



<Addendum #2>

NJSDA
1 West State Street
Trenton, NJ 08625
Phone: 609-341-5980
Fax: 609-656-4608

Date: November 15, 2012

PROJECT #: NT-0019-B01

DESCRIPTION: New Henry Street Elementary School

This addendum shall be considered part of the Bid Documents issued in connection with the referenced project. Should information conflict with the Bid Documents, this Addendum shall supercede the relevant information in the Bid Documents.

A. EXTENSION OF TIME

2.1 The following dates and times replace the dates and times set forth in the Request for Proposal issued on September 28, 2012.

- a. **Friday, November 30, 2012 by 1:00 PM** – Cutoff for NJSDA receipt of bidder requests for clarification or information.
- b. **Tuesday, December 18, 2012 by 5:00 PM** – Due date for submission of Technical Proposals and sealed Price Proposals to NJSDA. Faxed or e-mailed submittals shall not be accepted.
- c. **Thursday, January 10, 2013 at 2:00 PM** – Date for public opening and reading of the sealed Price Proposals at NJSDA offices.

B. BIDDER QUESTIONS AND NJSDA RESPONSES

2.2 **Question:** Please confirm if the NJSDA owns the design, copyright and all intellectual property rights for the documents issued for the project, free and clear of all encumbrances?

Answer: NJSDA has a license under copyright to utilize the design created by the original design consultant to complete the Project, pursuant to termination provisions contained in the Agreement between the Authority and the original design consultant. Those termination

provisions provide that, upon termination of the original design consultant for cause, NJSDA automatically acquires a license under copyright to utilize all work product generated under that Agreement, including the design and intellectual property contained in the DCA-Released Documents, to advance and complete the Project by whatever methods the Authority may deem appropriate. NJSDA effected its "for cause" termination of the original design consultant on September 28, 2012.

- 2.3 **Question:** Please confirm if the previous A/E (Hillier), their successors' or their structural, MEP, Civil consultants et al, and their successors, have any legal claims or otherwise for their work related to this design?

Answer: NJSDA is aware that the successor entity (RMJM/Hillier) to the previous design consultant for the project (Hillier) had sought additional compensation from NJSDA for services relating to the design for the project at issue. However, the claim is disputed by NJSDA and the successor entity did not submit adequate justification to support its claim for additional compensation. Moreover, the successor entity ceased active pursuit of such claim in March 2012. Even so, the assertion of such a claim does not hinder NJSDA in its exercise of its license to utilize the original design, including the DCA-Released Documents and the work product and design incorporated therein, to procure an additional consultant or consultants to complete the project.

Furthermore, NJSDA is unaware of any claims asserted against the Authority by any of the subconsultants to the original Design Consultant. Even if such claims were to exist, they would not hinder the Authority's right to utilize the original design and work product incorporated in the DCA-Released Documents, in order to complete the Project after termination of the original design consultant. The subconsultants engaged by the design consultant to supply supporting design services and work product have notice of the terms of the Agreement between the Authority and the original design consultant, and such subconsultants provided their services in conformance with, and subject to the terms of the design consultant's engagement by the Authority, including the termination provisions that automatically establish a license under copyright for the Authority to utilize the design and work product to complete the project in the event the design consultant is terminated for cause.

- 2.4 **Question:** Is it the intent of the NJSDA that the new D/B "Architect of Record" provide new signed and sealed Contract Documents for the project, confirming code compliance and coordination of all engineering disciplines even if the design does not change? If not, what will be used as the DCA approved Record Documents for construction and inspections?

Answer: Assuming the Design-Builder intends to proceed with implementation of the design embodied in the DCA-Released Documents, new signed and sealed Design Build Construction Documents are not required to be submitted to the NJ Department of Community Affairs (DCA). Even if the current DCA-Released Documents are to be utilized by the Design-Builder as the Construction Documents, the Design-Builder is responsible for confirming code compliance and ensuring coordination of all engineering disciplines and subcontractor trade efforts embodied within the DCA-Released Documents. If the Design-Builder elects to revise or modify the design embodied in the DCA-Released Documents for its own convenience, to be more competitive in the Bidding process, to comply with applicable codes, or for other reasons, then the Design-Builder is required to submit the modified Construction Documents to the SDA to secure acceptance of any such modifications, and, if the modifications are

accepted by NJSDA, the Design-Builder is required to re-submit the modified plans to DCA to obtain a new DCA-Released Set.

- 2.5 **Question:** Please clarify the intent in the "Form of Agreement, Section 4.0 - Design Builder's Design Phase Services" where there are numerous references related to submitting to DOE for Schematic approval, submitting Preliminary Design Documents to DCA for review and approval, submitting to DCA for Final Design approval etc. These requirements seem to contradict the initial intent of the RFP where NJSDA wants to maintain the current permit approval.

Answer: The provisions of Section 4.0 "Design Phase Services" are intended to apply in the event the Design-Builder proposes to make any modifications to the existing DCA-Released Documents. In the event that any such modifications are proposed or desired, the requirements of the "Design Phase Services" section will apply, including the obligation to submit all such design modifications to the NJSDA for acceptance, and to subsequently submit such NJSDA-accepted modifications to NJDCA. Furthermore, any such revisions that affect NJ Department of Education (DOE) Final Educational Adequacy Submission Requirements must be submitted to the DOE after NJSDA review and acceptance, for DOE review and approval prior to receiving the DOE Final Educational Adequacy Submission Letter.

- 2.6 **Question:** Please clarify the mechanism by which NJSDA will transfer the existing Permit Approval issued to Dobco for the existing documents prepared by Hillier to the new D/B of record.

Answer: The DCA Building Permit, issued under the New Jersey Uniform Construction Code (UCC), is issued to NJSDA as the Owner of the Project; therefore, no "transfer" of the permit is necessary. The Design-Builder for the Project, and its relevant subcontractors, will be required to submit to DCA new Technical Section Forms identifying themselves in substitution of the prior contractor and subcontractors named on the Technical Section Forms for the existing DCA Building Permit.

- 2.7 **Question:** As a follow up to [Question 2.4], please confirm if 3-D BIM documents will be an acceptable form for newly prepared Contract Documents, if they are required.

Answer: The NJSDA will not accept 3-D BIM documents in satisfaction of NJSDA's electronic document submission requirements. Bidders are advised to refer to the NJSDA's Design Manual for Design-Build Projects and the electronic document submission requirements therein.

- 2.8 **Question:** If it is the intent to reuse the existing documents and not completely redraw the project documents, is there any flexibility in the 25% SBE Design Team requirement as well as percentage distribution?

Answer: The Design Builder will be required to make a good faith effort to comply with NJSDA's stated SBE goals.

2.9 **Question:** Please confirm if the previous A/E consultants (MEP, Struct, IT, Site) who prepared the design documents are permitted to be a part of a new D/B team proposal?

Answer: The subconsultants to the previous design consultant for the Project may participate as members of a Design-Build Team submitting a design-build proposal, assuming all such entities are properly prequalified under the terms of the Design-Build RFP.

2.10 **Question:** Please clarify if a current environmental impact statement, geotechnical soil borings, test reports and an existing conditions site survey will be included in the RFP.

Answer: An existing conditions site survey and Geotechnical report were previously provided in Addendum #1. A Remedial Action Work Plan will be supplied in a future addendum.

2.11 **Question:** Is there a predetermined date for "Notice to Proceed" that the DB Team can utilize in preparing the Project Schedule as well as a "Date of Occupancy" for the building that the D/B Team has to work towards?

Answer: NJSDA anticipates the NTP to be issued approximately 92 days from the due date for submission of technical and price proposals.

2.12 **Question:** Please confirm if the original General Contractor, their successors' and [all other] 2nd and 3rd tier subcontractors, material suppliers, fabricator, et. al. and their successors have any legal claim for their work related to this design?

Answer: Neither the original General Contractor, nor their successors or subcontractors have supplied any information that has been incorporated into the design embodied in the DCA-Released Documents, and thus the NJSDA is unaware of any grounds that such entities may have for claims relating to this design. The NJSDA is aware that the original steel supplier and fabricator for the Project had submitted a request for additional compensation for materials supplied and/or fabrication services rendered in connection with the existing design, but the Authority is completing the resolution of the supplier/fabricator's request through a direct agreement with the steel supplier and fabricator.

2.13 **Question:** Please confirm if the original General Contractor, their successors' and [all other] 2nd and 3rd tier subcontractors, material suppliers, fabricator are permitted to be a part of a new D/B team proposal?

Answer: Yes, the original General Contractor, and its subcontractors on the original project, and the successors thereto are permitted to participate as members of a Design-Build team submitting a proposal, assuming all such entities are properly prequalified under the terms of the Design-Build RFP.

2.14 **Question:** Relative to the structural steel materials previously released for the project, please clarify if the D/B is to assume the cost of this material to be \$0 and not included in the D/B cost proposal, or should a cost for the structural steel be included in the D/B proposal. If so, what is/was the cost associated with the structural steel? Are there any known costs to obtain release of the material from the fabricator or storage facility? Is the D/B to include any/all freight costs to load, transport, etc. the structural steel to the project site?

Answer: Assuming the Design Builder intends to utilize the existing steel material as indicated in the RFP, the Design-Builder is to assume the cost of the steel material is \$0.00, and the cost of the existing steel material should not to be included in the Price Proposal. The Design-Builder must nevertheless include in its price proposal all other costs for the use of the existing steel material and completion of the structural steel package, inclusive of, but not limited to: inventory confirmation, completion of steel fabrication, creation of shop drawings and erection drawings, storage costs for the existing steel for the time period from the date of the bid advertisement September 28, 2012, delivery of the existing materials to the site, the costs for any required reconditioning of the existing steel to make such existing material suitable for use on the Project, and for erection of the structural steel. Bidders should contact the supplier/fabricator, Haberle Steel Inc., to ascertain any costs to obtain release of the existing steel, including continued storage costs for the existing steel from September 28, 2012 (the date of the bid advertisement for this procurement), to the date the Design Builder secures possession of the steel. In addition, the Design Builder should anticipate the costs of any transport or delivery services that the Design Builder may secure from the supplier/fabricator or another vendor for transport of the existing steel.

Please note that, should the Design-Builder contemplate any modification of the existing steel material or the structural steel design as incorporated in the DCA-Released Documents, the Design Builder, as noted in the RFP, “shall be solely responsible for ... any costs arising from any modification of the existing steel material in support of a modification of the DCA-approved documents, as reviewed and accepted by the Authority.” If any such modification of the existing steel design or existing steel material is anticipated, the Design-Builder should include in its Price Proposal any and all costs relating to such modification of the structural steel package, including the purchase of any new steel material required by such modification.

- 2.15 **Question:** Please confirm if the released structural steel material (900 tons) for this project is 100% of the steel required for the project or some lesser percentage of completion? Are there electronic shop drawings, inventories, erection drawings and piece details available to the D/B for the purchased steel, or will the D/B be responsible to perform a complete inventory of all pieces?

Answer: The existing structural steel material represents 100% of the raw steel required for this Project, and is approximately 95% complete with respect to fabrication. SDA has no electronic data available concerning any steel members, and thus prospective bidders are responsible to make arrangements with the supplier of the steel to review and inventory all pieces of the existing steel material in the manner that they deem prudent and appropriate.

- 2.16 **Question:** Hall Construction Co. Inc. (Hall) respectfully requests a one (1) week extension to the bid date due to its close proximity to the Thanksgiving Holiday.

Answer : See Item A, Extension of Time, above.

- 2.17 **Question:** Due to the impact of Hurricane Sandy which is causing power outages throughout the State of New Jersey and especially the northern region, we only resumed full operations today. With that being said, we are respectfully requesting an extension for the last day to submit RFI's for the project.

Answer : See Item A, Extension of Time, above.

2.18 **Question:** Due to the recent occurrence of Sandy we are respectfully requesting that the due date for the above reference project be extended by 2 weeks.

Answer : See Item A, Extension of Time, above.

2.19 **Question:** If the bid date would be extended, please extend the RFI duration accordingly because we were shorthanded for some time due to the storm and lack of gasoline.

Answer : See Item A, Extension of Time, above.

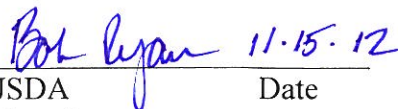
2.20 **Question:** When are we going to receive the response to our RFI's. Also is the job going to be extended? We need an answer ASAP so we know whether or not we will bid the job.

Answer : See Item A, Extension of Time, above.

2.21 **Question:** As a follow-up to our letter of October 24, 2012 we respectfully request an additional week to the bid date for a total of a two week bid extension, due to its close proximity to the Thanksgiving Holiday, and now due to the recent storm and weather related events that have severely impacted many of our subcontractors and suppliers. This request of a bid extension will give them additional time to properly prepare their bids, which in tum will benefit the NJSDA.

Answer : See Item A, Extension of Time, above.

End of Addendum No. #2


NJSDA Date
Robert Ryan

<Addendum #2>

NJSDA
1 West State Street
Trenton, NJ 08625
Phone: 609-341-5980
Fax: 609-656-4608

Date: November 15, 2012

PROJECT #: NT-0019-B01

DESCRIPTION: New Henry Street Elementary School

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Acknowledgement of Receipt of Addendum

Contractor must acknowledge the receipt of the Addendum by signing in the space provided below and returning via fax to 609-656-4608 or via E-mail attachment to jmcelhenny@njsda.gov. **Signed acknowledgement must be received prior to the Bid Due Date. Acknowledgement of the Addendum must be made in Section E.6 of the Price Proposal Submission.**

Signature

Print Name

Company Name

Date