

**Addendum # 1**

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Date: June 17, 2014

PROJECT #: GP-0204-L01
Site Consultant Services

DESCRIPTION: Addendum # 1

This addendum shall be considered part of the Request for Qualifications and Proposals issued in connection with the above-referenced project. Should information conflict with, this Addendum shall supersede the relevant information in the Request for Qualifications and Proposals.

A. CHANGES TO THE PROCUREMENT PROCESS:

1. Modifications to the Request for Qualifications and Proposals.

a. **REVISE: Add the following Section 5.3 to the Request for Qualifications and Proposals:**

5.3 Task Order Assignments May Give Rise to Conflict of Interest for Subsequent NJSDA Procurements

Interested consultants are advised that particular task order assignments for projects under this engagement may result in potential conflicts of interest that would preclude the consultant from participation in subsequent procurements regarding such projects. For instance, participation as a Site Consultant on a task order in support of the early stages of a given project may require the consultant to perform environmental investigations, develop plans and specifications for environmental remediation services or perform other similar services that would generate plans, specifications or reports that might later be incorporated into a Design-Build Information Package (DBIP) included in an NJSDA Design-Build RFP. In such circumstance, the firm that served as Site Consultant on the project and that produced the documents incorporated into the Design-Build Information Package would be considered to have “assisted the NJSDA in the preparation of the RFQ or RFP” for the subsequent Design-Build procurement, and would be subsequently precluded from participating on a Design-Build Team, or risk the disqualification of the

consultant firm, and the rejection of the entire Technical Proposal that included the Site Consultant as a team member, pursuant to the NJSDA's regulations at N.J.A.C. 19:36-3.5 ("Conflicts of Interest").

B. CHANGES TO THE PROJECT MANUAL:

1. Modifications to Agreement for Site Consultant Services.
 - a. **REVISE: Add the following Section 10.21 to the Agreement for Site Consultant Services:**

10.21 Notice of State Vendor Set-Off For State Tax

- a. Pursuant to L. 1995, c. 159, effective January 1, 1996 and notwithstanding any provision of the law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods and services at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off that taxpayer's or shareholder's share of the payment due the taxpayer, partnership or S corporation. The amount set off shall not allow for the deduction of any expenses or other deductions which might be attributable to the taxpayer, partner or shareholder subject to set-off under this act.
- b. The Director of the Division of Taxation shall give notice of the set-off to the taxpayer and provide an opportunity for a hearing within 30 days of such notice under the procedures for protests established under N.J.S.A. 54:49-18. No requests for conference, protest or subsequent appeal to the Tax Court from any protest under this section shall stay the collection of the indebtedness. Interest that may be payable by the State to the taxpayer, pursuant to L. 1987, c. 184 (c. 52:32-35.), shall be stayed.

C. CHANGES TO THE DRAWINGS:

1. Not applicable.

D. BIDDER'S QUESTIONS, REQUESTS FOR INFORMATION AND RESPONSES:

1. **Question:** If my firm goes after this work and is successful, will this preclude us from future Architecture/Engineering contracts on schools for which we have provided site consultant services?

Answer: Yes. For example, If a firm gets awarded a task order assignment and produces plans, specifications, site reports, environmental reports or other documents that are later incorporated into a Design-Build Information Package (DBIP) included in a Design-Build RFP, the firm may be precluded from participating as a Design-Build Team member in a procurement for the Design-Build contract for that project when it comes up, due to a potential conflict of interest caused by assisting the NJSDA in the preparation of the DBIP included in the Design-Build RFP.

2. **Question:** Please confirm that subconsultants do not have to be pre-qualified, as long as the prime and other team members (subconsultants) are pre-qualified to perform services in the four (4) disciplines (P005, P011, P037 AND P038).

Answer: The subconsultants for the required four (4) disciplines must be pre-qualified and named in the proposal. Although only four (4) disciplines need to be named in the proposal, N.J.A.C. 19:38A-2.1 requires all subconsultants of any tier listed in the Procedures for Prequalification of Contractors and Professional Services Consultants for the New Jersey Schools Construction Program to be pre-qualified, if their subcontracts are valued at \$500,000 or more.

3. **Question:** Please confirm that contractors (ie., drillers, excavating contractors) used to provide the requested environmental investigation services are NOT subject to New Jersey Prevailing Wage Rates.

Answer: Confirmed. Drilling, testing, excavation, or other work needed to define the scope of remediation or demolition do not fall within the definition of “public work” under the Prevailing Wage Act, and prevailing wage requirements do not apply to such work.

4. **Question:** Is it permissible for a firm to submit as the prime consultant on one team and as a subconsultant to a prime on another team?

Answer: Yes. It is not a conflict to be both a prime and a subconsultant to another prime for task orders within this procurement. It is important to note, however, that participation as a site consultant or subconsultant to a site consultant on a Task Order with respect to a particular project may preclude the firm from subsequently participating as a member of a Design-Build Team on that project, due to a potential conflict of interest if the firm’s work product is included in the Design-Build Information Package for the project.

5. **Question:** We are currently pre-qualified with the minimum \$5,000,000 rating in Civil Engineering. We are also pre-qualified in Environmental Engineering, but at a lower amount. Is there a minimum rating that is required for the Environmental Engineering discipline since we already meet the Civil Engineering rating?

Answer: The firm must be pre-qualified with a minimum \$5,000,000 rating in Civil Engineering or a minimum \$5,000,000 rating in Environmental Engineering.

6. **Question:** Attachment C lists 25+ positions, many of which are not listed elsewhere in the RFP. Can you tell me if all of these positions or specifically which of these positions need to be submitted under Section 2.2 (NJSDA Form 202 – Key Team Member’s Resume)?

Answer: It is incumbent upon the bidder to provide the composition of the team, and provide resumes for all key team members. It is not necessary to name or provide resumes for non-key team members. The NJSDA is entitled to review resumes and approve the use of professional staff should specialized services be required.

7. **Question:** Section 2.4 asks for the qualifications and experience of the project team in managing the environmental review process for a residential or educational development project in New Jersey. Can a commercial property be used In lieu of a residential or educational development project?

Answer: A commercial property may be used if remediation was completed to standards protective of an educational facility.

8. **Question:** I would like to submit another question: Other than “Form 3.2/Approach to SBE Participation Form” which indicates a 500-word limit, the other forms (2.1A, 2.1B, Form 201, Form 202, Form 2.3, Form 2.4, Form 2.5) do not explicitly specify a word or page limitation. Are we to confine our responses to the pages provided, or may we add pages as needed?

Answer: There is no word or page limit. However, environmentally sustainable practices are encouraged.

9. **Question:** Would the award of this contract preclude our firm from bidding on other NJSDA projects within the three-year contract period?

Answer: No, provided there is no potential conflict of interest. See response to Item 1 for an example of a conflict of interest situation.

10. **Question:** After the short-listed firms are selected, what is the process for awarding individual task order assignments? Will some or all of the 6 firms be asked to submit a proposal?

Answer: The NJSDA will select at least six (6) of the highest ranked firms, and as many as twelve (12) firms to execute master agreements. Task order assignments under this engagement will be awarded on a rotational basis with consideration given to the firms’: (1) capacity to undertake the assignment; (2) unique local municipality or school district experience; (3) specialized experience applicable to the assignment; (4)

commitment to meet schedule requirements; (5) past performance; (6) assessment of potential conflicts of interest; and (7) number and value of previous awards on the contract in an effort to equitably distribute the work.

11. **Question:** How many school projects will be released during the 3-year contract period?

Answer: The number of school projects to be released each year is uncertain at this time. Historically, up to ten (10) school projects were released under each capital plan.

12. **Question:** Will selection as a Site Consultant under this contract preclude any team member from participating in other SDA contracts including Emergent work contracts, Design Build Contracts etc.?

Answer: Potentially, depending on the facts of a given situation. For example, a firm would be precluded from performing abatement services in an Emergent Project, if such firm, in its role as Site Consultant under this engagement, had previously designed the abatement scope of work and provided plans or specifications for such work. See Response to Item #1 for more information regarding potential conflicts of interest warranting preclusion.

13. **Question:** We are a SBE Category 3 with the following Prequalifications – P011 and P005. Will an SBE as the Prime, satisfy the set-aside targets for 5% for Category 3 and a portion of 10% of Categories 1,2,and 3 as noted in Section 5.1 of the RFQ /RFP?

Answer: Yes.

14. **Question:** If Services required under the Scope of Work are not included in the Qualifications of DPMC Disciplines P005, P011, P037 and P038, do we need to identify the Subconsultants in the proposal who will be providing those Services?

Answer: Technically no. However, the bidder may choose to demonstrate its ability to provide diverse expertise.

15. **Question:** Traffic, Noise, Geophysical, Historic/Archeological and Testing Lab Disciplines are not listed on Page 3 of the RFQ. Are we required to list them in our proposal response to the RFQ?

Answer: The only disciplines that are required to be named in the proposal are the four (4) DPMC Disciplines P005, P011, P037 and P038.

16. **Question:** At this time, we are not aware of any contracts in any amount which will be equal or greater than \$500,000. Are we required to list any of these Subconsultants on Form 204 at this time, or just those associated with P005, P011, P037 and P038? Are we permitted to list them, if it is our preference?

Answer: The only disciplines that are required to be named in the proposal are the four (4) DPMC Disciplines P005, P011, P037 and P038. However, the bidder may list additional subconsultants if they so choose.

17. **Question:** We did not notice any limitations being placed on the number of pages allowed in the submission (other than the 500 word limit for the SBE Participation description). Are there any page limitations in any Sections for the responses to the RFQ/RFP?

Answer: There is no word or page limit. However, environmentally sustainable practices are encouraged.

18. **Question:** Under which DPMC Prequalification Discipline would the services of an LSRP be provided/listed?

Answer: There is no current DPMC prequalification discipline, as the LSRP qualifications are governed by the LSRP Licensure Board.

19. **Question:** We are Prequalified under P005 and P011. We would like to retain an LSRP as a Subconsultant. Does the LSRP Firm need to be Prequalified?

Answer: No. Please see the Response to Item #18 above.

20. **Question:** If services of a LSRP are to be provided under a discipline that requires Prequalification for a contract amount greater than \$500,000, is it acceptable to have a LRSRP firm that is not Prequalified as a Subconsultant with a limited contract amount, i.e. \$500,000?

Answer: The LSRP is a named individual, and there is no current DPMC prequalification. Please see the response to question #18 above.

21. **Question:** Will ground penetrating radar, radio-detection equipment, metal detectors, and a fluxgate magnetometer meet your needs for surface geophysical services as indicated in Section 1.11.2 Surface Geophysical Survey?

Answer: Depending on site-specific circumstances, proposed exploratory work may require the use of multiple and/or additional geophysical methods to help define the presence of underground features that may exist at the site.

22. **Question:** Can you confirm that although we are not pre-qualified in the Civil Engineering (P005) or Environmental Engineering (P011) disciplines by the DPMC and NJSDA (we are pre-qualified in other disciplines), we can still respond to this RFQ/RFP as long as we identify a sub-consultant who is pre-qualified in either of these aforementioned disciplines with the ratings/requirements listed in the RFP/RFQ?

Answer: No. The bidder must be prequalified in the Civil Engineering with a minimum \$5,000,000 rating or in the Environmental Engineering discipline with a minimum \$5,000,000 rating.

23. **Question:** Throughout the RFP, the language with regard to the LSRP is singular, implying that the SDA will consider only one LSRP from the Firm. Can the Firm submit multiple LSRPs as part of their proposal (with resumes and summaries of qualifications and experience)? If so, can the expected role and deliberative process of the LSRP during the various phases of NJSDA projects be the collaboration of the Firm and LSRPs proposed?

Answer: Yes. There will be only one LSRP assigned per project at any one time. A firm may have multiple LSRP's in its organization, and providing resumes of additional LSRPs is acceptable. The NJSDA expects that the firm will provide internal quality control as a normal course of business. The NJSDA will not pay for multiple LSRP's on a given project.

24. **Question:** May we recreate the forms to fit our template (we will maintain all information provided on the forms)?

Answer: Bidders are requested to not make revisions to the forms.

E. CHANGES TO PREVIOUS ADDENDA:

1. Not applicable

F. ATTACHMENTS:

1. List of Firms providing a Notice of Intent

G. SUPPLEMENTAL INFORMATION:

1. Not applicable

Any bidder attempting to contact government officials (elected or appointed), including NJSDA Board members, NJSDA Staff, and Selection Committee members in an effort to influence the selection process may be immediately disqualified.

End of Addendum No. 1



NJSDA Director



Date

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Date: June 17, 2014
PROJECT #: GP-0204-L01
Site Consultant Services
DESCRIPTION: Addendum # 1

Acknowledgement of Receipt of Addendum

Contractor hereby acknowledges the receipt of this Addendum by signing in the space provided below and returning via fax to (609-656-4608) or E-mail (jmcelhenny@njsda.gov). Signed acknowledgements must be received prior to the Bid Due Date. Acknowledgement of the Addendum must be made in the Technical Proposal Submission.

Signature

Print Name

Company Name

Date

**GP-0204-L01
ADDENDUM #1
ATTACHMENT 1
FIRMS INTENDING TO PROPOSE**

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