsultant(s). The RFP evaluation will be handled accordingly, and if selected, the contract documents will show only the prime firm on the signature page, and all other firms will be listed as subconsultants in the relevant Exhibit.

Proposals for this contract may be submitted by Joint Ventures; provided, however, the combined total number of personnel on staff for all parties to the Joint Venture shall meet the restrictions set forth under each category. Please see Section IV.B.4 for information regarding proposals submitted by Joint Ventures. Additionally, Joint Venture firms submitting their proposal must comply with Section IV.B.2, and **prior to award**, provide a copy of the Certificate of Authorization from the New York State Education Department authorizing the Joint Venture to provide professional engineering services in the State.

SECTION IV. FORMAT AND CONTENT OF THE PROPOSAL

- A. Proposal Subdivision Instructions: Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8½" X 11" paper. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic paper recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not its length. Failure to comply with any of these instructions will not make the proposal non-responsive. Submit proposal in a clearly labeled, sealed package as follows:
1. Technical Proposal (1 original, 3 copies and 1 electronic version saved as a PDF on a clearly marked compact disc (CD) or a clearly marked USB flash drive): The Technical Proposal should contain all the information requested in Subsection B below, plus completed forms 254 and 255 for Proposer and its subconsultants. These forms are available in hard copy from DDC and can be downloaded online at <http://www1.nyc.gov/site/ddc/contracts/work-with-ddc.page>. **Such forms shall not be altered in any way.**
 2. Fee Proposal (1 original): **To be submitted ONLY upon request.** The Fee Proposal shall consist of the information requested in Attachment 4 to the RFP.
- B. Technical Proposal (1 original, 3 copies and 1 electronic version saved as a PDF on a clearly marked compact disc (CD) or a clearly marked USB flash drive): The Technical Proposal shall contain the information described below.
1. Cover Letter: Submit a cover letter indicating the following: (a) company name and address; (b) name, address and telephone number of the person authorized to represent the firm; (c) total number of personnel on staff; and (d) The project **category** for submission, either "Micro", "Small", "Medium" or "Large" accordingly. **(The cover letter shall not exceed three pages and must include the DDC project number and title).**
 2. Experience of Firm and Key Personnel:

Section 7210 of the New York State Education Law requires that all business entities providing professional engineering services in the State of New York obtain a "Certificate of Authorization to provide Engineering Services in New York State" from the New York State Education Department. **Please note that no award will be made to any proposing firm unless the firm is authorized by the New York State Education Department to provide professional engineering services in the State. A copy of the Certificate of Authorization must be provided prior to award.**

Provide examples of up to five projects, completed within the last ten years, which demonstrate the firm's ability to provide quality resident engineering inspection services for infrastructure construction projects. Infrastructure construction projects include the following: streets, highways, sewers, water mains, sidewalks, pedestrian ramps, street lighting and traffic signal work. The proposer shall include visual imagery of each project submitted. Visual imagery may take the form of a printed brochure, photographs, drawings, etc. For each project, the proposer shall provide information indicating whether the project was completed on time and within budget. **In determining compliance with the experience requirement for the proposing firm set forth above, the City may consider prior**

projects completed by principal(s) or other employees of the proposing firm while affiliated with another entity, subject to the condition set forth below:

- **Any principal or other employee on whose prior experience the proposer is relying to demonstrate compliance with this experience requirement must have held the following: (a) a significant management role in the prior entity with which he/she was affiliated, and (b) a significant management role in the entity submitting the proposal for a period of six (6) months or more from the inception of the proposing entity.**

For each title listed in Attachment 3, each proposer in the Small, Medium or Large Projects category shall identify the individuals it will provide, throughout the term of the contract, to perform the required services. The proposer may identify multiple individuals for each title; provided, however, it may only identify those individuals it or its subconsultant(s) has the ability to provide. Key Personnel to be identified include, but are not limited to, individuals for the following titles: Project Executive, Resident Engineer, Assistant Resident Engineer, Office Engineer, and any such other titles as the Commissioner may deem necessary. The Engineer is NOT permitted to enter into any subcontract(s) for the services of Key Personnel. Individuals providing services of Key Personnel must be employees of the Engineer.

Each proposer for the Micro Projects category is required to identify individuals only for those titles of personnel who are currently employed by the proposer. As stated in Exhibit A of the attached Contract, all personnel provided by the firms in the Micro Projects category must be employees of the firm.

For all individuals proposed as personnel, the proposer must submit the individual's resume and any other information detailing his/her number of years of experience, as well as technical and professional qualifications. Any proposed individual must satisfy the minimum requirements per title set forth in Attachment 3. All individuals performing services for any project(s) assigned to the Engineer must be approved in advance by the Commissioner.

3. Technical Approach: Provide a statement of not more than ten (10) pages, describing the proposer's strategic approach to infrastructure construction projects, including (1) its understanding of the technical issues and complexities of such projects, (2) its methodology for tracking and maintaining a project's budget and schedule, and (3) its techniques for problem solving.
4. Organizational Capability: Demonstrate the organizational capability of the firm. The proposer shall submit a SF-254 Form, which provides information concerning (1) the number of full-time people currently employed by the firm, (2) the projects on which the firm is currently working, (3) the projects the firm has completed, and (4) future projects to which the firm is committed. All project information shall include the dollar value of the contract, as well as the schedule.

Please note that proposals submitted by a Joint Venture in any project size category, where separate proposals are also submitted in the same or different project size category by any firm that is a party to that Joint Venture, are discouraged, and may negatively affect the "Organizational Capability" score of the firms and the Joint Venture. For proposal evaluation procedures, please see Section V below.

5. Statement of Understanding and Certification: The Statement of Understanding and

sealed package within ten (10) business days of such notice. The proposer must complete the Fee Proposal as per instructions on Attachment 4.

D. Proposal Package Contents (“Checklist”): The Proposal Package shall consist of the following **THREE** packages:

1. Technical Proposal (1 original, 3 copies and 1 electronic version saved as a PDF on a clearly marked compact disc (CD) or a clearly marked USB flash drive)
Sealed envelope, clearly marked as “Technical Proposal”, including:
 - Items listed in Section IV B of the RFP
 - Completed Forms 254 and 255
 - Statement of Understanding and Certification (Attachment 1)
 - Completed and **Notarized** Proposer’s Certification of Compliance with Iran Divestment Act (Attachment 2)
 - Identification of Personnel (Attachment 3)
 - Acknowledgement of Addenda (Attachment 5)
2. Schedule B: M/WBE Participation Requirements (1 original) (Attachment 7)
Sealed envelope, clearly marked as
“Schedule B: M/WBE Participation Requirements”.
3. Doing Business Data Form (1 original) (Attachment 9)
Sealed envelope clearly marked as
“Doing Business Data Form”

In addition, all the sealed packages should also have two labels containing:

- The proposer’s **name** and **address**, the **Project Name** and **PIN #** of this RFP; and
- The project **category** for submission, either “**Micro**”, “**Small**”, “**Medium**” or “**Large**” accordingly.

ATTACHMENT 1: STATEMENT OF UNDERSTANDING AND CERTIFICATION

STATEMENT OF UNDERSTANDING: By signing in the space provided below, the undersigned certifies that the proposer: (i) has read and understands the scope and requirements of this project, as described in the RFP and all attachments; (ii) has the capacity to execute this project, (iii) agrees to accept payment in accordance with the requirements of this RFP and the standard resident engineering inspection contract, attached hereto, (iv) will, if its proposal is accepted, enter into the attached standard contract with the New York City Department of Design and Construction, and (v) will carry all types of insurance specified in the contract. The undersigned further certifies that the information in this proposal is, to the best of his/her knowledge, true and accurate.

Is the proposal printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?

Yes No

CERTIFICATION FOR M/WBE PARTICIPATION REQUIREMENTS: By signing in the space below, the proposer agrees to the Vendor Certification and Required Affirmations set forth below. The Vendor Certification and Required Affirmations will be deemed to satisfy the requirement to complete Section V of Part II of Schedule B: M/WBE Participation Requirements.

Section V: Vendor Certification and Required Affirmations:

I hereby: 1) acknowledge my understanding of the M/WBE participation requirements as set forth herein and the pertinent provisions of Section 6-129 of the Administrative Code of the City of New York and the rules promulgated thereunder; 2) affirm that the information supplied in support of this Subcontractor Participation Plan is true and correct; 3) agree, if awarded this Contract, to comply with the M/WBE participation requirements of this Contract as established on each individual Task Order, the pertinent provisions of Section 6-129, and the rules promulgated thereunder, all of which shall be deemed to be material terms of this Contract; 4) agree and affirm that it is a material term of this Contract that the Vendor will award the total dollar value of the M/WBE Participation Goals that are established on each individual Task Order issued pursuant to this Contract, unless a full waiver is obtained or such goals are modified by the Agency; and 5) agree and affirm, if awarded this Contract, to make all reasonable, good faith efforts to meet the M/WBE Participation Goals established on each individual Task Order issued pursuant to this Contract, or if a partial waiver is obtained or such goals are modified by the Agency, to meet the modified Participation Goals by soliciting and obtaining the participation of certified MBE and/or WBE firms.

Section 7210 of the New York State Education Law requires that all business entities providing professional engineering services in the State of New York obtain a "Certificate of Authorization to provide Engineering Services in New York State" from the New York State Education Department. **Please note that no award will be made to any proposing firm unless the firm is authorized by the New York State Education Department to provide professional engineering services in the State. A copy of the Certificate of Authorization must be provided prior to award.**

Name of Proposer
(Full Business Name)

By: _____
Signature of Partner or Corporate Officer

Date

Print Name

Title

Telephone #

EIN #

Address

E-Mail Address

Question 1: RFP-10 states, "For each title listed in Attachment 3, each proposer in the Small, Medium or Large Projects category shall identify the individuals it will provide, throughout the term of the contract, to perform the required services. The proposer may identify multiple individuals for each title; provided, however, it may only identify those individuals it or its subconsultant(s) has the ability to provide". The next para on RFP-11 states, "Each proposer for the Micro Projects category is required to identify individuals only for those titles of personnel who are currently employed by the proposer. As stated in Exhibit A of the attached Contract, all personnel provided by the firms in the Micro Projects category must be employees of the firm." **Should Micro firms identify individuals for all the titles listed in Attachment 3?**

Answer: Each proposer for the Micro Projects category is required to identify individuals ONLY for those titles of personnel who are currently employed by the proposer.

Question 2: **Can subconsultant(s) to Micro firms identify titles listed in Attachment 3?**

Answer: Pursuant to "Exhibit A – Micro", proposers for the Micro Projects category are only permitted to enter into subcontracts for Reimbursable Services.

Question 3: **RFP does not specifically require identifying the names of M/W/DBE firms. Schedule B only requires to identify the scope of subcontract work. Please clarify.**

Answer: It is not required to identify the names of M/WBEs with Schedule B submission, but the proposer may choose to do so.

Question 4: **Is Micro firms Contract subject to NYC M/WBE requirements?**

Answer: City-funded projects are subject to M/WBE requirements. The participation goal will be established for each individual task order based on the scope of work and the availability of M/WBEs to perform such work.

Question 5: **We are pursuing the subject RFP under the Large Projects category as a Prime but wanted know whether we can still be a subconsultant to other firms under the Small and/or Medium categories.**

Answer: Yes.

Question 6: **For micro projects, if there in only one member in company. Is he supposed to be on payroll to bid this job?**

Answer: No. However, please remember that no award will be made to any proposing firm unless the firm is authorized by the New York State Education Department to provide professional engineering services in the State. A copy of such Certificate of Authorization must be provided prior to award.

Question 7: **To bid for micro projects, can we use sub consultants who have more than 5 employees?**

Answer: Yes, however, keep in mind that proposers for the Micro Projects category are only permitted to enter into subcontracts for Reimbursable Services.

Question 8: The RFP makes mention of the need for a SF 255, but it's not mentioned again in the breakdown of the Technical Proposal contents provided on pages 10 and 11. In what section is the 255 to be included? Are there any page limits for any section of the 255? Can you also please confirm that the NYCDDC wants to see a combined 255 for the project team, as a whole, as opposed to 255s for each firm?

Answer: SF 255 should be included in the body of the Technical Proposal. Prime and Subconsultant must submit their own SF 254 and SF 255.

Question 9: We need clarification in regards to the total number of staff for firms. Does 'total' mean only full time/salaried staff or does that include individuals that are part time, 1099 or working as under contract for a project?

Answer: Again, please remember that prior to award, proposers must be authorized by the New York State Education Department to provide professional engineering services in the State. A copy of such Certificate of Authorization must be provided prior to award.

For the purposes of this procurement, individuals for whom the proposer withholds income taxes and/or withholds and pays Social Security and Medicare taxes (FICA) count as "staff". Independent contractors (1099) should not be included when determining the size of the proposing firm. With respect to Small, Medium and Large firms, both part-time and full-time staff as defined here must be counted when determining the size of the proposing firm. With respect to Micro firms, if the firm does have any staff as defined here for the purposes of this procurement, only full-time staff should be included when determining the size of the firm.

Question 10: If a firm is the prime consultant in the Small Category, can this firm also be a subconsultant to other prime consultants in the Medium Category? In the Large Category?

Answer: Yes, subcontracting in a different category is acceptable. Pursuant to RFP-4, "Any firm that submits a proposal for this contract may not be included as a subconsultant to any other firm that is submitting its own separate proposal under the same category."

Question 11: If a firm is the prime consultant in the Medium Category, can this firm also be a subconsultant to other prime consultants in the Large Category? In the Small Category?

Answer: Please see answer to Question 10 above.

Question 12: If a firm is the prime consultant in the Large Category, can this firm also be a subconsultant to other prime consultants in the Small Category? In the Medium Category?

Answer: Please see answer to Question 10 above.

Question 13: Regardless of category, will a Prime Consultant that has M/W/DBE certifications be allowed to self-serve as M/W/DBE on their own prime contract?

Answer: Prime Consultant is permitted to count its own participation toward the fulfillment of the relevant M/WBE participation goals, but may not do so toward the DBE goals.

Question 14: What will be the consequences if a selected firm fails to submit a mini-proposal on a task order mini-RFP?

Answer: Pursuant to Article 4.4.4 of the Contract: No Right to Reject: The Engineer shall have no right: (a) to decline to respond to an RFP, or to reject its selection for a project pursuant to an RFP, without an adequate explanation, (b) to reject a Task Order issued hereunder, or (c) to refuse to perform services pursuant to a Task Order. Violation of the requirements set forth herein shall be grounds for termination for cause.

Question 15: Are both prime consultant and subconsultants required to have and provide a "Certificate of Authorization to provide Engineering Services in New York State" in the Technical Proposal?

Answer: Only the Prime is required to provide a "Certificate of Authorization to provide Engineering Services in New York State" in the Technical Proposal.

Question 16: Which forms/attachments must be included by the subconsultants (i.e., Attachment 1 Statement of Understanding, Attachment 2 Proposer's Certification of Compliance with Iran Divestment Act, Attachment 5 Acknowledgment of Addenda, and Attachment 9 Doing Business Data Form)?

Answer: No. Subconsultants only need to provide SF-254 and SF-255.

Question 17: We are considering submitting as a JV for this contract but need some clarification. On page RFP-5, the last paragraph of II.D says that Joint Venture firms must provide a copy of the Certificate of Authorization authorizing the JV to provide services. Does this mean that the JV has to be in place prior to the proposal submission? Or can each firm submit a C of A along with a teaming agreement?

Answer: Prior to award, Joint Venture firms must provide a copy of the Certificate of Authorization from the New York State Education Department authorizing the Joint Venture to provide professional engineering services in the State. Please refer to revised RFP-5 appended to this addendum.

Question 18: In considering the number of staff to determine the category you're going after, would a part-time employee be considered as staff member?

Answer: Yes, for Small, Medium and Large Projects categories. For the purposes of this procurement, individuals for whom the proposer withholds income taxes and/or withholds and pays Social Security and Medicare taxes (FICA) count as "staff". Independent contractors (1099) should not be included when determining the size of the proposing firm. With respect to Small, Medium and Large firms, both part-time and full-time staff as defined here must be counted when determining the size of the

proposing firm. With respect to Micro firms, if the firm does have any staff as defined here for the purposes of this procurement, only full-time staff should be included when determining the size of the firm.

Again, please remember that no award will be made to any proposing firm, unless that firm is authorized by the New York State Education Department to provide professional engineering services in the State. A copy of such Certificate of Authorization must be provided prior to award.

Question 19: **Within the Medium Category, in the staff counts are the total of part-time employees hours considered full-time equivalents? Do part-time employees count when they are located outside of our NY Office? Is the 100 count evaluated on the submission due date or when the contract is awarded? Please provide a description on what is classified as a part time staff member?**

Answer: For the purposes of this procurement, individuals for whom the proposer withholds income taxes and/or withholds and pays Social Security and Medicare taxes (FICA) count as "staff". With respect to Small, Medium and Large firms, both part-time and full-time employees as defined here must be counted when determining the size of the proposing firm. All of the proposer's employees must be counted (part time or full time), regardless of where the firm's various offices are located.

Question 20: **Please clarify that total number of staff is applicable to the office submitting the proposal or the TOTAL number of employees in the firm including all the USA/worldwide offices?**

Answer: The total number of staff refers to the total number of employees of the firm, regardless of where the firm's various offices are located. Proposers in the Micro Projects category should count full-time employees only.

Question 21: **Our firm is in an unusual position. While we only have 2 staff at present in our NYC office (and no other offices within 700 miles of here), our firm in total has 70 staff. Are we precluded from submitting in the Micro category? It seems unfair as we clearly cannot compete as a prime in the Medium category with only 2 staff close enough to NYC to work on these projects. Wouldn't it make more sense to only include staffing totals of offices within a certain number of miles from New York City? REI services are far different than Design services in the sense that staff needs to be physically located near the project site, and as such, the same definitions of Micro, Small, Medium and Large should reflect that.**

Answer: Please see answer to Question 20 above.

Question 22: **Please clarify that Male Asian Firms do not qualify under the local Law 1, effective July 1, 2013 and they need to bring WMBE firms to meet the city WMBE requirements (like any WBE, African American and Latinos American firms)?**

Answer: Local Law 1 of 2013 did not establish an M/WBE participation goal for Asian Americans for professional services contracts.

Question 23: Can a NYC certified and a qualified WMBE firm under local law 1 effective July 2013 be a sub as MWBE to the firm submitting for Micro Category? Assuming that they are not submitting as a Prime under Micro Category. Also, please confirm that Micro Category is also subject to the local law requirements of WMBE participations?

Answer: Yes, a certified and qualified W/MBE firm can be a sub to a firm submitting a proposal in the Micro category, but please note that firms in the Micro Projects category are only permitted to enter into subcontracts for Reimbursable Services. City-funded projects are subject to M/WBE requirements. The participation goal will be established for each individual task order based on the scope of work and the availability of M/WBEs to perform such work.

Question 24: Does the Prime have to be an MWBE for the Micro projects?

Answer: No.

Question 25: Does the Micro contract require MWBE participation? Do we have to submit the MWBE form at this time?

Answer: Yes. Attachment 7 – Schedule B: M/WBE Participation Requirements for Master Service Agreement must be included in the submission package.

Question 26: Because of the uncertainty of funding sources for these assignments (and therefore uncertainty to the use of DBE vs. MWBE goals), will firms be allowed to add subconsultants during the mini-RFP process? Or should teams assume that both DBE and MWBE may be needed and created those teams accordingly?

Answer: Subconsultants must be clearly named in the technical proposal. They are part of the technical evaluations.

Question 27: If the New York State DBE is accepted, is the New York State Empire State Development (ESD) accepted as well for DBE?

Answer: No.

Question 28: If a firm is proposing as a Prime for the category for the Small candidate, can it be a sub and be federally-funded for that firm on the same category?

Answer: No. Pursuant to RFP-4, "Any firm that submits a proposal for this contract may not be included as a subconsultant to any other firm that is submitting its own separate proposal under the same category."

Question 29: We own a company which is entitled to bid in "MICRO Category". But can this company also enter as a sub with another company in "Middle" or "Large" category while applying in Micro category?

Answer: Yes.

Question 30: Can an owner of a small firm who intends to pursue a micro contract do so while employed with a firm who will be pursuing a medium contract?

Answer: Yes, however keep in mind that pursuant to Exhibit A of the Contract, all personnel provided by the firms in the Micro Projects category must be employees of the firm.

Question 31: Can a firm that has an active contract with DDC participate in this solicitation as a sub to all categories except the one they propose as a prime?

Answer: Yes.

Question 32: Could you clarify what forms are required by sub-consultants in proposal?

Answer: SF-254 and SF-255.

Question 33: The SF-255 form available for download is formatted to contain two resumes per page. Can we instead do only one resume per page? If we cannot, does this limit the length of a resume to that page only, or are we allowed to continue the resume onto a subsequent page (with the same two resumes per page format)? I ask this because we were allowed to use more than half a page per resume on a previous requirement contract.

Answer: It is optional. There is no page limit.

Question 34: Is Form 330 accepted instead of 254 and 255?

Answer: No.

Question 35: If we plan to propose on different categories, can we reference the same projects as part of firm's experience?

Answer: Yes. But please note that a firm can only propose as a Prime Consultant in one category.

Question 36: Can the projects included in the experience of firm section be ongoing/active or must they be completed?

Answer: The projects must be completed. Pursuant to RFP-10, the proposers are required to "[p]rovide examples of up to five projects, completed within the last ten years, which demonstrate the firm's ability to provide quality resident engineering inspection services for infrastructure construction projects."

Question 37: Do the five projects all have to come from the Prime or can we include subs project experience in addition to ours?

Answer: Pursuant to RFP-10, Section IV.B.2, "Experience of Firm and Key Personnel", the firm submitting a proposal must have this experience itself. However, in determining compliance with this experience requirement, the City may consider prior projects completed by principal(s) or other employees of the proposing firm while affiliated with another entity, subject to the condition set forth below:

- Any principal or other employee on whose prior experience the proposer is relying to demonstrate compliance with this experience requirement must have held the following: (a) a significant management role in the prior entity with which he/she was affiliated, and (b) a significant management role in the entity submitting the proposal for a period of six (6) months or more from the inception of the proposing entity.

Please refer to revised RFP-10 and RFP-10a included with this addendum.

Question 38: On page RFP-10 regarding experience of firm - Will the limit of 5 projects be applicable to the entire team of firms, or is it a limit of 5 projects per firm? In the past each firm was allowed to present up to 5 projects showing their experience, especially with regard to specialty firms (eg. Surveying)

Answer: The limit of up to five projects applies to the firm submitting the proposal, including JVs. Additionally, please see the answer to Question 37 above.

Question 39: Does the “past 10 years, 5 projects” firm experience requirements apply to the Micro category?

Answer: No, the requirement of submitting examples of up to five projects, completed within the last ten years, applies to all proposers in all the categories. Additionally, please refer to revised RFP-10 and RFP-10a included with this addendum.

Question 40: If some firm does not have the authority to provide the professional services, they cannot get the professional liability insurance. In the RFP I believe it is mentioned somewhere that all the firms; including sub consultants must carry same insurance as per the insurance requirements in the contract. Please clarify this issue? Also, the risk exposure without Professional Insurance is big to the Primes as well as to the City of New York. Since City need to approve all the subs, even though City does not hold any contract with any sub consultants. This gives more risk exposure to the City and Prime, both.

Answer: DDC’s contractual relationship is with the Prime Consultant. It is up to the Prime Consultant to decide whether it wishes to require that its subconsultant are authorized by the New York State Education Department to provide professional services.

Question 41: Is the proposer required for Joint Venture to provide a Certificate of Authorization to provide Engineering Services in New York State with the proposal or can it be provided if a bid is awarded and before a contract is signed? (Sections II.D and VI.B.2) The current requirement in Section IV.B.2 limits fair competition for firms proposing as a new Joint Venture due to the time duration required to secure the Certificate as it cannot be accomplished by a new Joint Venture prior to the submittal of proposal.

Answer: The Joint Venture firm must be established as a separate legal entity and must provide a Certificate of Authorization prior to award. Please refer to revised RFP-5 included with

this addendum. Additionally, the submission documentation must clearly indicate that the proposal is being submitted by a JV.

Question 42: Will the NYCDDC consider revising this section to allow the proposing Joint Venture (proposer) to submit their “Certificate of Authorization to provide Engineering Services in New York State” for each component firm of the Joint Venture in lieu of the Joint Venture certification as cited above in Section IV.B.2? This request is consistent with NYCDDC’s direction on the preparation and submittal of the required “Data Form”: *“A joint venture that does not yet exist must submit a Data Form for each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture”.*

Answer: See answer to Question 41 above.

Question 43: Will it be acceptable to DDC if we show proof of application under review for Certificate of Authorization from New York State Education Department authorizing the joint venture to provide professional engineering services in the state. In addition to our teaming agreement, any other documentation required?

Answer: See answer to Question 41 above.

Question 44: As per the NYS Department of Education any firms providing professional services in NYS must have the Authority provided by the DOE to provide such services on all the Public Projects, regardless of Prime or sub-consultant. Please clarify why the sub-consultants do not require to meet that NYS requirements?

Answer: DDC’s contractual relationship is with the Prime Consultant. It is up to the Prime Consultant to decide whether it wishes to include such requirement in its contract with the subconsultant(s).

Question 45: When the task order is issued, will the sub-consultants who are providing engineering services be required to provide their Certificates of Authorization to provide Engineering services in NY State at that time?

Answer: See answer to Question 44 above.

Question 46: Will the certificate of authorization be required at the time that the RFAS is submitted?

Answer: No, it will not.

Question 47: Please clarify that Micro contract winner will support only to DDC in-house staff NOT the consultant staff?

Answer: The firms in the Micro projects category will be used to provide staffing to supplement REI services being provided by DDC in-house staff or by another REI firm on a DDC project. See RFP-3.

Question 48: Relating to the MWBE program, are any of NYCSBS MWBE procurement categories (Black, Hispanic, Asian or Women) precluded from usage for this contract?

Answer: Local Law 1 of 2013 does not establish an M/WBE participation goal for Asian Americans for professional services contracts.

Question 49: Do we need to list a DBE at the time of proposal? Or is that only necessary if & when we pursue a federal project after the award?

Answer: See answer to Question 26 above.

Question 50: The RFP says medium firms will provide services for projects between \$5M – \$10M. Does this mean small firms will also get the same RFP as the medium firms if the construction cost is between that range?

Answer: Yes, Small firms will be able to compete with Medium firms at the task order level if the estimate construction cost of a project is between \$5M and \$10M.

Question 51: It is our understanding that if we are Priming the Medium Infrastructure projects RFP, and we also want to be a subconsultant to someone on the Large Infrastructure projects, we cannot offer the Prime Consultant on the Large submittal our Key Personnel. Can you please confirm that this is correct to say? And if this is correct to say, can you please confirm exactly what titles are considered “Key Personnel”?

Answer: Refer to Article 5.2.2 of the Contract for list of titles of Key Personnel. Individuals providing services of Key Personnel must be employees of the proposer.

Question 52: The RFP clearly outlines requirements for each individual section of the proposal but doesn't state which section to include the SF-255 form. Which section should the SF-255 form be included?

Answer: See answers to Question 8 above.

Question 53: Is it acceptable to substitute a NICET IV in lieu of a NYS PE license for Resident Engineers?

Answer: No. The inspectors require experience, training and a certificate for this title. Please refer to the manual for NATIONAL INSTITUTE FOR CERTIFICATION IN ENGINEERING TECHNOLOGIES.

Question 54: Is it acceptable to substitute a NICET IV in lieu of a BA in Engineering for Assistant Resident Engineers?

Answer: See answers to Question 54 above.

Question 55: Currently, I work as a resident engineer for a DDC project in addition to operating my own engineering firm. I intend to submit a proposal in the micro category on behalf of

my own engineering firm for xxxx positions (the positions will be for other employees in my firm, not myself). Additionally, I my current employer will also submit a proposal but for a different category, the small or medium category. Am I eligible to submit a proposal under these circumstances?

Answer: Please see answer to Question 30 above.

Question 56: During the pre-proposal it was mentioned that Micro Firms are not allowed to sub contract ANY titles from Attachment 3. How the M/WBE goals would then be served under Micro Firms category?

Answer: The participation goal will be established for each individual task order based on the scope of work and the availability of M/WBEs to perform such work.